



CBSS Expert Group on  
Children at Risk



Nordic Council  
of Ministers

## Oslo Conclusions on Identifying Children at Risk of Exploitation and Trafficking:

### Strengthening child-sensitive communication and best interests determinations

## Hearing the Child's Story

The Oslo Conclusions on Identifying Children at Risk of Exploitation and Trafficking result from a multi-year process of analysis and consultation in the Baltic Sea Region<sup>1</sup> and broader Europe. This regional process aimed to review evidence and learning about the situation of children at risk and existing measures to ensure their safety, wellbeing and development. **One main learning** is that children have better chances to be identified correctly and to receive appropriate support and care when they are given the opportunity to tell their stories and benefit from a best interests determination.

The participants and informants in this consultative process defined concrete opportunities for achieving progress in the identification and referral of children at risk by emphasising **basic child rights principles** afforded under the UN Convention on the Rights of the Child. As the most widely ratified international human rights treaty, the Convention offers important opportunities to harmonise national policies and practice across different countries. It defines the rights of the child and correlated obligations of states. The principles of hearing the child and making the child's best interests a primary consideration have been promoted a lot but are not yet applied sufficiently in practice. The single most important change that experts have called for to achieve a stronger child rights approach in the identification and referral of children at risk is to ensure that methods for best interests determination and child-sensitive communication are applied consistently in all contacts and casework with children.

National child welfare and protection systems and anti-trafficking responses have evolved significantly over the past decades. Notwithstanding the progress made, policy makers and professionals are aware that the children who are officially identified and assisted as victims of trafficking **represent only a fraction** of a much larger group of children who are exploited or at risk.

For many child victims of trafficking, the recruitment into trafficking represents the culmination of a history of violence, exploitation and neglect. Experience shows that solutions reducing child trafficking require stronger efforts to prevent and **respond early to violence, exploitation and neglect** of children in any context and in any form. Against this background, the Oslo Conclusions are directed to countries of origin, transit and destination of children on the move and child trafficking. They recognise that most countries have the roles of origin, transit and destination simultaneously with the respective responsibilities to ensure prevention, identification of children at risk and response measures.

The Oslo Conclusions represent a summary of the discussions and learning from the consultative process led by the Council of the Baltic Sea States in cooperation with the Nordic Council of Ministers, national governments and state agencies, with the engagement of the European Union, the Council of Europe, the United Nations and other partners. Since 2013, this regional consultation process has involved several hundred officials and professionals in child welfare and protection, social and health care, law enforcement and the judiciary, education and immigration, the academia, specialised organisations as well as children and young people.<sup>ii</sup>

The Oslo Conclusions were presented at the Oslo Conference on Identifying Children at Risk of Exploitation and Trafficking, organised by the Council of the Baltic Sea States with the support of the Nordic Council of Ministers on 29-30 May 2018. Hosted by the Norwegian Directorate for Children, Youth and Family Affairs, the Oslo Conference engaged 80 participants and high-level representatives from 12 European countries, inter-governmental and regional organisations and the United Nations.

The Oslo Conclusions will guide the continued work of the Council of the Baltic Sea States and provide inspiration for the cooperation with national stakeholders, civil society and other partners to safeguard child victims of exploitation and trafficking and children at risk.

### **The political attention to child trafficking remains high**

The Oslo Conference and Conclusions were developed in light of the continued strong interest at the global, regional and national levels to protect children from trafficking. For over two decades, addressing the sexual exploitation and trafficking of children has been high on the agendas of national governments in Europe and the world. Since 1996, the **World Congresses against the commercial sexual exploitation of children** have mobilised states, organisations and the private sector to combat the sexual exploitation of children. With the adoption of the **UN Trafficking Protocol** in the year 2000, child trafficking was defined as a form of transnational organised crime committed for the purpose of sexual exploitation, forced labour or other forms of exploitation. The international definition was subsequently introduced into national penal codes, where wording and scope varies from country to country. **The Council of Europe Convention on Action Against Trafficking in Human Beings** of 2005 strengthened the focus on victim assistance. It adopted the international definition of child trafficking for the broad European region, underlining the fact that child trafficking takes place also within countries and without the involvement of large-scale transnational organised crime. **The Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse** of 2007 provides the most comprehensive set of legal standards to address sexual exploitation and other forms of sexual violence against children. It combines legal safeguards for prevention, victim assistance and support, law enforcement and prosecution. The definition of child trafficking evolved further when the **2011 EU Anti-trafficking Directive** provided that the exploitation in criminal activities and forced begging could qualify as human trafficking, as long as begging cases qualify as forced labour or services.

In addition to the law reform process, European countries have rolled out intense activities to set up National Rapporteurs, working groups, specialised law enforcement and coordination units, observatories and agencies to combat human trafficking. National action plans and programmes, special shelters, referral mechanisms, projects and campaigns have been drawn up throughout the region. Organisations and civil society have also been important actors in

advocating for reforms, offering services and support. The experience throughout the Baltic Sea Region shows that these anti-trafficking measures tend to work as long as children are correctly identified and officially recognised as victims or presumed victims of trafficking and remain within the assistance system.

### **Experts call for renewed efforts to solve known challenges**

In practice, only few children benefit from the established anti-trafficking responses. The official identification of children as victims or presumed victims of trafficking functions as a gatekeeper for children to access certain services. Where coordination is weak, services for child protection, social welfare, health care, education, immigration and asylum, law enforcement and justice often fail to identify child victims and children at risk. The quality of the identification process and referral is therefore essential, and they have to be in accordance with the best interests of the child. Too often, children are not correctly identified and remain excluded from the assistance and support they are entitled to.

