



# INTERNATIONAL SOCIAL SERVICE

## Children on the Move

### Casework, technical assistance and advocacy

#### Who are Children on the Move (COM)?

According to the [FXB Principles](#), the term *Children on the move* (COM) refers to children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers. *Other children affected by migration* refers to children remaining in the country of origin after their parents have migrated, and to children living with their parents in the destination country.

#### How does the 1996 HC apply to the protection and care of COM?

##### (1) Applicability: jurisdiction (arts.2, 6, 11-12) & applicable law (art. 15)

Art. 6 notes application to some COM: “(1) For refugee children and children who, due to disturbances occurring in their country, are internationally displaced, the authorities of the Contracting State on the territory of which these children are present as a result of their displacement have the jurisdiction provided for in paragraph 1 of Article 5. (2) The provisions of the preceding paragraph also apply to children whose habitual residence cannot be established.” In addition, arts. 11 & 12 (urgent and provisional measures) also target runaway, lost, abandoned or abducted children.

##### (2) Protection measures

COM may benefit from measures that are **short** (e.g. upon arrival, at reception), **medium** (e.g. family reunification in the State of origin/third/host State) and **long-term** (e.g. return in State of origin or resettlement in third State). Specifically measures **enshrined in art. 3** cover, *inter alia*, guardianship, legal representation, placements in foster families, institutional care and *kafala*.

##### (3) Cooperation mechanisms (Arts. 30 – 36)

The contracting State where the child is currently present must ensure his or her protection by cooperating with other competent authorities to ensure his or her best interests (administrative, judicial, immigration and/or civil society such as ISS) at both – domestic and international levels (e.g. art. 31 and 32 exchange of information). The cooperation mechanisms foreseen by the 1996 HC can help determine sustainable quality solutions via thorough assessments in the country of origin, host or transit country. When it comes to implementing cross-border placements, the contracting States need to comply with the mechanisms foreseen by the articles 23 (1) & 33.

**ISS calls for a wider ratification of/accession to the 1996 HC, and sensitisation among States of the 1996 HC provisions as tools to find concrete solutions for COM via a strengthened cooperation and communication among different stakeholders within a State and between States.**

#### Guiding international standards

- [Convention on the Rights of the Child](#)
- [The 1996 Hague Convention](#)
- [UN Guidelines for the Alternative Care of Children](#) (pre-adoption phase)
- [Draft of the Joint General Comment on the human rights of children in the context of international migration](#) (7<sup>th</sup> June 2017)
- [2016 New York Declaration for Refugees and Migrants](#).
- [Recommended principles to guide actions concerning children on the move and other children affected by migration](#)
- [ISS Submission for the Joint General Comment \(first and second\)](#)

[Recommendations for protecting, promoting and implementing the human rights of children on the move in the proposed Global Compacts.](#)

#### ISS documents

- [Children on the move: From protection towards a quality sustainable solution](#)
- [Manuel de prise en charge des mineur-e-s non-accompagné-e-s en Suisse](#)
- [Procédures et standards de prise en charge de la CEDEAO pour la protection et la réintégration des enfants vulnérables concernés par la mobilité et des jeunes migrants](#)

## Elements to consider for cross-border case-management

By publishing the Manual [Children on the Move - From protection towards a quality sustainable solution : a practical guide](#), ISS advocates for the treatment of every child as a child – with full respect of his or her rights – under all conditions. This requires greater collaboration between States and their respective child protection agencies and organisations, and for the establishment of effective transnational referral processes for the protection of Children on the move.

States need to place every child at the centre of the decision-making process, and tackle the challenges with the following commitments: provide Children on the move with **individualised, child-centred, sustainable and quality solutions**; develop and follow **harmonised care standards** to ensure **quality and continuity of transnational care**; establish adequate case **monitoring and follow-up** mechanisms across borders.

For the development of a well-connected, transnational network of child protection professionals, the guide proposes an eight-step procedure:

1. **Arrival, detection and identification**: detecting and identifying Children on the move and vulnerabilities to be addressed (identity, immediate protection and care needs).
2. **Immediate support and care** to meet the child's immediate physical and psychological needs (e.g. stabilise his/her situation and secure basic human rights).
3. **Assessment of the child's situation** aiming to collect all necessary information to determine steps 4-7.
4. **Temporary integration and quality care arrangements in the host country** (individual support plan that assures quality care, personal development during their stay).
5. **Evaluation in the country of origin**: locating and evaluation the child's family and community for an eventual family reunification in the country of origin.
6. **Determination of a sustainable solution in the child's best interests** (practical, sustainable solution in the country of origin, the host country or a third country).
7. **Implementation of the sustainable solution** (action plan to implement the sustainable solution, with the child's participation).
8. **Monitoring and follow-up** (support in agreement with the child, to ensure continuity of development, well-being and adequacy of the life protect).

## ISS Casework services may include:

- social evaluation report in the country of origin or a third country;
- family tracing and maintaining contact with the family;
- family reunification;
- assisted voluntary return;
- provide necessary referrals to competent authorities;
- international family mediation;
- legal and administrative assistance (e.g. legal advice in the asylum seeking procedures, acquisition and transfer of official documents).

## ISS Technical assistance and advocacy may include:

- dissemination of information to professionals (e.g.: Monthly Review, comparative studies and thematic publications)
- training of professionals (e.g. MOOC)
- support in national law and policy reforms
- active participation in expert consultation groups
- work with UN and regional treaty bodies

