

ONE PLUS ONE EQUALS THREE

A MAPPING OF THE RECEPTION AND
PROTECTION OF UNACCOMPANIED
CHILDREN IN SWEDEN



Save the Children Sweden

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ACRONYMS AND ABBREVIATIONS

BBIC	The Child's Needs in Focus (<i>Barnets Behov i Centrum</i>)
COI	Country of Origin Information
Comm.	Government Communication (<i>Skrivelse</i>)
CRC	Child Rights Committee
EMN	European Migration Network
EU	European Union
Govt. Bill	Government Bill (<i>Proposition</i>)
ICMPD	International Centre for Migration Policy Development
NGO	Non-Governmental Organisation
SALAR	Swedish Association of Local Authorities and Regions (<i>Sveriges Kommuner och Landsting</i>)
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund

EXECUTIVE SUMMARY

This report maps the reception and protection of unaccompanied children who arrive in Sweden and explores how actors, through their own processes and in co-operation with others, ensure their rights. More specifically, it focuses on three key issues: how actors screen and respond to extra vulnerabilities, indications of human trafficking, disappearances and which actors are involved, and how, in informing protection status procedures about the child's circumstances.

Sweden was one of the first countries to sign and ratify the United Nation's Convention on the Rights of the Child (UNCRC), but it is not recognised as domestic law. Moreover, the mapping shows that laws and policies address different groups of children; undocumented unaccompanied children and those who have disappeared from care are overshadowed by the focus on unaccompanied asylum-seeking children. This is due to the fact that a large proportion of unaccompanied children seek asylum upon arrival and that Sweden is considered a destination country rather than a transit country.

According to statistics from 2013, Sweden is currently the largest recipient of unaccompanied asylum-seeking children in Europe, reaching the highest number of applications to date when 3,852 unaccompanied children applied for asylum. The majority were male between 13-17 years old, and a total of 82% were granted residence permits in the same year as application. The majority (55%) were granted subsidiary protection status. The statistics from 2013 show that most of the unaccompanied children come from Afghanistan (32%) followed by Somalia (15%), Syria (9%), Eritrea (9%), and Morocco (8%). In other words, many of the children come from politically unstable regions.

Notably, 25% of the unaccompanied children were granted permanent residence permits due to particularly distressing circumstances. This status is granted to those who are not considered to have protection needs and is based on an overall assessment of physical and psychological health, adaptation to the Swedish context, and the situation in the country of origin (Chapter 5, Section 6 of the [Aliens Act](#) (2005:716)) ([Migration Board Fact Sheet 2013](#)). In relation to the above statistics, it is worth mentioning that temporary residence permits are rarely granted. Moreover, according to the [Migration Board's recent statistics](#), the average time frame for an asylum application in April 2014 was 140 days.

A significant feature of the Swedish context is the decentralised system; there are laws and policies enacted by the Government and the Riksdag (Parliament) with assistance from the Ministries that separately focus on education, health, social welfare and migration, among others, but the municipalities implement them with a high degree of autonomy. There are differences among municipalities regarding the prioritisation of providing support and training to actors. For instance, some municipalities offer mandatory training and mentor programmes for guardians, while others do not offer any training at all.

According to the Social Services Act (2001:453), the responsibility for all children residing in a municipality lies with the local Social Board. There are no explicit distinctions between different groups of children in this Act, meaning that all children should be supported. This is not the case in all legal instruments; child rights are integrated in different legal instruments that refer to different groups of children. Asylum-seeking children's rights are widely recognised but children without documents or legal permits, and children who disappear are, as will be further discussed in this report, not mentioned as much.

As of 1 January 2014, an amendment to the [Act \(1994:137\) on the Reception of Asylum Seekers and Others](#) stipulates that all municipalities are obliged to host unaccompanied children. The Migration Board assigns the children to municipalities and covers the child's expenses, but the municipalities have the responsibility for their daily care and for organising housing and the reception of these children. There are, however, no national guidelines on how to organise the reception in detail.¹ In terms of accommodation options, most children are placed in reception centres that are established by the municipality or a private compa-

¹ Housing used to be the Migration Board's responsibility but a new system was put in place because it was confusing for the children when the same actor was responsible for both deciding on the asylum application and their daily care and housing.

ny, but children can also be placed in foster care, which is aspirational with younger children. Children can also stay with family members who reside in Sweden, if considered appropriate by the Social Services.

In terms of co-ordination and co-operation between actors, key agencies such as the Migration Board, the National Board of Health and Welfare, and the Swedish Association of Local Authorities and Regions, among others, have established their own network to discuss issues related to unaccompanied children. Other existing networks can be on local, regional, and national levels but are often unstructured, informal, or on an ad hoc basis.

A recommendation for all organisational levels could be to formalise and establish more structures for co-operation between actors. Formalisation is important to ensure sustainability because, as mentioned by the interviewees, informal co-operation is often based on personal connections and is ad hoc in nature.

The actors have their own tools and work methodologies to gather information about the child's circumstances and screen for extra vulnerabilities and indications of human trafficking. Among others, social workers use the national system, BBIC (Barnets Behov i Centrum - The Child's Needs in Focus), and it is used by almost all municipalities. The Migration Board uses a checklist and the information is also applied to carry out a best interest assessment. The tools are useful to identify different aspects of the child's life but still require knowledge to know what to identify.

This aspect is relevant because many of the interviewees did not feel equipped with enough knowledge of how to identify symptoms of trauma, disabilities and/or potential victims of human trafficking. If the child does not share their experiences or express the circumstances with words, the interviewees said that some children might be overlooked because of the high number of children staying at the reception centres. So, although there are tools and work methodologies, it is important to either require certain qualifications or provide relevant and adequate training to ensure that actors are attentive to indications of extra vulnerability and human trafficking.

Regarding human trafficking, the mapping shows that no one is tasked with the permanent role of co-ordinating co-operation among actors. There is no national referral mechanism in place yet but it is soon to be established. The County Administrative Board of Stockholm has a national co-ordinating role and has established a National Task Force Against Prostitution and Trafficking through which communications between actors take place. Interviewees representing the Police, Social Services, and the Migration Board have all said that they know who to contact in case of suspicions and what actions to follow. Acting in accordance with the law does not, however, mean structured formal co-operation. The benefit of formalising co-operation and establishing a national referral mechanism could be the identification of gaps in the prevention, protection, and support of children at risk or who have been subject to human trafficking. The identification of gaps in response could also lead to establishing safeguards that do not currently exist. Examples include the appointment of specialised guardians with knowledge about trauma and human trafficking, and safe houses that specifically accommodate children who have been subject to human trafficking.

In addition, it has been identified that awareness and knowledge about the phenomenon of human trafficking remains inadequate among several actors, such as judges and the Police. There are still very few cases that lead to convictions of human trafficking. It is more common that cases are considered as a purchase of sexual services, procuring, or aggravated procuring. More training should be provided to actors who engage with potential victims of human trafficking and this could have an influence on screenings, investigations, and how the cases are considered in the courtroom.

With disappearances, the mapping indicates that there are different responses when a child has disappeared. Although a Police Officer said that the response is the same for all children regardless of legal status, a clear majority of the interviewees were firm in their impression that nothing is done to find the unaccompanied children in their municipalities. Rather than responding to the child's circumstances, pieced together collectively through inquiries with actors who worked closely with the child, the interviewees said that the Police response seems to rather be guided by underlying assumptions about why the child has disappeared, such as that the child wanted to go to another municipality or country, because of the fear of a Dublin II transfer or expulsion. All interviewees, however, added that fewer children disappear now after the ruling from the European Court of Justice concerning implementation of the Dublin II Regulation. Some children still disappear and it is acknowledged that they are at greater risk of being exploited and put in precarious situations where their rights are compromised or not fulfilled.

In terms of status proceedings and information about the child in the asylum process, it is good practice with specific Child Units at the Migration Board that handle all cases concerning unaccompanied children and that all case officers in these units have mandatory training in child rights and how to engage with children. The Migration Board, the agency responsible for the asylum process for unaccompanied children, has its own Child Policy (GDA 06/2011) that specifies the importance of adopting a child perspective in the assessment of the protection needs and search for a durable solution. It outlines the need for a child-sensitive approach that should be characterised by respect, knowledge of child rights and the child's needs and development, and a work ethic that takes the child's emotional well-being and circumstances into consideration.

I. INTRODUCTION

This report is part of the EU funded CONNECT project and considers the roles and responsibilities of actors, and the ways in which they work together, to respond to the situation of unaccompanied children of third country origin in Sweden.

BACKGROUND TO THE PROJECT

Save the Children Sweden together with UNHCR's Bureau for Europe, NIDOS in the Netherlands, Coram Children's Legal Centre in the UK, Save the Children Italy, Don Calabria Institute, the Italian Ministry of Labour and Social Policies in Italy and the County Administration in Västra Götaland in Sweden, have received funding from the EU for a 12 month project, ending in September 2014. In the UK Garden Court Chambers have been the main implementing partner.

The CONNECT Project concerns reception, protection and integration policies for unaccompanied children. It is funded by the EU under a call for proposals for pilot projects on unaccompanied minors (2012), the funds for which had been allocated by the European Parliament. The CONNECT project focuses on how actors work individually and together to respond to the rights of these children and fulfil EU law obligations in their regard. Through country mappings (in the Netherlands, Italy, Sweden and the UK) and the development of tools, the ultimate purpose of CONNECT is to contribute to concrete and practical measures that support actors better to address the needs and rights of these children.

The Project enables common challenges and noteworthy practices at a practical and operational level to be shared across Member States. It is intended to contribute to the ongoing transposition and implementation of recent EU obligations on asylum, migration and trafficking by Member States. These EU provisions contain improved provisions for unaccompanied children and Member States need to address how actors are mandated and equipped, and how they can work together, in order properly to implement these EU provisions. There has also been considerable development of regional practical measures of support for actors, involving both the EU agencies, such as the Fundamental Rights Agency and the European Asylum Support Office, and other stakeholders. And more generally, the increasing focus on child rights and strengthening child protection systems at international and EU level (including through the imminent publication of a Commission Communication on integrated child protection systems) provides further momentum at regional level for reinforcing modes of coordination and cooperation between actors.

THE CONNECT PROJECT DELIVERS FIVE PRACTICAL OUTPUTS AS FOLLOWS:

- the Project developed an EU Reference Tool which sets out the body of EU law and policy which relates to unaccompanied. The Reference Document should serve as an important support for policy makers and practitioners alike;
- the Project mapped how actors work, individually and in cooperation with each other, in four countries in the EU (the Netherlands, Italy, Sweden and the UK). National reports set out the findings in each country, identifying challenges and highlighting noteworthy practices;
- A comparative report identifies common challenges across the four countries and national practices from one country that might inspire good practice across the region;
- The Project developed five practical tools addressing key aspects of actors' work together. Each tool has been developed by a national partner and the CONNECT tools aim to increase actors' skills and stimulate cooperation between them and be used by actors in other jurisdictions. They can be used individually or in a complementary way across a number of issues, including: first encounter, reception, guidance to actors working with children, promoting child participation, and ensuring decision-making procedures better fulfil the rights of the child to be heard.
- The mapping and the tools both inform the targeted recommendations for action and priority areas for further work, nationally and at European level.



These tools can be used separately or together as a toolkit:

Who's Responsible?

A Tool to Strengthen Cooperation between Actors Involved in the Protection System for Unaccompanied Migrant Children (Italy)

Local Cooperation for Unaccompanied Children

A Tool to Assess and Improve Reception Conditions (Sweden)

Standards to Ensure that Unaccompanied Migrant Children are Able to Fully Participate

A Tool to Assist Actors in Legal and Judicial Proceedings (The UK)

The Right to be Heard and Participation of Unaccompanied Children

A Tool to Support the Collection of Children's Views on Protection and Reception Services (The NL)

Working with the Unaccompanied Child

A Tool for Guardians and Other Actors Working for the Best Interest of the Child (the NL)

SCOPE OF THE MAPPING

The CONNECT mapping surveys the general legal, policy and administrative context which addresses how actors engage with the situation of unaccompanied and separated children. This includes considering what bodies of law are applicable, and what national strategies or coordination mechanisms are in place. The mapping also identified the actors typically involved, their qualifications and specialised tools, and how they may cooperate each other. Given the focus of the project on better implementation of EU legal obligations, the mapping focuses on those actors who have formal roles, particularly those with statutory responsibilities towards and professional relationships with unaccompanied migrant children, rather than informal actors who may also play an important role in the lives of these children.