Many children remain excluded because services are not tailor-made to their specific needs. It is not uncommon that low-threshold services offered by local authorities or civil society identify children in situations of exploitation who refuse to be referred to mainstream childcare and protection services. Existing measures for identification and referral do not always capture children who are exploited in other contexts than trafficking. As a result, many children remain in situations of exploitation, often with very little support even after they got in contact with the authorities and service providers. Others drop out of assistance schemes or go missing because their views and concerns are not heard and addressed by the services. The practice to refer children to closed shelters to protect them from contact with exploiters and traffickers has been criticised as it infringes upon the child's right to freedom of movement. There is a high risk that children perceive closed centres as a form of detention. This undermines the trust building between state authorities, service providers and the child, which would be essential for finding solutions in the best interests of the child and prosecuting the exploiters. Some children feel their needs are met better in the exploitative environment than when entering an assistance scheme, which has been developed to protect them. Others return to a precarious or exploitative environment after they conclude their assistance programme, or are re-trafficked.

Children are also at risk when their parent is a victim of trafficking, is living with them in a situation of exploitation or leaving them behind. The specific vulnerabilities and needs of the children of adults or adolescents who are victims of trafficking have not yet been analysed or documented extensively, although case examples show they are at risk of sale, exploitation and trafficking, and other forms of violence or neglect.

Considering these challenges, the level of frustration among service providers is notable. Again and again they find themselves in situations where they miss adequate means and methods to interrupt and prevent exploitative relationships and to ensure children stay in the assistance system. Some professionals report feeling powerless in the face of threats by criminal networks against victims and their families or when debts or other means of control put children or their families under pressure. In many cases, criminal investigations and prosecutions fail because they rely overly on the child's testimony, while child-sensitive procedures are not always in place to obtain reliable testimonies from children. Few child victims of exploitation and trafficking benefit from the child-sensitive procedures offered by Barnahus (Children's House) or

comparable models, where trained specialists conduct forensic interviews with child victims and obtain statements with high probative value. Services for victims are often limited to child protection and safety and provide mostly short-term perspectives for the child's future.

When the number of migrants and asylum seekers arriving in Europe increased strongly during 2015, the need to find solutions for these and other challenges and to identify victims of trafficking and persons at risk in mixed migration flows became evident once again.

### **The Oslo Conclusions propose solutions rooted in the UN Convention on the Rights of the Child**

The Oslo Conclusions build upon available documentation and analysis with regard to the identification and referral of child victims of exploitation and trafficking and children at risk. They recognise and reaffirm the comprehensive body of recommendations that have been issued previously.<sup>iii</sup> The Oslo Conclusions recognise however also that tangible solutions are required to resolve known challenges. Against this background, they recommend responses rooted in the UN Convention on the Rights of the Child that are central to a child rights approach.

The single most important change that experts have called for to achieve a stronger child rights approach is to ensure that methods for best interests determination and child-sensitive communication are applied consistently in all contacts and casework with children at risk. Evidence and experience suggest that this procedure holds benefits for the children concerned and serves the interests of societies and states.

A child rights approach is most appropriate and effective for the early identification and response to all cases or risks of violence, exploitation and neglect, including cases of child trafficking. A child rights approach, based on a best interests determination, enables the child's active engagement in all procedures and decisions concerning the child and provides a continuum of services for the child's safety, wellbeing and development. When working with a child rights approach, casework and service provision are always determined by an individual case and needs assessment, which is part of a best interests determination procedure, rather than the child's identification according to a specific status or group. The outcome of the individual case and needs assessment guides collaboration with the child and service provision, rather than generalisations related to the child's age, gender, religion, national or social background or other elements of the child's identity and background.

The child is heard through child-sensitive communication methods and the child's views and feedback inform identification routines and referral to services. Trained social workers, police officers and other service providers listen to the child's story and views, gather evidence from the child's statement and take this information into account when planning follow-up services for recovery, support and durable solutions, as well as justice. The reflections and recommendations of children inform the continuous development of policy and practice.

Experience shows that the identification of child victims of trafficking is facilitated better when understood **as a process and a result of service provision**. In many cases, children disclose relevant information about their trafficking situation when they receive care and support that is appropriate to their specific needs and aspirations and promotes their development and transition into adulthood and independent life.

## The Oslo Conclusions propose a reorientation of approaches for the identification and referral of children at risk of exploitation and trafficking

The proposed reorientation envisages ***shifting the focus from a narrow approach targeting child trafficking cases to identifying and responding to exploitation in any form or context***. Identifying and responding to trafficking cases becomes thereby a specialised follow-up measure within a broader system for the prevention of child exploitation.

Where attention is limited to the identification and referral of child trafficking cases, many cases of exploitation will remain unnoticed and unaddressed. When the primary interest is to identify and address the exploitation of children, irrespective of whether or not exploitation takes place in the context of trafficking, or even as sale of children, a much broader group of children will be reached, including child victims of trafficking or sale. Making the response to child exploitation a priority will therefore help developing more inclusive measures and leaving no exploited child excluded.

