



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

Conference Statement

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 speakers and participants in the Oslo Conference gave input to the Conclusions, which are included in this Conference Statement.

Experts call for renewed efforts to solve known challenges

Political attention to child trafficking remains high. Notwithstanding the significant progress made with anti-trafficking responses, 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. Children are also at risk when their parent is a victim of trafficking, is living with them in a situation of exploitation or has left 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.

Too often, children are not correctly identified and remain excluded from the assistance and support they are entitled to. Some children refuse to accept services that are not tailor-made to their specific needs. 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. Service providers have not been trained consistently to identify and refer 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.

For many child victims of trafficking, the recruitment into trafficking represents in fact the culmination of a history of violence, exploitation and neglect. Experience shows that solutions reducing child trafficking require the **prevention of and early response to violence, exploitation and neglect of children in any context and in any form**. The Oslo Conclusions 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 propose solutions rooted in the UN Convention on the Rights of the Child

The speakers and participants in the Oslo Conference 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 widely promoted yet are not 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.

Experience from the region shows 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**. A **best interests determination procedure offers a comprehensive and structured approach** to assess the unique situation of the child, the child's background and how she or he came into the situation of exploitation or trafficking. A best interests determination procedure guides further follow-up by mapping the risks, resources and resiliency of the child. It enables officials and professionals to make decisions that help the child to exit situations of exploitation, support the child's recovery and rehabilitation, and empowers the child to prevent renewed recruitment into exploitation or re-trafficking. Evidence and experience suggest that this procedure holds benefits for the children and serves the interests of societies and states.

The Oslo Conclusions propose a reorientation of measures for 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 child trafficking cases becomes thereby a specialised follow-up measure within a broader system for the prevention of child exploitation.

Conclusions:

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 Regionⁱ and broader Europe. Since 2013, this regional consultative process led by the Council of the Baltic Sea States in cooperation with the Nordic Council of Ministers, has involved several hundred officials and professionals.ⁱⁱ It aimed to review evidence and learning about the situation of children at risk and measures to ensure their safety, wellbeing and development.

The participants and advisors of the multi-year consultation process 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 expand 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.** Many children have been in contact repeatedly with different services without being able to establish trust and tell their full stories. Advocates working with children at risk advise service providers to ask questions, take time to listen and to show 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 and 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. Evidence-based interviewing 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 trafficking.** Many countries do not provide for a unified and comprehensive best interests determination procedure, despite extensive legal provisions that require it. 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. 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 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.

4. **A best interests determination procedure lays the foundation for ensuring a continuum of services for prevention, protection and empowerment.ⁱⁱⁱ** 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 cost-effective. They have the power to help children exit situations of exploitation, support their recovery and empower them to prevent renewed recruitment into exploitation or re-trafficking.

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.

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. 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.

ⁱ 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. 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

ⁱⁱ 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. 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.

ⁱⁱⁱ 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. 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.