It reviewed how actors respond to three priority issues, namely, (a) identifying and responding to situations of extra-vulnerability, including trafficking or trauma, (b) preventing and responding to disappearances of children from care, and (c) properly informing status protection procedures.

METHODOLOGY

The mapping explored notable aspects of the national situation through a desk study of existing literature and interviews with key stakeholders. The limited timeframe for the mapping and its relatively general scope means that the findings are illustrative of the national situation, rather than providing a comprehensive analysis. The goal of the mapping was to find opportunities and practical means for improvements across the region, highlighting how better to equip actors and help their work together. The research did not incorporate consultation with children. However the literature review did seek to examine what reports had addressed the views of children and, where possible, to identify how actors engage with children to get their views. The priority area of exploring information gathering processes also reviews how actors engage with children to understand their circumstances. In addition the CONNECT tools also seek in a variety of ways to contribute to the ability of actors to engage directly with children.

SPECIFIC FEATURES OF THE SWEDISH REPORT

It is important to highlight that this report does not aim to provide an in-depth substantiated evaluation of how Swedish actors respond to the situation of unaccompanied children. Instead, the mapping results should be regarded as indications of how the actors respond to the situation of unaccompanied children and how they work to fulfil their rights.

This mapping addressed all children, including undocumented children² and those who have not applied for asylum, but focused more on the situation of unaccompanied asylum-seeking children. More specifically, the mapping mainly looked at third country nationals and not unaccompanied children who are EU citizens, even though this group of children is addressed in relation to the issue of human trafficking.

Although informal actors, such as friends and acquaintances, can be important for unaccompanied children, this report focused on 'formal' actors who are designated by the Riksdag (Parliament) or the Government to fulfil certain tasks in the engagement with unaccompanied children. The report is based on 27 semi-structured interviews with key actors (list of interviewees in Table 1), desk research and literature review. One person was contacted via e-mail, and the facts and opinions of actors were also verified through informal telephone conversations with key actors.

Table 1: List of interviewees

agency / organisation	position(s)	no. of interviews
Reception Centres for unaccompanied children (private and municipality-run care facilities)	Staff/former staff	4
County Administrative Board	Case officer and social development manager	2
National Task Force Against Prostitution and Trafficking	National Co-ordinator	1
Non-governmental organisations	Lawyer and case officer	2
-	Guardians for unaccompanied children	3
Private healthcare sector	Counsellor	1
-	Lawyer and public counsels	3
National Bureau of Investigation	Case officer	1
Border Police	Officer	1
Police	Officer	1
Migration Board	Officials at the Child Unit	2
Migration Board	National child issues co-ordinator	1
Migration Board	National co-ordinator in child issues related to asylum	1
Swedish Association of Local Authorities and Regions (SALAR)	Representative	1
Chief Guardian of the Municipality	Case officer	1
TOTAL		28

² In Swedish law and policy undocumented children, or children without papers or children gone into hiding, generally includes children who have not applied for asylum, children who have overstayed their visas or have been given a final negative asylum decision or a Dublin decision if they are with their parents.

With regard to the limited time frame, a convenience sampling of interviewees was used, meaning that the actors were approached through familiar connections, such as personal contacts and available networks. While this gave access to interviewees, the sampling method also raised the concern of geographical representation with many of the first interviewees located in the same municipality. Snowball sampling was therefore later adopted to reduce this geographical bias, meaning that other actors were contacted and included in the report through already established contacts. Although interviewees from different municipalities were included, and literature and legal instruments were consulted, it was acknowledged that the information provided by the interviewees does not necessarily reflect the views or perspectives of all colleagues with similar work tasks.

In addition to the interviews, five separate stakeholder meetings were arranged within the CONNECT project (during the time frame of this report's writing).

Meeting	Focus of Stakeholder Meeting and Location
1	Workshop on reception practices in municipality of Gothenburg (January 2014)
2	Workshop with unaccompanied children in Gothenburg municipality (January 2014)
3	Roundtable on the themes of co-operation and identifying victims of human trafficking in Gothenburg municipality (February 2014)
4	Stakeholders' workshop on local reception practices in Lidköping municipality (April 2014)
5	Stakeholders' consultation/roundtable on report findings in Stockholm (May 2014)

The report and related issues were discussed at these meetings; the discussions and opinions of the actors who were present and consulted have influenced the content of this report.

The introduction will be followed by an overview of the Swedish context, which includes an introduction to current reception practices, an overview of relevant legislation and policy, and key actors who respond to the situations of unaccompanied children. Chapter 2 will also highlight other system features such as the co-operation and co-ordination in place between actors on national, cross-border and transnational levels, and list additional readings that address topics similar to this report's key issues.

The three subsequent chapters will be dedicated to three key issues, namely screening for extra vulnerability and indications of trafficking in human beings (hereafter human trafficking), disappearances, and status proceedings and information about the circumstances of the child. The last chapter will offer reflections on some of the key findings of the mapping.

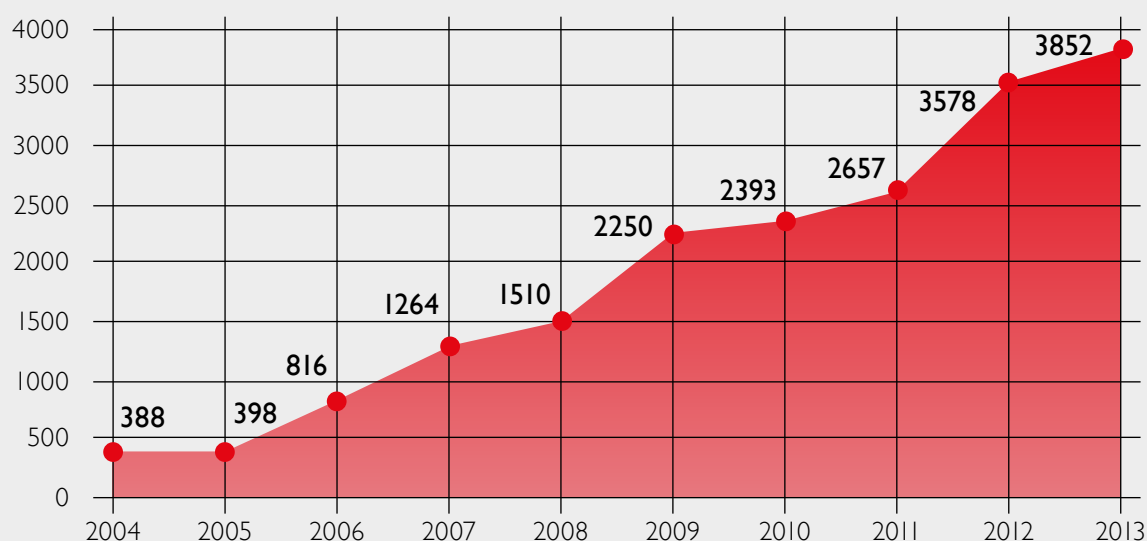
2. SETTING THE CONTEXT

In order to understand how unaccompanied children are received and protected, this chapter will provide an overview of the situation of unaccompanied children in Sweden (mainly asylum-seeking) and the relevant laws and policies. Some statistics and a brief introduction to the current reception practices and system will be presented together with a description of how key actors engage with the children. This chapter will also address important features of the Swedish system and context, such as co-operation and co-ordination between actors.

2.1 STATISTICS

Sweden has experienced annual increases in the number of applications from unaccompanied children since 2007 (Figure 1).³ In 2013 alone, Sweden received 54,259 applications among which 3,852 asylum applications concerned unaccompanied children.⁴ These statistics from 2013 make Sweden one of the largest recipients of asylum seekers in Europe, and more specifically, the largest recipient of unaccompanied children. According to the [Migration Board](#), the government agency responsible for migration issues, the prediction is that the number will continue to increase in the coming years ([Migration Board Fact Sheet 2013](#)).

Number of asylum applications from unaccompanied children 2004-2013



Source: Swedish Migration Board

The statistics from 2013 show that most of the unaccompanied children come from Afghanistan (32%) followed by Somalia (15%), Syria (9%), Eritrea (9%), and Morocco (8%). In other words, many of the children come from conflict areas and politically unstable regions. Moreover, disaggregated data show that almost 90% of these children were between 13 and 17, and only 17% of the applicants were female. These statistics are generally aligned with the data from previous years.

Based on the Migration Board's statistics of examined asylum applications from 2013, 82% (1,995)⁵ of the unaccompanied children were granted permanent residence permits by the Migration Board at the first instance in the asylum process, 21 % were granted a residence permit on refugee grounds and refugee status. The criteria for this protection status are in accordance with the definition set forth in the UN Convention Relating to the Status of Refugees – that notably also includes gender and sexual orientation as grounds for persecution.⁶ Some 54% were considered to have subsidiary protection needs, a status granted to those who are not considered refugees but who still cannot return to the country of origin because: 1) the person either risks torture, death penalty, or other inhuman or degrading treatment, or 2) the person needs protection because there is a serious risk that they will be injured in a war or other violence in the country. Consideration is also given as to whether they can return in case of a natural disaster (Chapter 4, Section 2 of the Aliens Act (2005:716)).

³ Statistics from the Migration Board – this number includes applications from unaccompanied children who later have been subject to the Dublin II/III Regulation.

⁴ *Ibid.*

⁵ This number does not include the unaccompanied children who fall under the Dublin II/III Regulation.

⁶ Chapter 4, Section 1 of the Aliens Act (2005:716) states that a person can be recognised as a refugee if they are subject to persecution and cannot obtain protection or help from the Government in the country of origin. The persecution must be as a result of the person's race (origin), national and ethnic origin, nationality, religion, political affiliation, or belonging to a certain social group, gender, or sexual orientation. Available at: <http://www.government.se/content/1/c6/06/61/22/bfb61014.pdf>

Notably, 25% of the unaccompanied children were granted permanent residence permits due to particularly distressing circumstances. This status is granted to those who are not considered to have protection needs and is based on an overall assessment of physical and psychological health, adaptation to the Swedish context, and the situation in the country of origin (Chapter 5, Section 6 of the [Aliens Act](#) (2005:716)) ([Migration Board Fact Sheet 2013](#)). In relation to the above statistics, it is worth mentioning that temporary residence permits are rarely granted. Moreover, according to the [Migration Board's recent statistics](#), the average time frame for an asylum application in April 2014 was 140 days.

2.2 LEGAL FRAMEWORK

Sweden was among the first states to sign and ratify the United Nations Convention on the Rights of the Child (UNCRC) and two of its Optional Protocols. Notably, the Third Optional Protocol has not been ratified. As an EU member state, Sweden is also obliged to apply EU legal instruments. While the European Convention on Human Rights is formally recognised in Swedish law since 1995, the UNCRC does not have such formal recognition, which has been criticised by many actors.⁷

The domestic legislation acknowledges a child to be under the age of 18.⁸

In the [concluding observations of Sweden \(2009\)](#), the UN Child Rights Committee (CRC) stated that the lack of formal recognition could have an impact on the application of the rights. In Sweden, in practice the judicial system gives the Swedish legislation precedence, and, a decision cannot solely be based on a Convention either. The CRC recommended that *"the Convention should always prevail whenever domestic law provisions are in conflict with the law enshrined in the Convention"*. Currently, the UNCRC is under review to examine if it should be incorporated into Swedish law, with the results to be presented in Spring 2015.

According to the Social Services Act (2001:453), the responsibility for all children residing in a municipality lies with the local Social Board. There are no explicit distinctions between different groups of children in this Act, meaning that all children should be supported. This is not the case in all legal instruments; child rights are integrated in different legal instruments that refer to different groups of children. Asylum-seeking children's rights are widely recognised but children without documents or legal permits, and children who disappear are, as will be further discussed in this report, not mentioned as much.