### Conclusions:

The participants and informants of the multi-year consultation process led by the Council of the Baltic Sea States in cooperation with the Nordic Council of Ministers confirmed the importance of strengthening measures for the identification and referral of children who are victims of exploitation and trafficking or at risk. They emphasised the need to continue the cooperation and networking at the national, regional and transnational levels with increased commitment towards this goal. Against this background, the Oslo Conference participants concluded the following:

1. ***Hearing the child's story is key to identifying what the child has lived through and what type of referral is most appropriate.*** Children and young people report that they have rarely or never been asked to tell their stories and that they would appreciate the opportunity to have someone listening to them. Many children have been in contact repeatedly with different services without being able to establish trust and tell their stories. Advocates working with children at risk advise service providers to ask questions, take time to listen and to ask again when children are reluctant to speak out, without however pushing the child to speak about sensitive issues. That is a sensitive balance to strike. Officials and professionals have helped children to open up, establish trust and speak out by showing a genuine interest in the child as a person. When the child's story is not heard, experiences or risks of exploitation and trafficking in the child's past, and implications for the child's risks in the present and future, might remain unidentified. In that case, the exploitation can continue without being revealed.

2. ***Child-sensitive communication facilitates the identification of acts of violence, exploitation and trafficking in the child's present or past, as well as risk factors.*** Officials and professionals working with children have expressed a need for more training on how to hear and interview children and how to integrate principles of child-sensitive communication into their work. Evidence-based interviewing protocols are in use in different contexts, for instance in Barnahus (Children's House) and other places where forensic interviews are conducted with child victims of crime, or in the monitoring of institutions for children. These protocols have

proven effective to guide officials and professionals in child-sensitive communication and interviewing techniques. They facilitate the child's disclosure without interfering or influencing the child's testimony. They enhance the credibility and probative value of a child's statement in investigations and administrative or judicial proceedings and help the child gain confidence and trust. The use of evidence-based interviewing protocols and principles of child-sensitive communication can be expanded to all situations where adults communicate with children, in both formal and informal settings. Providing a child-friendly environment when hearing or interviewing children at risk is essential. Service providers and researchers have experienced that communicating with children in informal settings and during leisure time activities helps the children to open up and share information. For ethical reasons, children must always be informed, in a language they understand, how the information they share will be used.

3. ***A best interests determination procedure offers a comprehensive and structured approach to assess the risks and resiliency of the child and to identify incidents of violence, exploitation and child trafficking.*** Although the best interests principle is strongly enshrined in national and European law, research shows that many countries do not provide for a unified and comprehensive best interests determination procedure in practice. Case assessments and decision-making procedures are commonly fragmented and remain focused on the interests of specific service providers, such as childcare and protection, health, immigration and asylum, or law enforcement. In consequence, children miss out of this important opportunity to tell their stories and have their situations assessed in a comprehensive way. A thorough case assessment in the context of a best interests determination is not limited to identifying a single event of exploitation or violence – it aims to understand if the child has a history of violence, exploitation and neglect and how this background might render the child vulnerable to continued victimisation. As part of a best interests determination, service providers identify also protective factors, sources of resiliency and support for the child and target these areas specifically to empower the child. A best interests determination, which includes hearing the child, is the precondition for ensuring that responses and services are meaningful for the girl or boy and based on an individual case and needs assessment. The individual and child-centred approach in a best interests determination procedure enhances the chances that the child collaborates with service providers, shares information and establishes trust, and remains actively involved in the support programme.

4. ***A best interests determination procedure lays the foundation for ensuring a continuum of services for prevention, protection and empowerment.***<sup>iv</sup> The overall objective of a best interests determination is to reach a decision on a child's best interests in relation to a specific question and, in the cases of children on the move, a durable solution. Decisions made on the basis of a best interests determination are considered to be safe, rights-based, sustainable and more cost-effective. They have the power to help children exit situations of exploitation, support their recovery and rehabilitation and empower them to prevent renewed recruitment into exploitation or re-trafficking. In follow-up to the best interests determination, the decision must be implemented in due course and children must not be left in a legal limbo or be kept waiting as that might place them at risk. Best interests determinations provide information about a child's situation, which is necessary for longer-term continuity of care planning in support of a child's development into adulthood and independent life, irrespective of whether the child remains in the country, is transferred or returned to another country. Child-centred models for multi-disciplinary cooperation in casework and care planning, such as the life project model

recommended by the Council of Europe<sup>v</sup>, offer a sensible and meaningful structure to inform best interests determinations and facilitate the implementation of durable solutions or other decisions concerning the child. The life project model envisages a longer-term case assessment and care planning process with the active engagement of the child, which motivates the child to collaborate with service providers irrespective of any pending decisions concerning the child's immigration status or asylum. Implementing a durable solution and other decisions taken on the basis of a best interests determination requires a close follow-up and monitoring of the child's safety, wellbeing and development. In transnational cases, durable solutions might be implemented in countries of origin, transit or destination and might require the collaboration of authorities and service providers across borders.

5. ***The identification and referral of child victims and children at risk tends to be more effective when done by a multi-disciplinary and interagency group.*** Local cooperation mechanisms involving child protection services and law enforcement have proven successful to enhance the identification of child exploitation and trafficking and the referral of children at risk. Experience shows that multi-disciplinary groups who collaborate in the identification, referral or case management of children at risk tend to identify more cases of child exploitation and trafficking than professionals working in isolation. Mechanisms for cooperation and referral benefit from clear regulations, conceptual clarity about the exploitation of children and children at risk, and an understanding of each partner's specific role and responsibilities, mandate and working methods contributing to a common goal. While in contact with different agencies and service providers, children benefit from having a trusted adult by their side to support and guide them and promote their best interests. A trusted adult could be a guardian, a mentor or another type of support person who is knowledgeable, protective, encouraging and safe for the child. Local multi-disciplinary and interagency groups might also engage with networks in other municipalities to exchange experience and lessons learned. Multi-disciplinary cooperation and coordination is required at and across all levels, including the national, inter-ministerial, and transnational levels.