As of 1 January 2014, an amendment to the [Act \(1994:137\)](#) on the Reception of Asylum Seekers and Others stipulates that all municipalities are obliged to host unaccompanied children. The Migration Board assigns the children to municipalities and covers the child's expenses, but the municipalities have the responsibility for their daily care and for organising housing and the reception of these children. There are, however, no national guidelines on how to organise the reception in detail.⁹

⁷ To comply with the obligations enshrined in the UNCRC, Sweden adopted a transformation approach to harmonise the legislation with the UNCRC. This decision was based on an assessment, concluding that the legislation in general complied well with the UNCRC (Govt. Bill 1996/97:25, p. 244 and onwards), available at: <http://goo.gl/gwDEhn>

⁸ See definitions in the Social Services Act (2001:453); the Code Relating to Parent, Guardians and Children (1949:381); and the Criminal Code (162:700).

⁹ Housing used to be the Migration Board's responsibility but a new system was put in place because it was confusing for the children when the same actor was responsible for both deciding on the asylum application and their daily care and housing.

There are, nonetheless, laws applicable to other aspects of reception such as the [Act \(2008:344\)](#) on Health and Medical Care for Asylum Seekers and Others that entitles children to the same care as children residing in Sweden with legal permits. With support from the recent [Act \(2013:407\)](#) on Health and Medical Care for Certain Aliens who reside in Sweden without necessary permits, undocumented children and those who have disappeared of their own accord are entitled to the same care provisions covered in the above Act. Furthermore, all children also have the right of access to education, in accordance with the Education Act 2010:800, and social welfare, as outlined in the Social Services Act (2001:453).

It should be mentioned that the municipalities are willing to receive unaccompanied children to different degrees.¹⁰ Some argue that they do not have enough placements because they already receive other groups of asylum seekers and those with residence permits. Some also mentioned the difficulty of responding and building up capacity for reception without knowing how many people will be received. Such support can be requested from the County Administrative Board, if needed, and mainly concerns the accommodation situation.

In terms of accommodation options, most children are placed in reception centres that are established by the municipality or a private company. Girls, younger children, and those with special needs or disabilities can be placed in a family home, if necessary or requested. Children can also stay with family members who reside in Sweden, if considered appropriate by the Social Services.

2.3 POLICY FRAMEWORK

Over the years, Sweden has adopted a number of policies that address child rights.¹¹ The latest [Government Comment \(2013/14:91\)](#) “Measures to Strengthen the Child’s Rights and Childhood Conditions in Sweden” from the Ministry of Health and Social Affairs addresses measures to strengthen children’s rights and a chapter is dedicated to a new action plan on the protection of children against trafficking in human beings, exploitation, and sexual abuse.

Noteworthy is that this comment does not mention migrating children (regardless of legal status), not even in relation to human trafficking and exploitation in general. This is interesting considering that the Government has, in the [Government Bill 1996/97:25](#) “Swedish Migration Politics from a Global Perspective”, acknowledged unaccompanied children to be a vulnerable group. The [2013 Migration Policy](#) from the Ministry of Justice addresses issues related to asylum and includes migrating children, but does not specifically mention unaccompanied children. In interviews, actors stressed that the Ministries should strengthen their co-ordination. The fact that there is not one Ministry responsible for all aspects relating to unaccompanied children could mean that certain issues are not addressed effectively if they fall between the different Ministries’ areas of work.

The Migration Board, the agency responsible for the asylum process for unaccompanied children, has its own Child Policy (GDA 06/2011) that specifies the importance of adopting a child perspective in the assessment of the protection needs and search for a durable solution. It outlines the need for a child-sensitive approach that should be characterised by respect, knowledge of child rights and the child’s needs and development, and a work ethic that takes the child’s emotional well-being and circumstances into consideration.

¹⁰ One municipality in southern Sweden (<http://goo.gl/cWnjai>) refused to accept three unaccompanied children in January 2014. This municipality did not have a formal agreement on reception with the Migration Board prior to the amendments, but had received unaccompanied children and asylum seekers in general. Among other arguments, this municipality said that the short notice on receiving children was not enough to prepare the reception. Under these circumstances, they argued that they did not have enough capacity to provide quality care for more children. Their refusal was brought to the Health and Social Care Inspectorate (<http://goo.gl/kBxoln>) that decided that the municipality had until 23 April 2014 to assess and decide on appropriate housing for the three unaccompanied children. The municipality would otherwise be fined 500,000 SEK (about 52,000 EURO). The municipality appealed the decision to the Administrative Court, but a ruling has not yet been made.

¹¹ In 2010, the Riksdag adopted the Government Bill 2009/10:232 “Strategy to Strengthen Children’s Rights in Sweden” (<http://goo.gl/4mdqSi>). Among other things, it addresses how to protect children, combat sexual exploitation and trafficking of children and calls for improved knowledge about the child’s circumstances in order to undertake adequate measures.

2.4 ACTORS ENGAGING WITH THE CHILD

Many of the unaccompanied children arrive in one of the bigger cities such as Stockholm or Malmö, among those that are called “reception municipalities”, and a clear majority of these children apply for asylum. In order to enforce their rights and entitlements under the [Act \(1994:137\)](#) on the Reception of Asylum Seekers and Others (such as immediate housing), an asylum application must be submitted to the **Migration Board** that handles all asylum cases. There is no time limit within which an application must be submitted, but questions about any delay can arise at a later stage in the asylum process.

Noteworthy Practice:

An asylum case that concerns unaccompanied children is handled by one of the five **Child Units** at the Migration Board. All case officers in these units are required to undergo mandatory training in child rights and appropriate methods to engage with children. The interviewed case officers have said that the course is extensive and adequate to perform the job, but the issue is that there is not always time to go to all of the trainings.

In legal terms, a child cannot apply for asylum on their own, although the current system allows the registration of a child’s asylum application because a **guardian** is not appointed immediately upon arrival. All unaccompanied children are nevertheless entitled to a guardian who is not a professional but a person who is reimbursed for protecting the child’s rights in both legal and financial terms and for acting on behalf of the child’s best interests.

All unaccompanied children who claim to be under the age of 18 will be treated as such initially, given that age assessments are not conducted at the beginning of the asylum process. Once the asylum application has been registered, the Migration Board systematically sends a formal request to the **Chief Guardian of the Municipality** to appoint a guardian to an unaccompanied child. Guardians can also be appointed to children who have disappeared of their own accord, and these requests come from the **Social Services**.

The Migration Board also appoints a **public counsel** to the child as soon as possible after the asylum registration.¹² The counsel works on behalf of the child and this service is subsidised by the State. Although it is the guardian’s responsibility to confirm an asylum application, a recurring practice is that the public counsel confirms the child’s asylum application within 48 hours after having been appointed (the steps in the asylum process will be presented and discussed in Chapter 5). This is because the child is often appointed a public counsel before a guardian.

2.5 AGENCIES, AUTHORITIES AND ORGANISATIONS

In Sweden, the [Riksdag](#) (the national legislature and decision-making body) and the [Government](#) (the executive authority) are the highest governing bodies that carry out the adoption and amendments of all laws. The Riksdag and the Government can, however, exercise general control by issuing directives and ordinances. Policies on the application of laws related to asylum and migration are mainly issued by the [Ministry of Justice](#), with the [Migration Board](#), the actor responsible for all issues related to migration and asylum, implementing the laws and policies.

¹² Public counsels are not appointed to unaccompanied children if it is confirmed that Sweden is not the responsible Member State to examine the asylum application under the Dublin III Regulation, <http://goo.gl/XnJ2mV>

Issues related to health and social services, and the protection of children can be decided on three separate levels. The [Ministry of Health and Social Affairs](#) decides on policies regarding these issues on the national level and there is also a specific Minister for Children and the Elderly. The 20 [County Councils](#) have the principal responsibility for health and medical services on the regional level. The [National Board of Health and Welfare](#) is another key actor at this level as it establishes policies, guidelines, and manuals on the provision of services and ensures coherent practice. The decision-making at local level involves 290 municipalities where the Social Services are responsible for the actual provision of social services. If the child has been granted a residence permit, support is provided by the Social Services until they turn 21.

The [County Administrative Board](#)'s role is to ensure and monitor that decisions made by the Riksdag and the Government are implemented at regional and local levels while also taking the municipalities' situations and resources into consideration. The County Administrative Boards can also be entrusted with national co-ordinating mandates (read more under Section 2.8) and, as mentioned above, assist the municipalities with capacity building and preparations to receive unaccompanied children.

Another actor that often takes on the co-ordination role is the [Swedish Association of Local Authorities and Regions](#) (SALAR). SALAR is, however, not a government agency; it is a member organisation for municipalities, county councils and regions and its vision is to develop the welfare of its members and its services.

The [National Police Board](#) is the central administrative and supervisory authority of the Police Service. It is also the national rapporteur in issues related to human trafficking. Its specific role is to gather information about the scope of the crime, analyse the situation, provide recommendations on how to prevent and combat the crime, and present the results in an annual report. The Board also monitors the Police's capacity to investigate these crimes.

The [National Bureau of Investigation](#) is the agency that specifically focuses on serious organised crime, such as human trafficking, and international co-operation and crisis management related to crimes. Its tasks often complement the work of the [Police](#), who are always notified when a crime has taken place and have the mandate to search for missing children. The Police are also obliged to investigate whether there are suspicions of a crime or a suicide risk when a child disappears or is missing. A third important police authority is the **Border Police** who are responsible for safeguarding the borders and for carrying out expulsion orders if the Migration Board has forwarded the case. Their mandate includes the expulsion of unaccompanied children, but the Migration Board has the responsibility to ensure proper reception of the child in the country of origin.

Although the Migration Board, staff at the reception centre, public counsel and the guardian can provide information about the asylum process, they may not always find time to make sure that all information is provided and understood. If needed, a child can ask for legal information and support in the asylum process from the [Swedish Red Cross](#) and the [Swedish Refugee Advice Centre](#). Among many other NGOs, [Save the Children Sweden](#) and the [Swedish Red Cross Youth](#) arrange activities that can support and help children and young migrants during their asylum application.

If the child has lost contact with family members as a result of war, conflict or natural disaster, the Swedish Red Cross can also assist with a tracing request. This process can only be initiated upon request by the child and consent from the guardian is needed, it cannot be initiated if requested by the guardian or other actors.

It is important to note that recently a [number of organisations](#) have been established consisting of unaccompanied children and former unaccompanied children. They express their views by participating in policy discussions, through advocacy work, and hosting and organising their own conferences.

2.6 QUALIFICATIONS AND TRAINING REQUIREMENTS

There are many actors involved in the reception and protection of unaccompanied children. It is notable that the existing legal framework mentions them, but is not consistently explicit in what their specific roles, responsibilities, and mandates are, or what the requirements for qualifications and trainings should be. Worth highlighting is that no actors interviewed were required to have qualifications and/or trainings in asylum law or child rights before starting their positions.

Guardians are an important actor for the unaccompanied children. The Chief Guardian of the Municipality is responsible for assessing the guardian's appropriateness in accordance with the [Act \(2005:429\) on Guardian for Unaccompanied Children](#). Although this Act specifically addresses guardians, it does not specify what qualifications they should have, instead, it refers to Chapter 11, Section 12 and 13 of the [Code on Parents and Children \(1949:381\)](#) which states that a person who is honest, has relevant experience and is an eligible person can be appointed as a guardian. The Chief Guardian is also obliged to pay particular attention to the child's precarious situation when choosing a guardian.

It should be noted that the organisation of the Chief Guardian offices varies between municipalities. Some larger municipalities have an office with several specialised employees that handle cases concerning unaccompanied children, in other municipalities, there is only one politically appointed Chief Guardian working on a part-time basis.

As a result of the different municipal structures and staff resources, there are differences in the trainings offered to guardians. Two guardians from different municipalities said that they had only been recommended to read a book that did not adequately prepare them for their roles and responsibilities.

Noteworthy Practice:

Some municipalities offer trainings and mentorship programmes to guardians, some even reimburse the guardians for their participation and say that it is mandatory to attend these trainings in order to be assigned unaccompanied children.¹³ One of these examples is found in the [municipality of Gothenburg](#) that has a well-functioning and well-structured system for training guardians. Their training is a 24-hour course spread out over six weeks and representatives from the municipality, Save the Children and [Folkuniversitetet](#)¹⁴ offer and take part in the training.

The themes covered in the training are:

- Description of the assignment as a guardian for unaccompanied children
- The Convention on the Rights of the Child – the children's rights
- The reactions and needs of children and youth people in case of crisis and trauma
- The responsibility of the Social Services regarding unaccompanied children
- The asylum process and the role of the Migration Board in the reception of unaccompanied children
- What are the protocols set in place for unaccompanied children regarding education and health care provisions?

¹³ It should be mentioned that SALAR has developed a training module (<http://goo.gl/yQl2K8>) together with the Migration Board and other actors on the roles of the guardians that can be used by actors, such as the municipalities. This is not an assigned task, as SALAR is not a government authority, but it has, among other reasons, been developed as a response to the expressed needs from the guardians.

¹⁴ Folkuniversitetet is an adult education association.

Trainings, in general, are important because there are no work methodologies or national guidelines for guardians. As a result of this, many of the guardians have raised the issue of having too many children under their care. A case officer at the Chief Guardian of the Municipality said that their limit is 15 children per guardian. All of the children are not asylum seekers who require more attention and ad hoc meetings, but the interviewees raised this as a concern because too many children can affect the quality of the work. An additional problem is that there is not one national common database for Chief guardians and therefore there is no way of knowing if a guardian has assignments in several municipalities.

As pointed out by one of the guardians, the trainings are also important because *“not knowing their [children’s] rights makes it hard to know what to claim for them”*. It is, therefore, commended that there is currently a proposal for [new legislation](#) to the Council on Legislation for consideration that suggests that all Chief Guardians of the Municipalities should offer relevant training for guardians.

Another actor that works closely with the child is the public counsel. The lack of formal requirements specifically for public counsels to work with, and on behalf of, unaccompanied children is of particular concern among some of the interviewees. The current system includes all lawyers who want to be appointed to asylum cases. One public counsel pointed out that room for specialisation among those who have competence and training in asylum and migration issues and child rights is compromised by the system because they are appointed too few cases per year. She questioned it by asking: Who is the system for? Public counsels or for the asylum-seeker? The risk she identifies is that public counsels will not have the incentive or motivation to participate in trainings to improve their knowledge in children’s rights.

Some actors offer their own trainings to ensure the level of knowledge of children’s rights. The Migration Board, for example, arranges internal trainings for its staff. Trainings in child rights and other child-related issues are only mandatory for the officials at the Child Units. The interviewed officials at these units said that the trainings were quite extensive in terms of issues addressed and that they are adequate to perform the tasks in a qualified manner. These mandatory trainings are acknowledged as good practices given that there are no statutory regulations explicitly stating what formal competencies the decision-makers at the Migration Board should have (Sandesjö 2013:83). One general reference is found in Section 8 of the [Agencies and Institutes Ordinance \(2007:515\)](#) stating that employees who work with children are well acquainted with the goals of the work and that the agency should make use of their competencies. However, it must be said that the trainings do not necessarily result in more child-sensitive practices.

In general, though, there are no specific requirements for any actor to have qualifications or training in migration issues and/or asylum law. Guidelines from the National Board of Health and Welfare ([SOSFS 2006:14](#)) only state that staff at the Social Services who work with children should possess competence in child rights, but it is not a requirement. There is however a guidance: [“The Social services work with unaccompanied children and youth”](#), that was published by the National Board of Health and Welfare in 2013, for social workers and other actors on how to respond to unaccompanied children. The guidance defines roles, responsibilities and an ethical and professional treatment of unaccompanied children.

2.7 MONITORING AND COMPLAINTS MECHANISMS

Given the number of actors engaged in the lives of unaccompanied children, it is worth addressing some of the monitoring and complaints mechanisms in place. All actors (including the courts of law and the administrative courts) that are assigned tasks by the Government and the Riksdag are monitored by the [Parliamentary Ombudsman](#). This Ombudsman ensures that the agencies' practices comply with the laws and other statutes and examines individual complaints; the person who files a complaint does not have to be a Swedish citizen nor have reached a certain age.

Monitoring of the reception centres' (both municipality and privately-run) and the guardians' support of the unaccompanied children is conducted by the [Health and Social Care Inspectorate](#) and the Chief Guardian of the Municipality, respectively. The Inspectorate monitors by performing scheduled and unscheduled visits to the centres and has the mandate to penalise for not complying with the law. The concern that has been raised by the interviewed social workers is the lack of, or inadequate, efforts to assess the appropriateness of the family members who take over responsibility to care for the unaccompanied children. In comparison to children who stay at local reception centres, this form of placement at family members' homes makes it difficult to monitor the child's welfare on a daily basis.

If an asylum seeker has complaints about how they have been treated by staff at the Migration Board, complaints can be sent to the Migration Board's own [Applicant's Ombudsman](#). This ombudsman does not, however, examine complaints that concern the assessment, decision, or appeals of individual cases. Such issues should be addressed in the appeals to the Migration Court or the Migration Court of Appeal.

If a child with disabilities does not receive adequate support from the municipality, the complaints can be filed with the [Equality Ombudsman](#). This ombudsman looks into individual cases that concern discrimination on the grounds of sex, transgender identity or gender expression, ethnicity, religion or other belief, disability, sexual orientation or age. However, all cases are not reviewed; there must be a probable case. The [Ombudsman for Children](#) is tasked with monitoring how the actors' work complies with the UNCRC in general, meaning that no individual complaints are reviewed.

The Migration Board is responsible for assessing the public counsels' suitability. The Migration Board can of its own accord informally list a public counsel as unfit to represent asylum seekers or children, based on their own or asylum seekers' experiences, but according to an [evaluation from 2012](#) performed by the Government's Survey Support, this rarely happens. It is also rare that unaccompanied children make use of the right to request a specific public counsel because of the lack of knowledge of those who have adequate qualifications and/or training. And, although it is within their rights to ask to change their public counsel, this is rarely granted by the Migration Board.

The [CRC concluding recommendations](#) from 2009 states: "The Committee notes with appreciation the many activities undertaken by the Children's Ombudsman for the implementation of children's rights. However, the Committee is concerned that children cannot address their individual complaints to the Ombudsman and it is also concerned that the Ombudsman's role needs to be clearly independent from the Government, in accordance with the Paris Principles."

Further, it is also recommended that the State party "ensure adequate supervision and monitoring of the situation of children placed in foster homes or institutions, including private alternative care or homes for care and residence" and "take the necessary measures to ensure the provision of effective, well-known, independent and impartial complaint mechanisms for children without parental care".

2.8 CO-OPERATION AND CO-ORDINATION BETWEEN ACTORS

Regarding the fact that government authorities enjoy a high level of autonomy and as each actor has their own work practice that is not systematically shared with others due to the [Information and Secrecy Law \(2009:400\)](#), many of the interviewees have expressed the need for structuring co-operation and co-ordination on different levels. An interviewee from the County Administrative Board shared that these features make it challenging even at Ministry level because they focus on separate aspects related to unaccompanied children and do not necessarily share the same view on how to work with the issues. The representative said that the chain of response to the situation of unaccompanied children is then incomplete. He also added that, as there is a Minister for Children and the Elderly, many other Ministers put all issues related to children on her, without considering how they can contribute to the work and improve the welfare of unaccompanied children and their rights. Other agency representatives have also stressed the need for ministerial coordination.

A representative from the Ministry of Justice confirmed that there are no formal structured forums for co-operation between the Ministries, but said that there are, at least, close contacts between them; they discuss issues regularly, meet on an ad hoc and informal basis, and also co-operate when preparing proposals on amendments and policies.

There is a semi-formal, but rather stable coordination group, focusing on unaccompanied children, which includes the [Swedish Association of Local Authorities and Regions \(SALAR\)](#), the Migration Board, the County Administrative Boards, National Board of Health and Welfare and other actors, depending on the need. The Migration Board also supports informal internal national co-operation between its units to discuss issues related to children and to promote consistent practice.

The Government commissioned the County Administrative Board of Stockholm to act in the national co-ordinating role to strengthen co-operation between actors.¹⁵ Under its direction, the [Task Force Against Prostitution and Trafficking](#) serves as a strategic resource and consists of representatives from Police authorities, the Social Services, the National Police Board, the National Bureau of Investigation, the Swedish Prosecution Authority, and the Migration Board. The County Administrative Board of Stockholm has also recently been assigned the task of co-ordinating the work against the trafficking and exploitation of children and it can be expected that more actors will become involved in the structured co-operation.

Assigning a specific actor with the national co-ordinating task in human trafficking issues has been mentioned as a good practice by many of the interviewees, but a recent review of this specific task highlighted that there are areas for improvement. Among others, it pointed out that the County Administrative Board of Stockholm has not yet succeeded in formalising co-operation nor established forums for engagement and co-operation among members with greater decision-making power. If these aspects were to be realised, they could provide the co-operation and co-ordination with a higher status and increase its legitimacy.

Although the child focus is to be welcomed, the National Co-ordinator of the Task Force expressed concern about not having enough time for the operational work since the task must be finalised by the end of March 2015. It will be important to co-operate with other actors, including NGOs, to ensure that most aspects are taken into consideration. It is not clear whether the specific child focus will remain after the deadline. Worth mentioning here, as a potential good practice, is that a transnational referral mechanism is being developed, so that co-operation will be formalised to better meet the needs of unaccompanied trafficked children (more details about this mechanism in Chapter 4).

¹⁵ The task first focused on trafficking for sexual purposes, but since 2013 it addresses all aspects of human trafficking.

Other actors that have developed their own networks at a national level are the [National Association for Volunteering Social Workers](#), an umbrella organisation that facilitates guardians to form their own local and regional networks. The [Platform for Civil Society in Sweden against Human Trafficking](#) involves 18 actors, mainly NGOs that, among other things, work to improve co-ordination and co-operation between actors.

At local and regional organisational levels, the interviewees said that co-operation and co-ordination seem to take place on an ad hoc and case-by-case basis or when there is a specific issue to discuss in general. One social worker stated that colleagues in nearby municipalities try to informally meet two to four times a year to share experiences, but said that it is challenging to maintain the meetings due to time pressures with the number of unaccompanied children arriving in Sweden.

Many NGOs also take the informal role to convene actors to discuss issues related to unaccompanied children at different organisational levels. Co-operation is established without formal requirements and most often motivated by the interests of different actors. One guardian explained that some guardians in her municipality convene to share knowledge and experiences because of the lack of national guidelines to perform the role of guardian. One reception centre staff member reflected on the reason why there are not many structured networks at regional and local level between actors in general, and concluded that the size of the municipality may impact on co-operation – working in a smaller municipality might be an advantage since the actors may work more closely and be known to each other.

Regardless of organisational level, most interviewees said that the success factor in co-operation is that committed people are involved and that they want what is best for the child. The representative from SALAR also added that it is important to include representatives with decision-making power who can implement the decisions. The vulnerability is, however, that it can be difficult to maintain co-operation when individuals leave the co-ordination group, and this is a strong argument to formalise and structure co-operation.

2.9 CROSS-BORDER AND TRANSNATIONAL CO-OPERATION

Currently, there are few formal cross-border or transnational co-operation mechanisms in place and existing co-operation is mainly based on projects and time-limited commissions. The County Administrative Board of Stockholm, for instance, co-operates with the International Organisation for Migration on the issue of human trafficking and addresses the support in the return process that is within the scope of the Board's work. The Board also engages with the International Centre for Migration Policy Development with the purpose of creating a model for systematic support to victims of human trafficking (more about this referral mechanism in Chapter 3).

One exception is the [Council of the Baltic Sea States](#) (CBSS), a 20-year old regional inter-governmental co-operation between countries in the Baltic Sea Region.¹⁶ Among others, the CBSS addresses the situation of unaccompanied and trafficked children through an [Expert Group for Co-operation on Children at Risk](#). This Expert Group has set up the Children's Unit within the CBSS International Secretariat and created a special regional framework for co-operation on children's rights and child protection.