## **Annex – Recommendations**

The following reflections and recommendations provide details and considerations for developing a more inclusive, child rights approach to the identification and referral of child victims and children at risk. The overall objective is to promote the implementation of national, European and international standards concerning child victims of crime and children at risk and the prevention of exploitation and trafficking.

### **National laws and policies provide stronger safeguards if they protect children from all forms of exploitation and afford exploited children the status of victims of crime**

The UN Convention on the Rights of the Child protects children from exploitation and trafficking in any context and in any form (Articles 19, 32-36). National laws provide numerous provisions, in child protection and social welfare laws, civil codes, labour and penal laws, to prevent the exploitation of children and assist children who have been exploited. While the legal framework and policy responses to the exploitation of children differ from country to country, children who are exploited cannot yet count on being recognised as victims of crime and to receive

appropriate care and support for recovery, rehabilitation and damage compensation, as well as procedural rights.

The services, entitlements and safeguards in place for exploited children differ according to the type of exploitation they have been exposed to, how they are being identified, and whether or not their exploiters are subject to criminal investigation, prosecution and conviction. There is today no conceptual clarity of the “exploitation” of children. While child victims of trafficking have received a lot of attention in policy, programming, research and advocacy, children who are exploited in other contexts are less visible, the services available to them are less specific and their needs are not understood to the same degree. The experience from anti-trafficking work and responses for child victims of crime offers valuable learning on what works to protect children from exploitation. It is time to apply and expand this learning to develop responses in law, policy and practice that safeguard children from exploitation in any context and in any form.

### **A single identification procedure facilitates the gathering of personal data, hearing the child’s story and assessing the child’s case**

Children on the move, who are considered a particular risk group for exploitation and trafficking, are subjected to a range of identification measures in countries of transit and destination. Today, measures for identification often take place in a fragmented way, different authorities work in isolation and tend not to exchange information. As a result, service providers are assisting children within European countries without being fully aware of their identities and their personal stories. Measures for identification are undertaken by border guards and immigration or asylum authorities, social services, outreach services and law enforcement. Different procedures assess specific elements of a child’s identity, background and story, such as national origin, citizenship and age, as well as assessments of the child’s family situation, special reception or protection needs, child-specific grounds of asylum, and best interests. Many of these assessments are mandated by European and national law. In all these contexts, officials and professionals are held to interview the child to inform the assessments.

To redress this fragmented approach, States could consider coordinating or integrating different procedures for the identification of children who are within their jurisdictions. This requires the collaboration of different authorities and services providers and the coordination of separate procedures. The registration and transfer of data on a child’s identity and story, in accordance with applicable laws and regulations for data protection and privacy, facilitates the continuity of care and support, prevents repeated assessments and lengthy procedures when a child is transferred within a country or across borders or returned to the country of origin.

### **Interviewing children requires trained professionals and a child-friendly setting**

When children are heard or interviewed, the set-up of the meeting with the child and the environment play a fundamental role to help the child feel confident to speak out and to facilitate the child’s disclosure. Ensuring a child-friendly interview setting requires to prepare the child for the interview, explaining to the child why the interview is taking place, what it is about and what it aims to achieve. It is also important to inform the child how the information from the interview will be used and who will participate in or observe the interview. The selection of the interviewer and other persons participating in the interview must take gender considerations into account. The interviewer should maintain a neutral appearance and speak calmly, being clear, friendly

and determined. The interviewing room should be quiet and comfortable, with as little distractions as possible. Where an interpreter participates, he or she sits next to the interviewer and maintains a neutral role, while the interviewer maintains eye contact with the child, not with the interpreter. When the interviewer has suspicions that the interpreter is interfering with the interview, the interviewer has to interrupt the session and clarify the issue with the interpreter. In some cases, interpreters might have connections to the diaspora group that the child belongs to and there may be dynamics of intimidation, manipulation and control that the interviewer is not at first aware of. In such cases, the interpreter has to be changed. Resorting to telephone interpretation is a good solution to avoid inappropriate interference and to protect the child's privacy.

Officials and professionals in all sectors, such as social and health care, law enforcement, immigration and asylum, have to be trained to communicate and conduct interviews with children, according to the principles of evidence-based interviewing protocols and child-sensitive communication. They must be aware of reporting obligations and rules of confidentiality and be transparent to the child about these rules and obligations. Professionals and researchers ascertain that children and adults who are in contact with social services, health care staff or other service providers tend to appreciate when they are asked direct questions about violence. It helps them to overcome taboos or fears of speaking out about violence in their lives and facilitates their disclosure so that service providers can offer more targeted support.

In the context of a regional training series, the Council of the Baltic Sea States applied innovative technology to train professionals in interviewing children.<sup>vi</sup> The Avatar Based Interview Training (ABIT) is an online tool that offers an authentic experience of interviewing children. It uses an avatar based system to simulate face-to-face conversations with a virtual representation of a child. Although the tool is still in a prototype phase, it has received very positive feedback as a new possibility to train professionals in leading child-sensitive conversations.

### **Evidence-based interviewing protocols are useful for all situations where children are heard**

Evidence-based interviewing protocols<sup>vii</sup> provide a clear structure to facilitate the child's statement without influence or manipulations by the interviewer. Evidence-based interviewing protocols enable the interviewer to obtain a statement from a child with high probative value. While these protocols are mainly applied in forensic interviews with child victims of crime, they are valuable tools for other situations as well where officials or professionals engage in child-sensitive communication.