In response to the increasing number of applications concerning unaccompanied children, the [European Return Platform for Unaccompanied Minors](#) (ERPUM) was established by the Migration Board to increase efforts to facilitate the return of unaccompanied children who have received a negative decision

¹⁶ The member states today are Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia and Sweden. It also includes the European Commission.

in the asylum process. The project also focuses on the search for parents and reception of these children in the country of origin. The Migration Board collaborates with colleagues in the United Kingdom, the Netherlands and Norway, and has established co-operation with governments and NGOs in Afghanistan, Iraq and Morocco. This project has been criticised because it has not, to the interviewees' knowledge, led to any positive outcomes and its objectives and purpose have also been questioned. The project results will be presented in a final report due in June 2014.

2.10 REPORTS

A selection of recent reports relating to unaccompanied children:

Stretmo, Live and Melander, Charlotte (2013)

Får jag vara med? Erfarenheter från ensamkommande barn och ungdomar i Göteborgsregionen och arbetet med denna grupp, available at: <http://goo.gl/xPF2MF>

May I join? Experiences from unaccompanied children and young people in the Gothenburg region and the work with this group, FoU i Väst/GR (Research and Development Unit West/GR)

A mapping of how unaccompanied children and young people experienced the asylum process, what needs they had/have, and how they live after a decision in the asylum application. The mapping also highlights the children's experiences of meetings with different actors such as the Social Services, school and healthcare providers, among others.

The Council of the Baltic Sea States, the Child Centre and the Expert Group for Co-operation on Children at Risk (2013)

Children trafficked for exploitation in begging and criminality: A challenge for law enforcement and child protection, available at: <http://goo.gl/oIR8op>

Aims to develop recommendations on how co-operation among child protection services and law enforcement agencies can be strengthened to better respond to, and prevent, the exploitation of children in begging and criminal activities.

Länsstyrelsen i Stockholms län (County Administrative Board of Stockholm) (2012)

Barn utsatta för människohandel: En nationell kartläggning, available at: <http://goo.gl/lrcW6M>

Children subject to trafficking in human beings: a national mapping

A national mapping of children who are, or risk being, subject to trafficking in human beings. The aim is to provide an overview of the shortcomings and recommend how to work to protect and support these children.

UNICEF (2013)

Flykten slutar här: ett studiematerial om barn på flykt och om mottagande i Sverige och EU; The flight ends here: a study guide on children who flee and their reception in Sweden and the EU

This report focuses on the reception of unaccompanied children in Sweden and Europe. The assessment is on whether Sweden and the EU live up to their obligations under international treaties.

FoU Nordväst, FoU Nordost, FoU Södertorn and EU (Research and Development Unit North West, Research and Development Unit North East, Research and Development Unit Södertorn and EU) (2012)

Ensam och flyktbarn: barnet och socialtjänsten om den första tiden i Sverige; Alone and a refugee child: the child and the Social Services about the first period in Sweden

Åsa Backlund, Riita Eriksson, Katarina von Greiff and Eva-Marie Åkerlund

Focuses on how the Swedish municipalities receive unaccompanied children and sheds light on the child's views of their experiences as a newly arrived asylum seeker in Sweden.

Socialstyrelsen (National Board of Health and Welfare) (2013)

Tillsynsrapport 2013: Hälso- och sjukvård och socialtjänst, available at: <http://goo.gl/iR4aOc>

Monitoring report 2013: Healthcare and Social Services

Presents results from the monitoring of how actors ensure the rights of the child, including unaccompanied children, in terms of accommodation, schooling and healthcare, among others. Also presents results from interviews with the children.

Reports reflecting children's views:

<p>Sveriges Kommuner och Landsting (Swedish Association of Local Authorities and Regions) (2014) <i>Röster från ensamkommande barn: ett projekt med samverkansperspektiv</i>, available at: http://goo.gl/DL6F36 Voices of unaccompanied children: a project with a co-operation perspective</p>	<p>Captures the voices and experiences of unaccompanied children.</p>
<p>Lundberg, Anna and Dahlquist, Lisa (2012) <i>Unaccompanied children seeking asylum in Sweden: Living conditions from a child-centred perspective</i>, available at: http://goo.gl/TK98cd in Refugee Survey Quarterly</p>	<p>Describes the unaccompanied children's own views and experiences with the Swedish reception system. The children were asked to identify and describe their own situation, their experiences, perceptions, and hopes.</p>
<p>UNHCR (2010) <i>Voices of Afghan children: a study on asylum-seeking children in Sweden</i>, available at: http://goo.gl/l636ll</p>	<p>Provides information about Afghani children who arrive in Sweden and aims to increase the knowledge and understanding of the problems the children face in countries of origin, transit, and destination.</p>

3. RESPONDING TO EXTRA VULNERABILITY AND INDICATIONS OF HUMAN TRAFFICKING

The first key issue of this report addresses extra vulnerability and indications of human trafficking. These are important aspects because children who arrive in Sweden may have been through traumatic experiences on their journey, so it is of benefit to examine how actors screen for indications of extra vulnerability and human trafficking, and what their responses are where such circumstances are identified.

3.1 SCREENING AND RESPONSES TO INDICATIONS OF EXTRA VULNERABILITY

Extra vulnerabilities can be more easily screened if the signs are noticeable or are explicitly expressed. It is not so easy to detect if the vulnerabilities are subtle, experienced on a subjective level, or when the child is uncomfortable sharing such personal information. There is no national standard legal definition of what an extra vulnerability can be; a definition could narrow down the scope of screening too much. In order to examine the needs for additional support, the actors must be attentive to the child's past and current experiences, and emotional well-being. Since the majority of unaccompanied children apply for asylum, the screenings are mainly carried out during meetings related to the asylum procedures, where the actors aim to examine all circumstances of the unaccompanied child.

SOCIAL SERVICES

Unaccompanied children meet social workers from local Social services throughout the asylum process and while in care until they turn 21. Meetings often take place with the child and their guardian only, but if the child is placed in a reception centre, some of the meetings may also include the Head of Unit and/or the contact person at the reception centre to discuss the child's needs. One of the main tools used by social workers is the BBIC system (Barnets Behov i Centrum - *The Child's Needs in Focus*), as it is used by almost all municipalities to systematically screen, document, and respond to the child's circumstances and needs.

Noteworthy Practice:

BBIC is based on the English system, 'Integrated Children's System'. BBIC aims to enhance the child's means of participation and strengthen the child perspective. It also aims to bring about a more coherent national case management practice. Currently, its use requires training and a licence provided by the National Board of Health and Welfare.

A social worker explained that during the meeting with the child special attention is paid to certain aspects of the child's life, such as if there have been problems in the family or during childhood; absence from school; lack of family; experiences of war/conflict; the loss of parent(s) at an early age; poor networks or bad influence from friends; suspicions of drug abuse; and if they have waited a long time for an asylum decision. Regardless if extra vulnerabilities have been identified, the result of the meetings with the child is a care plan that includes goals that the social worker and the child have drawn up. The care plan is then revised every six months and submitted to the local Social Board that monitors on-going work with the child.

If the screening shows that a child is in need of support from the healthcare sector, contacts are made to provide such service. Also, typically, a child or the guardian can oppose the housing decision that is made by the local Social Services, but if concluded that the child is a threat to themselves, the [Act \(1990:52\)](#) on Care of Young Persons mandates the Social Services to relocate the child to any type of housing. Only a decision made under this Act allows the Social Services to restrict the child's freedom if it is deemed dangerous or risky for the child to be housed otherwise. The decision on relocation often concerns children with drug problems, nomadic lifestyle, or when involved in, or affected, by criminal acts.

Other impressions are those of a guardian who said that social workers ask good questions, but added that it can be difficult for children to speak of their circumstances. A staff member at the reception centre said that BBIC is a useful tool but one must be trained and certified to use it, and there is also the risk of not using it properly because it covers so many aspects. It has been pointed out that it is not only important that the social workers use the system, it is also important that the directors at the centres use the tool to monitor and follow up on the child's needs.

Relevant to note is that not all municipalities interpret the Social Services Act (2001:453) as covering all groups of children in practice, but almost all respond to the interests and needs of asylum-seeking children. As the only municipality to date, Malmö has made the formal decision to respond to all children residing in the municipality, including undocumented children and children who have disappeared of their own accord, and provide financial support if deemed necessary. Other municipalities also provide social and financial support to varying degrees if considered necessary, but this is rather the exception than the rule.

RECEPTION CENTER STAFF

Most unaccompanied children stay at reception centres where they have their own contact people among the staff who are meant to care for the children's daily needs and focus on their well-being. It is also their responsibility, together with the child, to establish an action plan to reach the goals of the care plan. All of the interviewed staff, however, said that they had not undergone specific training in order to work at the centres. As mentioned previously, many of them did not feel equipped with sufficient knowledge to screen for extra vulnerabilities, instead relying on the children to express their needs for additional support or noticing visible expressions or feelings, before contacting other actors for support.

With regard to the high number of children residing at some of the centres, staff also mentioned that it was difficult to pay equal attention to all children. Children who make the most noise or are most visibly sad are likely to receive more attention, while those who are introverted or quiet risk "*going under the radar*" and not receiving the attention or support that they might need. One anticipated result of the municipalities now being obliged to receive unaccompanied children is a decrease in the number of children in the centres where previously many used to stay, with the staff more likely to be able to pay more equal attention to all of the children.

Staff and social workers who were interviewed mentioned the issue of replacements. There are different types of housing and facilities provided to unaccompanied children depending on status. The child is often first placed in a transit centre waiting for placement in a different municipality, then in an asylum facility, a permanent residency facility and sometimes municipalities also provide semi-independent housing before leaving care. One social worker consulted at a stakeholders meeting mentioned an example of a child, who had moved 7 times while in care. One reception centre staff also mentioned this as an area of improvement and suggested "*what if the staff went with the child*", this due to the fact that personal sustainable relationships are very important for the wellbeing of the child.

HEALTHCARE SERVICES

All unaccompanied children undergo a health screening at the local healthcare facility at the beginning of the asylum process. If the child is in need of additional health, medical and dental care, all children regardless of status are entitled to the same full and free access as children who reside in Sweden with permits in accordance with the [Act \(2008:344\)](#) on Health and Medical Care for Asylum Seekers and Others, with the County Council subsidising these services. It is, however, worth repeating that some guardians have expressed concern that not all staff at these services are aware of this right, which makes it difficult to claim it for the child. One good practice is that children have access to care at the Child and Adolescent Psychiatric Services. In certain municipalities, there are also specialised units that focus on psychological support specifically related to trauma from torture or war.¹⁷

Screenings for extra vulnerabilities by the healthcare sector are important. Some actors are, however, concerned that the child's best interest is not always considered. A staff member at a reception centre said that the first screening is superficial; it is only one check-up and not thorough so that "invisible" disabil-

¹⁷ For example in the county of Skåne, TKT- teamet för krigs- och tortyrskadade- team for war and torture trauma, <http://goo.gl/88TbKb>

ities, such as dyslexia, may not be further investigated even though the child has mentioned it or if the health staff has found or suspected such disability. When the same staff member contacted the healthcare, she was told that such investigations take a long time and that it cannot be done during the asylum process that may be shorter. As mentioned by an interviewed health worker, education is important for children as it provides a normal routine. When the schooling does not work, other aspects of the child's life may become complicated, so it was of concern that there was no response to the child's dyslexia. It is also noteworthy that the asylum process influenced a health investigation about a disability; in the sense that they are separate processes.

All interviewees have commended the psychological support services because they are very important and necessary for children who have been through trauma. Some guardians, however, said that there is a long waiting list to get help from these services and that the child must be very ill to receive help. It is not certain that all children in need are offered such psychological care.

THE MIGRATION BOARD

As previously mentioned, a guardian and public counsel are not appointed immediately upon arrival. Children who may be extra vulnerable therefore sometimes meet the Migration Board on their own at some of the meetings and an unaccompanied child often meets the Migration Board three separate times. The first meeting is about registering the asylum application, but officials are also meant to pay attention to whether there are any extra vulnerabilities to consider. The second meeting is held at the Reception Unit. A public counsel mentioned that he has accompanied children to this meeting with the Migration Board, when a guardian has not yet been appointed, to support and ensure the fulfilment of the child's rights even though it is not within the counsel's mandate and is an unpaid task. The reason why the counsel's presence is of relevance is because all asylum seekers are briefly asked about issues such as their family and identity, the route to Sweden, educational background, and their social and financial situation. Questions also address their health and if there are special needs to consider.