The interview is structured in three phases, the introduction, free narrative and closure. In the introduction phase, the interviewer introduces him- or herself and any other persons present, such as an interpreter. In this phase, the child is informed about the interviewing procedure, the roles of the persons who are present and the expectations of the child to say the truth. The interviewer engages the child in a few informal questions to build rapport, to understand how the child feels and if the child has any limitations in expressing him- or herself. The rapport building phase helps the interviewer to adjust his or her language to the needs of the child, to become acquainted and for the child to gain confidence to proceed with the interview.

In the free narrative phase, the interviewer asks open-ended and non-leading questions in relation to the main theme and purpose of the interview. Gradually, the interviewer asks more

specific questions to follow-up and clarify what the child has said in the free narrative in order to obtain a precise and sufficiently detailed statement. In the closure phase, the interviewer sums up the child's statement, using the child's own words, and asks the child for feedback. The interviewer returns then to a neutral topic and responds to any questions or concerns that the child might have. Before closing the session, the interviewer thanks the child for his or her participation and discusses a safety plan with the child so that the child knows whom he or she can turn to should there be any issues bothering the child after the interview.

### **A comprehensive best interests assessment offers opportunities for understanding the child's risks and resiliency and identifying experiences of exploitation**

A best interests determination is a formal procedure conducted by a state agency or a state commissioned private partner. Usually social services or child protection services have the competence to conduct best interests determinations. ***The procedure consists of two steps, the best interests assessment and the decision making process.*** The best interests determination procedure is always oriented by the human rights of the child, which are considered interrelated and interdependent, including rights to safety and protection, survival and development, as well as participation.

***The best interests assessment*** aims to gather and verify data and information about the child and to assess the child's situation. It establishes the child's identity, including the identity of the child's parents or guardian, any accompanying persons and the quality of their relations. An age assessment could fall within its scope. The best interests assessment involves the hearing of the child and aims to understand the child's situation, background and needs, including the child's risks and resiliency. It includes family tracing where required and a social inquiry into the family situation. Where there are suspicions that the child is a victim of violence, exploitation, trafficking or other criminal offences, the assessment can be coordinated with the gathering of evidence through forensic examinations and interviews with the child. The assessment identifies also sources of support, skills and resources of the child and his or her social network and environment. Considering these comprehensive assessments, the procedure offers good opportunities for identifying signs or risks of exploitation and trafficking.

### **As a formal process, best interests determinations are protected by procedural safeguards**

Procedural safeguards ensure that formal procedures respect basic rules of legality, due process and rule of law. Judicial and administrative procedures involving children have to ensure child-sensitive safeguards to enable the child's collaboration and participation. The child has the right to receive information in a language that he or she understands. The child's views and concerns are to be heard and given due weight in the procedure. Where necessary, interpretation and cultural mediation has to be provided. A child who is deprived of the support from his or her primary caregivers has the right to be assisted by a guardian and, where applicable, a legal representative.

***The best interests determination*** involves often a difficult process of balancing different interests, rights and priorities. When balancing these different factors, preventing any possible harm to the child takes precedence and outweighs always any other factor. Decision makers need to consider the child's right to be brought up by his or her parents and to maintain family contact, unless there are risks to the child's safety and wellbeing deriving from the family.

Matters related to health, education and vulnerability need to be assigned weight, as well as the interest to ensure continuity and stability of the child's situation.

The child has a right to understand how the decision on his or her best interests has been reached and how the different pieces of information, including the child's views and statement, have been taken into account for the decision making process. To this end, the best interests determination has to be transparent and documented with clear reasoning and motivation of the decision. The child has the right and possibility to request that the decision be reviewed and revised and there has to be a mechanism in place for complaint and appeal.

### **Collaboration between authorities and service providers in best interests determinations provide for increased opportunities to identify risks and experiences of exploitation**

Conducting best interests determinations is a routine for social and child protection services, who do not necessarily cooperate with other services and agencies to ensure a comprehensive assessment of the child's situation. In the cases of children on the move, who are considered to have a high risk of exploitation and trafficking, unified procedures for best interests determinations are rarely in place. Different assessments and decisions are made by social or child protection services, childcare staff, immigration and asylum authorities. Many children at risk miss the opportunity to tell their stories in the context of a best interests determination and to have their cases assessed in a comprehensive way. To redress this gap, different authorities and service providers would benefit from engaging in a structured collaboration to ensure that the information they have about the child feeds into a single best interests determination, in accordance with national laws and regulations on data protection and privacy. This can be achieved, for instance, by facilitating the collaboration between social workers, care staff and immigration or asylum officers for a multi-disciplinary best interests assessment. Another possibility is to conduct multi-disciplinary risk assessments of children that feed into the best interests determination procedure undertaken by social services or by immigration or asylum authorities.

### **Child-centred services create a safety net around the child**

Placing the child at the centre requires special working methods and mindsets. In child-centred approaches, service providers focus not only on the interaction with the child within their own mandates. They cooperate and coordinate their actions with those of other agencies and services, while also managing the involvement of significant other persons, such as the child's parents, in accordance with the best interests of the child. Child-centred services avoid repeated questioning, hearing or interviewing of the child. They provide for a child-friendly environment, taking into consideration the needs and best interests of the child with regard to timing and sequencing of different actions, having regard to the child's wellbeing and safety at all times, considering the child as a competent service user and an actor in decisions and proceedings.

### **Local child protection networks mobilise everyone to identify children at risk and contribute to their referral**

Experience has shown that local child protection networks make a difference in ensuring children's risks are identified and followed-up effectively. Many different state and non-state actors contribute to local child protection networks. In addition to social services, child protection and welfare services, law enforcement, labour inspectors, professionals in education and health

care, also civil society organisations, religious and faith-based groups, shop owners and staff, employees of the public transportation sector, taxi drivers and local neighbourhoods can become actively engaged in child protection networks. Children and youth have advised that they would consider approaching all these people when looking for help in a difficult or exploitative situation. Public communication, awareness raising and sensitisation continues to be important to inform citizens, civil society groups and professionals about violence against children, child exploitation and neglect and to alert them to different possibilities of reporting, referral and mobilising help. Making the contact details of social and child protection services widely known and easily accessible helps citizens to call for help when they have suspicions about children at risk.

### **Specialised law enforcement units are able to enable child-sensitive justice for children who have been exploited and to hold perpetrators accountable**

When signs or evidence emerge that the child is, or has been, a victim of violence, exploitation or trafficking, or that the child is at risk, the competent authorities decide whether the case requires a criminal investigation. Where this is the case, the law enforcement response has to set in rigorously without distinction on the grounds of the child's national or social origin or immigration status. Where exploiters or traffickers use threats or other control measures to keep children in situations of exploitation, victim-witness protection measures might be required to enable the child to collaborate with law enforcement and remain in the assistance programme.

Criminal investigations and proceedings benefit from testimonies of child victims with a high probative value, which are obtained by referring children to Barnahus or comparable centres where child-sensitive forensic interviews are conducted. Experience shows that the prosecution of exploiters and traffickers is more likely to result in a conviction when the case is built on a diversity of evidence rather than relying only on the child's statement.

Specialised law enforcement units for human trafficking and child trafficking cases are likely to identify and investigate more cases and prepare more successful prosecutions than their non-specialised colleagues. Law enforcement agencies have therefore expressed a need for more training for front-line staff to identify signs of exploitation and trafficking, including among children in conflict with the law, to communicate effectively with children and to collaborate with other agencies and service providers for the purpose of investigation and prosecution, within countries and across borders.

### **Solutions are needed to protect particularly marginalised groups from exploitation and secondary victimisation**

Children who are living in particularly marginalised situations, for instance children involved in criminal activities, children on the streets and children in situations of irregular migration, are rarely reached by traditional anti-trafficking or child protection measures. At present, states and societies have very little solutions to offer to these children although many are known to be exploited, including in the context of trafficking, or to be at a high risk. Local authorities and different civil society organisations provide low-threshold services and are in close contact with children and families who are at risk and living in precarious conditions.

Some children in particularly precarious situations might appear to "consent" to their exploitation, including when exploited in prostitution and pornography, in criminal activities, child labour and

begging. As long as there are no visible signs of threats, violence or coercion against the child, the child's chances to be identified as a victim of exploitation are reduced, although the international definition of child trafficking affords that the child's consent should be considered irrelevant for the prosecution of traffickers and the assistance of victims, and the child's consent cannot be held against the child.

Despite the progress made with researching and identifying cases of child trafficking for the purpose of exploitation in criminal activities, these children are still often wrongly identified as children in conflict with the law. They face a high risk of secondary victimisation and prosecution. More efforts are needed to develop appropriate solutions for these particularly marginalised and high-risk groups, with their active engagement. Experience suggests that social outreach services, education and crime prevention programmes might be better prepared to inform solutions that are meaningful for particularly marginalised groups than narrow child protection responses.

Where children have been exploited in illegal and criminal activities and there are suspicions of trafficking, child protection and law enforcement responses need to consider these children not only as perpetrators but also as victims of crime and apply child-sensitive justice measures with a focus on recovery and rehabilitation, social and economic inclusion and support for their development and transition into adulthood and independent life. The right of child victims of trafficking to be protected from criminalisation and prosecution for acts they committed due to their situation as victims of trafficking, still needs to be enforced and applied more consistently in practice.

### **Consulting children to hear their views, suggestions and recommendations**

As part of the regional consultations, children were consulted to share their views and recommendations on support services for children at risk.<sup>viii</sup> The aim was to hear the ideas and recommendations on how children could find help and support in difficult situations where they are at risk of violence, exploitation and trafficking. Boys and girls were invited to identify sources of protection and resilience that could strengthen the wellbeing and safety of children in difficult situations. The children were asked to narrate a story of a child who is separated from his or her parents, is living in a difficult situation and is trying to leave this situation. The children heard the beginning of the story from the facilitator and worked individually or in small groups to continue narrating how the fictional child in the story could find support. The main character of the story was a child about the same age as the participating children who was presented as a hero to enable the children to engage in a positive narration considering the resources, skills and potentials of the hero. The focus of the children's narration was on solutions, ideas and advice for the hero of their story to feel better, to have a better life and to leave the situation where he or she was at risk of violence and exploitation. The consultations with children were facilitated by specialists in facilities for child victims of exploitation and trafficking. The children appreciated engaging in this creative activity without being asked to talk about their personal experiences. The children liked that someone was interested in them, listened to them and asked their opinions. The feedback about the methodology was so positive that the specialists and organisations involved in the consultations with children were keen to continue using it in their work with child victims and children at risk. The outcomes of the consultations with children have informed the Oslo Conclusions.