The third meeting is an asylum interview that explores both reasons for asylum and particularly distressing circumstances. The Migration Board is obliged to screen for these and there are methodologies to use (described in the previous chapter), but a public counsel said that there is not enough time allowed for such assessments. The public counsel or guardian who engages with the child more frequently instead usually presents the circumstances. The information is then considered in relation to the assessment of protection needs and particularly distressing circumstances (more in Chapter 5). After these meetings with the child, there are very few opportunities for the Migration Board to respond to special needs and vulnerabilities. It also relies on other actors, such as the public counsel and guardian, to do continuous screening and provide the information if such circumstances should be taken into account.

The Migration Board is currently developing an action plan on children in extra vulnerable situations, where unaccompanied children is one target group among others. They are currently going through cases to identify where and how the agency can strengthen their work. Strengthened co-operation with the Social services is one area of improvement according to a Migration Board representative consulted.

3.3 LEGAL AND POLICY BACKGROUND TO HUMAN TRAFFICKING

If actors come across a child who they suspect has been or risks being trafficked, it must be reported to the local Social Services according to the [Social Services Act \(2001:453\)](#). The Social Services are then responsible for providing immediate assistance (more details below). All actors must also report any suspicions to the local Police. Under these circumstances, confidentiality is no longer upheld with support from Chapter 10, Sections 21-24 of the [Information and Secrecy Law \(2009:400\)](#). These procedures apply to all children, not only asylum-seeking children.

The domestic legal definition of human trafficking is found in Chapter 4 of the Penal Code. Since 2002, it is defined as a criminal offence but the definition only addressed trafficking for sexual purposes at first. Amendments were made in 2004 to prohibit all forms of trafficking. The law is now applicable to anyone who, by means of unlawful coercion, deceit, exploitation of a person's vulnerable situation or any other such improper means, recruits, transports, transfers, accommodates or receives another person, in order for the person to be exploited for sexual purposes, removal of organs, active military service, forced labour or some other purpose in a situation involving distress for the victim.¹⁸ If convicted, a trafficker can be sentenced from two to a maximum of ten years in prison. In 2010, the control requirement was removed so that the victim no longer has to prove that they were controlled during the crime.

Moreover, the law has special provisions for victims under the age of 18; a child is a victim of human trafficking regardless of the child's consent and also when no "illicit means", such as force or coercion, has been used to traffic and exploit the child.

The Government has also launched a number of action plans over the years, such as the 2010 Action Plan for combatting prostitution and trafficking for sexual purposes that focused on greater protection and support to people at risk. Emphasis was placed, on preventive work, higher standards and greater efficiency in the justice system, increased national and international co-operation, and the need for higher levels of knowledge and awareness.

The latest Action Plan covers 2014-2015 and includes exploitation of children in begging and criminal activities (see [Govt. Comm. 2013/14:91](#) Measures to Strengthen Children's Rights and Childhood Conditions in Sweden). While many actors welcome the development of a new action plan, some have at the same time criticised it for the lack of a long-term strategy. Organisations such as [ECPAT](#) criticise the Government for not adopting a holistic view or including specific measures targeting the demand, which is the driving force and prerequisite, for the existence of commercial sexual exploitation of children.

Sweden was among the first EU Member States to transpose the EU Directive 2011/36/EU on Trafficking in Human Beings into national legislation. This Directive calls for national mechanisms for early identification and assistance to the victim that involves co-operation between law enforcement, civil society organisations, medical and psychological support, and providers of shelters, among others. It also calls for the provision of support to the victim as soon as there is indication that the person has been trafficked and that assistance is provided before, during, and after the criminal proceedings.

To date, Sweden does not have a national referral mechanism for identifying victims of human trafficking. In co-operation with the International Centre for Migration Policy Development (ICMPD), the County Administration Board of Stockholm and the National Task Force has, however, developed a project that

¹⁸ The law also forbids Swedish citizens to travel to another country and sexually abuse or exploit a child. The person can, under such circumstances, be convicted in Sweden of a crime committed outside its borders.

aims to create a transnational referral mechanism with a victim-centred and multi-agency approach. This transnational mechanism will be developed during Autumn 2014 and could formally ensure that victims receive the appropriate protection and support. Moreover, it could help centralise the knowledge that will provide a better picture of the scope of human trafficking in Sweden.

However, the project with the ICMPD ends in December 2014 with the child focus ending in May 2015, and the Action Plan for 2014-2015 is also time-limited. According to a representative from the National Task Force, there is commitment to the issue of human trafficking – the only concern is that there is no national actor who permanently “owns” the issue, so far there have been only temporary commissions. ECPAT’s criticism is that there is a need for a more cohesive, holistic approach and long-term commitment to the issue of human trafficking.

The Migration Board has been given an assignment by the Ministry of Justice to report, in the annual report of 2014, what measures have been taken to identify cases of child trafficking as well as to report on how co-operation with other relevant actors takes place.

3.4 CONTEXT IN NUMBERS

As stated in the last [annual report](#) from the National Police Board, it is difficult to know with certainty how many people were victims of human trafficking in 2012; it is presumed that there are many more cases than those reported to the Police or in other actors’ reports.

Statistics on children from a mapping conducted by the County Administrative Board of Stockholm in [2012](#) reveal that 166 children were registered as possible victims of trafficking in human beings between 2009 and 2011.¹⁹ Sexual exploitation was among the reasons for exploitation as well as other reasons for trafficking, such as child labour, begging, and theft. Most of the suspected cases involved unaccompanied children between 3 and 17 years. Only 12 children were accompanied by an adult being their parent or caregiver. The report also reveals that as many as nearly half of the children concerned had disappeared without the Social Services knowing where they had gone. Unaccompanied asylum-seeking children constituted 31 percent of the suspected cases, of which 17 were girls and 15 were boys.

In the European Migration Network Sweden (EMN) [report \(2013b\)](#), the Migration Board had 48 cases in which presumed trafficking in human beings was detected in 2012 and almost all cases concerned trafficking for sexual purposes. These statistics do not, however, provide information on how many of the victims were children.

Despite the statistics, there are not many convictions related to human trafficking. One plausible explanation provided by the interviewees is the overlapping aspects of human trafficking and the purchase of sexual services. Since 1999, Swedish law forbids the buyer from purchasing sex but does not criminalise the person who sells it. This “model” has been praised by many other EU Member States as it aims to make Sweden an unattractive market for traffickers. However, many of the interviewees are concerned that this law has caused challenges for many people who must prove that they have been victims of human trafficking; instead, they are assumed to have sold sex and are not considered to be victims of human trafficking as such.

In 2012, there were 21 reported cases concerning human trafficking for sexual purposes and 48 cases of human trafficking for other purposes. Nine people were convicted of human trafficking, of those, seven

¹⁹ The number is based on results from a survey conducted by the County Administrative Board of Stockholm. It had a response rate of 75% from all the municipalities and also included 14 other national government authorities and organisations. Important to note is the number is only based on suspicions – none of the survey interviewees knew for a fact that the child had been subject to trafficking in human beings.

were sentenced to prison for exploitation for sexual purposes.²⁰ Moreover, three people were sentenced for aggravated procuring and 25 for procuring. These numbers should also be compared with statistics that show 319 penal summary court orders concerned the purchase of sexual services, with 24 penal summary court orders concerning the purchase of sexual services from children.

At a stakeholders meeting in Gothenburg the following groups were identified as being groups at risk of exploitation: undocumented children without a legal stay or who never applied for asylum, unaccompanied EU-citizens, children with debts to smugglers, children with addictions and children being placed in kinship placement (foster care with relatives).

3.5 SCREENINGS FOR INDICATIONS OF HUMAN TRAFFICKING

This section focuses on the actors that screen and respond to indications of human trafficking in a structured manner. Those actors who do not screen systematically, such as guardians and staff at the reception centres, are nonetheless attentive and report any suspicions to the Social Services and/or the Police. Related to this, it is worth mentioning that the interviewed guardians and staff at the centres said that they had not yet come across any cases of human trafficking but some have been suspicious of such occurrence. They also expressed that they do not have enough knowledge about human trafficking in general.

THE MIGRATION BOARD

Most unaccompanied children first meet the Migration Board. The Migration Board's [Manual](#) on cases related to migration prescribes that officials should be attentive and ask certain questions to screen for indications of human trafficking. Based on the experiences of caseworkers at the Migration Board, the Manual lists the following examples of possible indicators:

- An applicant does not have a passport, or a forged one
- They have no return ticket to the country of origin
- The applicant looks scared or upset, does not speak freely and gives the impression that they are under surveillance
- The applicant appears to be depressed and/or miserable, so that the case worker feels a need to take care of them
- A third person is always present at meetings or contacts with the Migration Board
- The applicant is accompanied by a dominant person
- The applicant appears to be unusually happy
- There are signs of violence on their body
- The applicant often changes their address
- They are under the influence of narcotics, possibly against their will
- The person experiences insomnia, stomach ache, vomiting, or panic in spite of being placed in a safe environment

²⁰ Currently, the punishment for trafficking in human beings is at least two years and a maximum of ten years in prison. If the crime is considered to be less severe, the maximum is four years in prison.

The case officers at the Migration Board added that they are also attentive where a child says that they arrived with an “uncle” or other relative but cannot account for how they travelled to Sweden (similar indicators are included in [UNICEF](#)’s (2013) booklet that addresses trafficking in human beings).

If there are any suspicions, the response is to inform the Social Services and the Police for further assistance. As will be discussed further, the Migration Board later handles the application for temporary and permanent residence permits for the victim.

SOCIAL SERVICES

Actors should notify the Social Services of children who are, or risk being, subject to human trafficking. The Social Services meet with asylum-seeking unaccompanied children to identify whether there are any extra vulnerabilities to be considered. During the same assessment, the social worker is attentive to possible indications of human trafficking similar to those mentioned in the list above.

When a case comes to the Social Services’ attention, the local Social Board must do a needs assessment without delay. The purpose is to evaluate what measures need to be undertaken. For instance, the child is often appointed a specific social worker that focuses on the child’s security. If the child does not have a guardian, a request is sent to the Chief Guardian of the Municipality. It is notable that there are no specialised guardians specifically for traumatised or trafficked children that are trained in how to support children with such experiences.

If the child is without housing, a social worker will assign appropriate accommodation. There are no centres or housing options specifically for victims of human trafficking, but interviewees said that there has not been a problem to fulfil this need. In case there are reasons to believe that the child is, or might be, under threat or still at risk for human trafficking, or if the child does not realise their protection needs, the [Act \(1990:52\)](#) on Care of Young Persons mandates the local Social Services to relocate the child to any accommodation option deemed appropriate. Measures are taken to inform the child how to stay safe on the Internet and in meetings with new people. If the child is granted a residence permit and the threat still exists, Social Services can request protection of the child’s personal data from other government agencies. If needed, the child can also move to another location and change their name.

THE POLICE

As soon as the local Police are notified of suspicions of human trafficking, they notify the Prosecution Authority that makes the decisions on investigations. The first step is to assess the opportunities to investigate the crime. The child is questioned in a child-friendly environment (not in the interview room that typically only has two chairs and a table). If there is reason to believe that a crime has been committed, a decision on a pre-trial is made with the process being accelerated when the case concerns a child. The case can then either be closed due to lack of evidence or lead to the opening of a criminal investigation.

Where a criminal investigation, the case is taken to trial at the District Court. Once the circumstances have been recognised as a crime, the victim of human trafficking is entitled to a public counsel, guardian (but not specialised), support/contact person, witness protection, interpreter, legal counselling and aid, contact prohibition, telephone with a secure and protected line, protected contact details, safe house (not housing specifically for victims of human trafficking), and other reimbursements, if needed. The ruling from the District Court can be appealed to the Court of Appeal. Possible penalties are prison (2 to 10 years), probation, and fine.

3.6 RESIDENCE PERMITS AND OTHER SUPPORT FOR VICTIMS

When a child has been identified as a victim of human trafficking, a reflection period can be granted during which they can recover in order to be able to make a decision about whether co-operation with investigating authorities is an option. This reflection period can be applied for and offered at any stage of the procedure and is a temporary residence permit valid for 30 days.