## **Research and consultations inform the continued development and refinement of policy and practice**

There is a considerable body of research and analysis of the challenges and enabling factors for the identification and referral of child victims of trafficking and children at risk. Analyses have been informed by consultations with children, officials and professionals, although this type of research has focused on children who are successfully identified and referred to assistance and remain within the assistance programme. The voices of children, who go missing from assistance programmes for victims of trafficking and presumed victims and those who are identified wrongly or not at all, are heard to a lesser extent. Medium and longer-term monitoring of children's safety, wellbeing and development after an experience of exploitation or trafficking is rarely conducted and individual examples do not necessarily adopt a holistic child rights approach. The existing body of evidence is not yet used to the full potential to guide the development of more effective approaches in policy and practice, including methods and tools. Evidence, knowledge and experience offer a rich source of inspiration to strengthen the identification and referral of child victims of exploitation and children at risk, while redressing known obstacles. Only when policy makers, researchers and practitioners collaborate more closely and consult with children and young people, they will be able to continuously develop prevention and response measures further.

## **Training prepares officials and professionals to identify and follow-up children at risk**

Officials and professionals across all sectors demand more opportunities for training and continued learning. Academic and vocational training curricula still do not include systematic teaching of child rights and themes related to violence, exploitation and neglect of children, child trafficking and safeguarding children on the move. Reforming the curricula to incorporate these thematic areas is a priority to inform and sensitise new generations of professionals. In addition, there is a continued demand for on-the-job training to develop the skills and capacities of officials and professionals in all fields. They appreciate joint training programmes involving officials and professionals from different fields who are all part of the same local referral mechanisms and start collaborating more effectively after a shared training experience. There continues to be a demand for cross-border training programmes where officials and professionals involved in transnational child protection work can exchange experience and engage in joint learning.

All persons who get to meet children in their jobs would benefit from training on child-sensitive communication. Experience shows that officials and professionals are better prepared to identify and follow-up children at risk when they have not only academic and technical knowledge but are also able to use social and emotional skills for their interaction with children and families so that they can engage with them in a proactive and constructive way. At the local level, officials and professionals appreciate the possibility to access supervision when handling difficult and highly demanding cases. The possibility to access technical expertise and assistance from the regional or national level is considered useful to support local staff with the identification and follow-up of children at risk and child victims, especially where cases are particularly complex or transnational.

## There is continued need to implement the Council of Europe Convention on Action against Trafficking in Human Beings

The Council of Europe Convention on Action Against Trafficking in Human Beings recognises that the correct identification of victims of trafficking is a challenge and calls upon States Parties to ensure that presumed victims are referred to assistance and support wherever there are reasonable grounds to assume that the person is a victim. The Convention supports therefore the understanding that the identification of victims of trafficking is a process that requires time and access to support services and assistance. The Convention clarifies that the responsibility for referral and assistance rests with the country on whose territory a presumed victim of trafficking is identified. No person shall be returned or transferred to another place before the identification process has been completed.<sup>ix</sup> This requirement is in accordance with the responsibility of the state to conduct a best interests determination for a child whose status and situation is unclear. The monitoring body for the implementation of the Council of Europe Convention, GRETA, is providing specific recommendations for states to strengthen their measures in this field.

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<sup>i</sup> The Baltic Sea Region includes Denmark, Finland, Estonia, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Sweden, and the Russian Federation. The Council of the Baltic Sea States (CBSS) is a regional intergovernmental cooperation including the above-mentioned member states as well as a representative from the European Union. The CBSS Expert Group on Children at Risk operates several programmes in the region and in broader Europe to strengthen children's rights and protection. [www.childrenatrisk.eu](http://www.childrenatrisk.eu).

<sup>ii</sup> In 2013, The Council of the Baltic Sea States Expert Group on Children at Risk developed the *Protect Children on the Move* project and the *Guidelines on the human rights and the best interests of the child in transnational child protection cases* including a special *portal on Wikipedia* providing information about transnational child protection. See: [www.childrenatrisk.eu](http://www.childrenatrisk.eu). Since 2016, the CBSS has collaborated closely with the Nordic Council of Ministers to roll out a regional training programme on transnational child protection and the Guidelines. During 2016, the two Councils organized training seminars in Riga, Tallinn, Helsinki and Stockholm. In a conference in 2016 co-organised with the Central European Initiative, the focus was expanded to include countries in Central and Southern Europe bringing evidence on migration and the situation of unaccompanied children including the risk of trafficking and exploitation. In 2017 and 2018 regional consultations on good practices in identification and referral have taken place in St. Petersburg and Vilnius, as well as Oslo.