A victim of human trafficking can also apply for and be granted a temporary residence permit that is valid for at least six months (Chapter 5, Section 15 of the [Aliens Act \(2005:716\)](#)). This permit can only be issued to a person identified as a victim of human trafficking and who has agreed to co-operate with the authorities. According to statistics from the Migration Board, one child was granted a residence permit on this ground in 2012 and 2013, respectively.

A victim of human trafficking can also apply for asylum and be granted a permanent residence permit on the grounds of being recognised as a refugee or person in need of subsidiary protection (Chapter 4, Sections 1 and 2 of the [Aliens Act \(2005:716\)](#)). Important to note is that victims of human trafficking are not automatically granted residence permits; their reasons for asylum will be assessed in accordance with the [Aliens Act \(2005:716\)](#) as any other asylum case. The permits discussed above are only granted to them because they are of value in the criminal investigations. According to the [EMN Sweden \(2013b\) report](#), the Migration Board states that it is more common that victims of trafficking in human beings are granted a residence permit because of particularly distressing circumstances (Chapter 5, Section 6 of the [Aliens Act \(2005:716\)](#)) than the other protection statutes. As mentioned previously, exceptional for this ground is that there is a lower burden of proof for children. Also, it is important to note that there is no requirement for the person to co-operate with the investigating authorities if the person applies for asylum.

Additional support can be received from the Swedish Crime Victim Compensation and Support Authority if the child has reported the case to the Police. In a report from the European Migration Network (2013b), it states that there are special centres for investigations involving children – Barnahus, the Children’s Houses.

Noteworthy Practice:

Barnahus – The Children’s Houses is an example of good practice, as the purpose of these centres is to prevent child victims being moved around between authorities performing their duties. When child abuse is reported, the alleged victim is typically drawn into numerous parallel investigations. The child moves between several different agencies and disciplines, including law enforcement, child protection²¹, medical services and mental health. Unless these agencies work together in an effective manner, alleged child victims may be exposed to repeated interviews with many different professionals in several different places that are foreign, and sometimes frightening, to the child. The Barnahus are often described as a house with four *rooms*. The rooms each accommodate one activity: criminal investigation, coordination/protection, physical health, and mental health respectively. In a report for Save the Children, [Landberg \(2012\)](#) commends the efforts made in relation to the Children’s Houses, but recommends the healthcare and Child and Adolescent Psychiatric Services to be more systematically involved in the overall co-operation and co-ordination of support to the child.

In terms of the support system, NGOs that work with trafficked victims have openly criticised it in an [article](#) published in the national newspaper, *Svenska Dagbladet* (14 February 2014). In their opinion, the 30-day period to reflect might not be enough time for a victim to trust and be willing to talk to the Police

²¹ In Sweden, child protection falls part of the social services assessment.

about traumatic experiences. It is also a strict interpretation of Article 13 of the EU Directive on Human Trafficking that says *at least* 30 days should be offered unconditionally. Currently, temporary permits of six months are conditional; the person must be identified as a victim of human trafficking and participate in the criminal investigations. The risk is that a person with such experiences may be without the support that they are entitled to by international treaties if they do not comply, and are in danger of re-trafficking.

3.7 THE MAIN CHALLENGES WITH HUMAN TRAFFICKING IN SWEDEN

As previously mentioned, the overlap between human trafficking and the purchase of sexual services is of grave concern. All interviewees have also expressed that the knowledge of human trafficking is low. This is addressed in the [latest report from the EMN Sweden \(2013b\)](#), which states that human trafficking is still to a large extent unexplored in Sweden. Some commendable progress has taken place in terms of awareness raising and initiatives to improve the prevention, detection, and identification of victims, and the prosecution of perpetrators. However, there are reasons to agree with ECPAT in stressing that more needs to be done. ECPAT has criticised the Government for not adopting a holistic view of the crime that includes measures to address the problem of demand.

Interviewees also raised the issue of open borders within the EU, with a representative of the National Task Force highlighting that more and more EU citizens arrive in Sweden without the need of a visa. The Police have noticed that many potential victims come from countries such as Bulgaria and Romania. It is, however, difficult to know if they have come of their own accord or if they have been trafficked, so it can be challenging to prove that these people are victims of human trafficking.

The same National Task Force representative raised the question of reviewing the current legislation. Similar to the law on purchase of sexual services where criminals can be sentenced for either procuring or aggravated procuring, the human trafficking legislation should include a penalty of lesser degree. He discussed the suggestion to include a paragraph under human trafficking that only addresses exploitation as a criminal offence, where the negative impact on individuals can be just as serious as in cases of human trafficking. The inclusion of such a paragraph could perhaps result in more convictions specifically related to the “right crime”.

In a [report published in 2012](#) the County Administration in Stockholm recommends that national support towards child victims of trafficking should be increased. Resources should be added, a national coordinating mandate should be given to the County Administration, research and method development should be prioritized. These tasks should be included in a potential national center. The report also suggests that the Social Services be given clearer guidance on their responsibility towards victims of child trafficking. Especially in terms of responses in the immediate situation and in the support given to potential victims. The report also calls for awareness raising and improved co-operation in improving the identification of victims. Co-operation furthermore needs to be strengthened between Social Services, the legal system and other key actors. Support functions for municipalities should be developed. These could potentially be placed in specialized “Barnahus”, so called Children’s houses.

Other areas of improvement pointed out in the above mentioned report are access to specialized housing/centers, prevention of disappearances of asylum seeking unaccompanied children and more co-ordination at EU-level.

4. DISAPPEARANCES

Many actors are involved when an asylum-seeking child disappears: the guardian, social worker, contact person at the reception centre, Police, Border Police, public counsel and the Migration Board. This chapter will aim to examine and discuss the responses to disappearances of unaccompanied children from care.

4.1 STATISTICS

The issue of disappearances is important because children do go missing. According to statistics from the Migration Board, 1,196 unaccompanied children were registered as disappeared from 2007-2013 (see Table 4). The main groups of children come from Somalia, Afghanistan, and Iraq. The numbers decreased in 2013 for all these countries, particularly Afghani children dropped steeply from 103 to 13. The numbers of disappearing unaccompanied children from Algeria and Morocco increased during 2011 and 2012, with four times as many applicants from Algeria registered and five times more children from Morocco. The numbers from these countries dropped in 2013 as well.

Table 4: Number of unaccompanied children registered as disappeared from 2007-2013

2007	2008	2009	2010	2011	2012	2013	TOTAL
90	108	208	244	164	322	60	1,196

Many of the interviewees explain that the drastic reductions are the result of the ruling in [Case C-648/11](#) (MA, BT, DA vs. Secretary of State for the Home Department) from the European Court of Justice concerning the decision on transfers to another Member State in accordance with the Dublin II Regulation. Sweden has made a formal decision to comply with the ruling and now takes over responsibility to examine most of the cases that concern unaccompanied children.²² Given this explanation, one can assume that the ruling has had an impact on the children's decision to disappear.

4.2 PREVENTION

At present there is not, to our knowledge, a national action plan on how to co-operate and prevent disappearances of unaccompanied children. Stakeholders consulted by Save the Children in May 2014 said that there was a [local action plan](#) produced by the municipalities of Sigtuna and Stockholm, the Migration Board and the Police in 2008, but to the knowledge of the actors present this was never used and disseminated even though the idea was for it to serve as a model and example to other municipalities. Key stakeholders from national agencies agree that a national plan is aspirational, but it also needs to be adjusted to the local contexts. At present no actor seem to be looking for national patterns in relation to disappearances. One of the participants at the meeting stated “*one plus one equals three, is that so hard to get*”. This statement referred to the need for co-operation and that co-operation is always more than what actors can do on their own.

Noteworthy Practice:

There is also a local action plan from 2012 to prevent disappearances of unaccompanied children established by the Municipality Association in Stockholm. It consists of a checklist that identifies groups of children at risk, indicators of risk and actions to take. Groups of children that are identified are: victims of trafficking, Dublin cases, expected negative asylum decisions, appeals and mental illness.

²² The criteria for taking over the responsibility to examine an asylum case are if: 1) the child has not received a decision yet, 2) the asylum claims have not been assessed yet, and 3) the child has received a temporary residence permit that is not automatically extended. Statistics from the Migration Board show that 423 and 245 Dublin cases were examined in 2012 and 2013, respectively. The unit that handles these cases underlined that they receive more cases than the numbers state, but the European Court of Justice ruling has resulted in an increase in replies where other Member States say no to a transfer back (“no accept”). Worth mentioning again is that more children applied in 2013 than in 2012.

4.3 PROCEDURE IN EVENT OF DISAPPEARANCE

Although the ruling has resulted in statistically decreasing numbers of disappearing children, there are still those who disappear. The process of reporting and searching for the child can be described as a “chain of reactions”.

If a child is found missing at the reception centre or at the family home, all interviewees said that the guardian and social worker are immediately notified. If the child does not return within 24 hours, he or she must be reported missing to the local Police. There are no specific guidelines regarding which actor must report the child missing but it is often the staff at the reception centre or the child’s guardian.

Any actor can also voluntarily call the hotline for missing children (116 000) that covers Europe. Although a hotline is a good tool, ECPAT clarifies that the response and actions taken are currently no different from calls to the national emergency number (112). All cases are forwarded to the Police if action needs to be taken. The Migration Board and the Chief Guardian of the Municipality are also notified of the child’s disappearance.

According to the interviewed Police Officer and social workers, there are no circumstances where the child would not be reported as missing, as the child is a minor and under the care of Swedish authorities. Children who have disappeared are never the subject of a public alert but are registered in a national database of missing people in general.

According to the Police, the usual procedure is to keep the child listed in the database for about three months. Thereafter, a decision is made if the child is to remain listed. If it concerns a child with an expulsion order that has taken legal effect, the child is listed until the case has lapsed (four years after the expulsion decision took legal effect). The Migration Board and the Social Services can share information with the Police if requested, but there is no systematic information sharing and no formal national procedures to gather information about the child’s circumstances.

4.4 RESPONSES AFTER A CHILD IS REGISTERED MISSING

An interviewed Police Officer explained that the general procedure is to ask the person who reports the child missing some questions to gather information about the child’s name, age, nationality, name of contact person, and conversations with the child before their disappearance. The Police ask the questions to assess whether the child might have been subject to a crime or if there is a risk of suicide. Consequently, opening the investigation is very much dependent on whether the person who reports the child missing possesses relevant information about the child.

The same Police Officer said that the measures taken to find a missing child are no different to a Swedish child going missing. “*A child is a child*”, he said and added that the Police would be criticised if they did anything differently. One overriding impression many of the staff at the reception centres and guardians have, however, is that the Police “*do nothing*” to find these children if there is no reason to believe that a crime has been committed, or if there is no suicide risk and/or if the child has disappeared after a negative decision.

The Police officer was aware of this criticism and offered that one plausible explanation is that there are currently 21 regional Police authorities, each of them interpreting and implementing the laws and policies differently. In his words, their merging into one Police authority in 2015 will hopefully result in more cohesive responses to the situations of unaccompanied children.

Many interviewees have experienced that children who have received a negative asylum decision disappear to avoid the execution of the expulsion order. Usually, the Police would search for the disappeared child to rule out whether there has been a crime committed because they have the mandate to search for missing people.

The case is, however, more often processed by the Border Police. If an unaccompanied child is not complying with the return procedure, the Migration Board is required to forward the case to the Border Police. They are then responsible for finding the child and carrying out the expulsion order. One representative from the Border Police, however, said: *“we don’t do anything to find these children”* (asylum-seeking children with an expulsion order) because of the assumption that many of them *“have willingly gone into hiding”*. She explained that this response is based on the difficult conditions; a child with a legal permit is more likely to have family and other established networks that the Border Police could interview.

The interviewed Border Police Officer also mentioned that they have experiences of children who disappear within 24 hours after arrival in Sweden. No further investigations are made to find these children because the assumption is that the child did not want to apply for asylum in Sweden. She also added that an investigation would be difficult to perform because there is often very little information about the child. There are not many children who disappear within 24 hours; statistics from the Migration Board show that eight children disappeared within two days in 2013.