<sup>iii</sup> See the documentation from the PROTECT Children on the Move Project, <http://www.childrenatrisk.eu/projects-and-publications/protect-children-on-the-move/>. See further United Nations General Assembly, Joint report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material and the Special Rapporteur on trafficking in persons, especially women and children, A/72/164, 18 July 2017. Council of the Baltic Sea States, *Guidelines on the Human Rights and Best Interests of the Child in Transnational Situations*, Children's Unit and Expert Group for Cooperation on Children at Risk, 2015, [http://www.cbss.org/wp-content/uploads/2013/01/Guidelines\\_-\\_promoting\\_the\\_Human\\_Rights\\_and\\_the\\_Best\\_Interest\\_of\\_the\\_Child\\_in\\_Transnational\\_Child\\_Protection\\_Cases.pdf](http://www.cbss.org/wp-content/uploads/2013/01/Guidelines_-_promoting_the_Human_Rights_and_the_Best_Interest_of_the_Child_in_Transnational_Child_Protection_Cases.pdf). Council of the Baltic Sea States, Child Centre, Expert Group for Cooperation on Children at Risk, *Children Trafficked for Exploitation in Begging and Criminality, A challenge for law enforcement and child protection*, 2013, [http://childcentre.info/public/Childtrafficking\\_begging\\_crime.pdf](http://childcentre.info/public/Childtrafficking_begging_crime.pdf). UNICEF Innocenti Research Centre, *Child Trafficking in the Nordic Countries, Rethinking strategies and national responses*, Technical Report, 2012, <https://www.unicef-irc.org/publications/search/?Title=trafficking&CategoryID=0&AuthorID=0&SeriesId=0&Year=0&LangID=0&GeogID=0&ThemelD=0&ISBN=>. Family and Childcare Centre Greece and Defence for Children International – Italy, *Resiland, Orientations for Professionals and Officials Working with and for Children on the Move*, Participation, Capacities and Resilience of Children on the Move Against Trafficking and Exploitation, 2015, <http://www.resiland.org/27-orientations-for-professionals-and-officials-working-with-com-now-published.html>. Defence for Children International Italy and Family and Childcare Centre Greece et al., *IMPACT - Improving Monitoring and Protection Systems Against Child Trafficking and Exploitation, Transnational Analysis*, 2014, <http://www.impact-eu.org/files/IMPACT%20content%20web%20final%20Jan.pdf>. The Crime Victim Compensation and Support Authority, *Child Victims in the Union – Rights and Empowerment, A report of the CURE project 2009-2010*, Umeå, 2010, <https://www.brottsoffermyndigheten.se/Filer/B%20C3%B6cker/Child%20victims%20in%20the%20Union,%20CURE.pdf>.

<sup>iv</sup> A more detailed guide to best interests determinations is available from: Council of the Baltic Sea States, *Guidelines on the Human Rights and Best Interests of the Child in Transnational Situations*, Children's Unit and Expert Group for Cooperation on Children at Risk, 2015, [http://www.cbss.org/wp-content/uploads/2013/01/Guidelines\\_-\\_promoting\\_the\\_Human\\_Rights\\_and\\_the\\_Best\\_Interest\\_of\\_the\\_Child\\_in\\_Transnational\\_Child\\_Protection\\_Cases.pdf](http://www.cbss.org/wp-content/uploads/2013/01/Guidelines_-_promoting_the_Human_Rights_and_the_Best_Interest_of_the_Child_in_Transnational_Child_Protection_Cases.pdf). Council of the Baltic Sea States, *Transnational Child Protection: Practical guide for caseworkers and case officers*, Children's Unit and Expert Group for Cooperation on Children at Risk, 2015, [http://www.childrenatrisk.eu/public/PROTECT/Guide\\_for\\_case\\_workers\\_and\\_officers.pdf](http://www.childrenatrisk.eu/public/PROTECT/Guide_for_case_workers_and_officers.pdf).

<sup>v</sup> Council of Europe Committee of Ministers, Recommendation CM/Rec(2007)9 of the Committee of Ministers to member states on life projects for unaccompanied migrant minors, adopted by the Committee of Ministers on 12 July 2007, [https://www.coe.int/t/dg3/migration/archives/Source/Recommendations/Recommendation%20CM%20Rec\\_2007\\_9\\_en.pdf](https://www.coe.int/t/dg3/migration/archives/Source/Recommendations/Recommendation%20CM%20Rec_2007_9_en.pdf).

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<sup>vi</sup> The training tool has been developed by Pär Stihl, Linnaeus University, Sweden. See also: Council of the Baltic Sea States, *Guidelines on the Human Rights and Best Interests of the Child in Transnational Situations*, Addendum 2016, Children's Unit and Expert Group for Cooperation on Children at Risk, 2016, [http://www.childrenatrisk.eu/public/PROTECT/CBSS\\_Guidelines\\_Addendum\\_Dec\\_2016\\_FINAL.pdf](http://www.childrenatrisk.eu/public/PROTECT/CBSS_Guidelines_Addendum_Dec_2016_FINAL.pdf).

<sup>vii</sup> See for instance the NICHD Protocol: <http://nichdprotocol.com/>. See also: Council of the Baltic Sea States, *Guidelines on the Human Rights and Best Interests of the Child in Transnational Situations*, Addendum 2016, Children's Unit and Expert Group for Cooperation on Children at Risk, 2016, [http://www.childrenatrisk.eu/public/PROTECT/CBSS\\_Guidelines\\_Addendum\\_Dec\\_2016\\_FINAL.pdf](http://www.childrenatrisk.eu/public/PROTECT/CBSS_Guidelines_Addendum_Dec_2016_FINAL.pdf).

<sup>viii</sup> The methodology developed by the Council of the Baltic Sea States Secretariat was based on and inspired by the Resiland method for ethical consultations with children at risk. See: Family and Childcare Centre Greece and Defence for Children International – Italy, *Resiland, Orientations for Professionals and Officials Working with and for Children on the Move*, Participation, Capacities and Resilience of Children on the Move Against Trafficking and Exploitation, 2015, <http://www.resiland.org/27-orientations-for-professionals-and-officials-working-with-com-now-published.html>. The Resiland website is available at <http://www.resiland.org/>.

<sup>ix</sup> Council of Europe Convention on Action Against Trafficking in Human Beings (2005) Articles 10, 13, 35 and explanatory report.