Some interviewees expressed that the least thing the Border Police or Police could do is to make inquiries with the guardian or the child’s friends. One guardian mentioned that he had not been contacted when one of his children had disappeared, instead he called the Police to get an update and to ask how he could get involved. The Border Police Officer confirmed that this is common and said that inquiries are rarely made with guardians or staff at the reception centre because the assumption is they will not co-operate or share the necessary information. Many of the interviewed reception centre staff confirmed this to a certain degree, as only once had the Police contacted the centre about a disappeared child and asked for updates. In general, many of the interviewees have the impression that when the Border Police look for the children they do not want to find them because they have disappeared or need to be kept from harm, but rather to execute the expulsion order.

ECPAT asserts that the response and assumptions for not searching for the child are not child-sensitive. It is likely that children have disappeared because they may have felt without any other options. Regardless, they risk being exposed to exploitative situations to survive and that should be enough reason for actors to search for them. Actors consulted by Save the Children at a meeting in Gothenburg stated that responsibilities of different actors are not clear when a child goes missing. At the time of the meeting no co-operational structures were established around disappeared children or children who are potential victims of trafficking.

4.5 CONSEQUENCES OF DISAPPEARANCES

Based on the interviews with the actors, they seem to be unclear about what happens with their roles and responsibilities when a child disappears. A representative of the County Administrative Board highlighted this by saying: *“the system [of receiving and protecting] works as long as the child does not disappear – then the whole system falls apart. No actor knows what to do and then no actor does anything”*. One of the issues is that it is not clear how long a child is entitled to a guardian after the disappearance. One of the guardians was relieved from their assignment within days after the child’s disappearance, another guardian was asked to keep the assignment for an additional three months. She was relieved of her duties when the child had not turned up as it was then assumed that the child had left Sweden permanently, one of the criteria for relieving a guardian.

Noteworthy Practice:

One representative from the Chief Guardian of the Municipality confirmed that there are different municipal practices. A good practice from her municipality is that the Chief Guardian calls the guardian after three months to see if there has been any contact with the child. Without asking about the child's location, the assignment is on-going if there has been contact. Another good practice from the same Chief Guardian is that if the child has not stayed in contact with their guardian, calls are made to the Migration Board to see if the child has turned up in another municipality. The guardianship ceases if there has not been any contact and if the child has not turned up in another municipality. Due to the lack of a shared information system among the Chief Guardians of the Municipalities, they must make inquiries to ensure that the child is not in another municipality.

The interviews also reveal that it is unclear how long unaccompanied children receive support from their social workers. One social worker has kept a case open for three months until it could be assumed that the child had left the country. Another social worker closed the case after two weeks, while a third closed on the same day or the day after the disappearance – they clarified, however, that a case could be kept open if there are any reasons to worry. With regard to these different responses and actions, there is an on-going national discussion about the extent of the roles and responsibilities of the local Social Services.

As for the asylum case, the Migration Board suspends the decision-making process when a child is registered as disappeared, along with the process of tracing the child's family conducted by the Migration Board. The Migration Board can forward the case to the Border Police if the child has received a negative asylum decision, the decision has taken legal effect, and the child will not comply with the execution of the expulsion order. However, there are some actors who are obliged to provide support and services regardless of the child's legal status. All children are still entitled to the right to education and free and full access to health, medical, and dental care as any other child residing in Sweden with legal permits.

Noteworthy Practice:

All children regardless of legal status are entitled to education and free and full access to health, medical, and dental care as any other child residing in Sweden with legal permits.

5. STATUS PROCEEDINGS AND INFORMATION ABOUT THE CIRCUMSTANCES OF THE CHILD

Providing information about the reasons for asylum can be difficult for any asylum seeker, but it can be particularly difficult for children who may experience and consider the circumstances differently than adults. They may need other actors to help identify and share the relevant information. This chapter will examine and discuss how actors are involved in information gathering and how the child's circumstances are considered in the asylum process.

5.1 LEGAL AND POLICY BACKGROUND

The [Aliens Act \(2005:716\)](#) and the [Ordinance \(2007:996\)](#) with Instructions for the Migration Board are the main legal frameworks that guide the work of the Migration Board. In accordance with Chapter 10, Section 11 of the [Aliens Act \(2005:716\)](#), the Migration Board can hear the child, if deemed appropriate, depending on their age and maturity.

Sweden has unlimited consideration of evidence, which means that there are no legal restrictions on the type of information that can be submitted and considered in the decision-making process. In addition, there are no specific regulations restricting who can submit information and such submissions are allowed throughout the asylum process, although it is beneficial if the public counsel is aware of what is submitted. The actor examining the case or the appeal must consider all of the submitted information.²³

Important to bear in mind is that there is a burden of proof on the child to present all circumstances and reasons for international protection, but the Migration Board also has an obligation to gather information about the child in order to assess the case properly prior to a decision ([Govt. Bill 2004/05:170](#), p.154). Accordingly, Section 2 of the [Ordinance \(2007:996\)](#) with Instructions for the Migration Board requires the Migration Board to conduct a best interest assessment of the circumstances from a child-centred perspective before making a decision or taking action that concerns children (more in Section 5.2.1).

The purpose of gathering information about the child's circumstances is to examine the asylum case and consider the reasons for protection in relation to the protection statuses outlined in the Aliens Act (2005:716). If it is decided that there are no protection needs, the Migration Board must also conduct an overall assessment of the circumstances to see if there are any *particularly distressing circumstances*. The [Government Bill 1996/97:25](#) (p.247), however, stresses that the provisions and considerations mentioned in Chapter 5, Section 6 of the Aliens Act (2005:716) cannot be interpreted so broadly that the sole fact of being a child is sufficient measure for being granted a residence permit.

Besides the Aliens Act (2005:716), the general provisions under the [Administrative Procedure Act \(1986:223\)](#) and the [Administrative Court Procedure Act \(1971:291\)](#) are the applicable legal instruments for the Migration Courts and the Migration Court of Appeal.

5.2 PROCEEDINGS TO GATHER INFORMATION AT THE MIGRATION BOARD

According to a case officer at one of the Child Units, essentially all unaccompanied children are interviewed to document their views and experiences. As shown in the flow chart, the unaccompanied children meet with different units at the Migration Board in the asylum process. Each meeting aims to gather different types of information about the child's circumstances and there are also different actors present at these meetings.

As mentioned earlier, officials at the Child Unit have mandatory training in child rights and methods to engage with children, which is identified as good practice by many interviewees because they are responsible for the decision-making. Another good practice is that a child who has turned 18 during the asylum process is no longer assigned to another unit and case officer; the officer at the Child Unit continues to examine the case.

²³ The information can also be submitted in the child's own language. The actor responsible for examining the case or the appeal must translate the document and consider the submitted information.

Flow chart: proceedings in terms of questions that are asked and which actors are present at meetings with the child ([Migration Board's homepage](#))

First meeting: Registration of asylum application at the Application or Child Unit

If the child has not applied for asylum. An extensive description of what happens after disappearance is presented in Chapter 4.

Actors who are usually present: Official from the Migration Board and interpreter

Second meeting: Practicalities at the Reception Unit

Informs the child about the asylum process and gives the child the opportunity to ask questions. Discusses the need for daily allowances and special grants (such as winter clothes, glasses).

Actors who are usually present: Guardian (if appointed), official from the Migration Board and interpreter

Third meeting: Asylum investigation at the Child Unit

Questions address the child and family, how the child is feeling and any special needs, child's age, where the child is from, identity, trip to Sweden, situation in the country of origin, what has happened to the child, why the child left the country of origin, and reasons why the child cannot return.

Actors who are usually present: Guardian, public counsel, two officials from the Migration Board and interpreter

THE 48 HOUR TIMEFRAME

During the first meeting with the Migration Board, an unaccompanied child often applies for asylum on their own because no guardians are appointed immediately upon arrival. Once the public counsel is appointed, the counsel must confirm the asylum application within 48 hours. The questions asked at this first meeting aim to map the child's personal information and circumstances. However, one of the public counsels raised the concern of not having enough time to thoroughly go through the information that was shared by the child with the Application or Child Unit during this meeting. There is often no time to meet the child within those 48 hours and discuss if the information corresponds with what the child wanted to say. Although corrections can be made at a later stage, interviewees have pointed out that changes to already provided information can have an impact on the overall assessment of the child's credibility. A case officer at the Child Unit addressed this problem and said that as a result of the children often applying for asylum alone, they do not ask questions about the reasons for asylum.

INFORMATION ABOUT THE ASYLUM PROCESS

Regarding the concerns addressed above, it is imperative that the child is well informed about the type of circumstances that are relevant to share with the Migration Board. The Migration Board is tasked with the responsibility to inform the child about the asylum process and the child's rights and obligations as an asylum seeker, but many of the interviewees describe the information provided as very general. Their experiences are also that the information rarely addresses or includes explanations of child-specific reasons for asylum.

A case officer at the Migration Board understood this concern and stressed that the Child Units try to be clear about their intentions with the interviews and give examples of asylum reasons, but also adds that their efforts cannot guarantee that the child fully understands their obligation to share information, or that they fully understand what child-specific asylum reasons are. For this reason, it is important that the child is accompanied by actors, such as the guardian or public counsel, who can explain further, if needed. Information can then be submitted at a later stage. This calls for the need to appoint a guardian as soon as possible and to involve actors that are trained or have knowledge of child rights and asylum law.

Most guardians have at least said that the public counsels provide good information. The public counsel usually meets the child and the guardian (if appointed) before the asylum investigation to inform about the asylum process and explain the different actors' roles. This is the opportunity for the public counsel to map the asylum reasons, requiring a trained and qualified counsel who knows asylum law and who can recognise child-specific asylum reasons. As such training and qualifications are not explicitly required in the current practice, a child can be appointed a counsel without knowing or having experience in asylum and/or child rights, which is a concern raised by many interviewees.

INVESTIGATING ASYLUM REASONS

The third meeting is an asylum investigation and the main opportunity for the Migration Board to gather detailed information about the child's circumstances. Regarding the Child Units, one interviewed public counsel said that she has noticed that the internal trainings in how to engage with children have contributed to an improved child-sensitive attitude and approach. The same counsel has also noticed that officials at the Child Units are better at asking open-ended questions and appear to be less judgemental when the child raises concerns.

One public counsel reflected upon case officers at times being too subjective and consider aspects from their own point of view, rather than the child's. For instance, they can question the child's experiences and choices by saying "if I were you, I would have done this..." The counsel mentions this as an example of the lack of competence among some case officers to assess circumstances in an objective manner, considering the law and the principles of law, which can have an impact on the overall assessment on the child's circumstances and credibility. The same public counsel also had concerns about the way some of the questions were phrased, such as how the child would feel if the parents were not allowed to come to Sweden. This is not a question that a child should be asked to think about or consider.

A case officer at the Child Unit addressed the asylum investigations by saying that, in general, it can be difficult to interview children even though all the tools and knowledge are in place. Past experiences are that children react strongly and become scared when questions addressing future risks are asked, as they interpret it as a rejection or that their information is questioned. There is also the risk of making the child re-experience the past or the child gets upset and does not answer the questions. Under such circumstances, the Migration Board can reschedule another meeting. Regarding the uncertainty of how a child will react, the same interviewee explained that their different approaches to interview take the individual into account, so not all children may be asked the same questions, especially those about future risks.

If the child does not share all the information at these meetings, circumstances can be forwarded/submitted by the public counsel. Over the years, however, concern has been raised that there is not enough time for the counsels to work on behalf of the child – especially not when the Migration Board, Migration Court, and Migration Court of Appeal bargain on the reimbursement and compensation for their work. In the view of many actors, this has resulted in some counsels not putting in the extra hours and being more dependent on other actors, such as the guardian, to gather information about the child and collect supporting documents that can be used to validate or confirm the child's circumstances and reasons for asylum.

INFORMATION SHARING

Overall, the responsibilities and expectations of the different meetings have been viewed as unclear for the child. One guardian said that the separate meetings with the Migration Board can be confusing as the child is instructed to share brief and non-detailed information during the first two meetings with the Migration Board. The third meeting requires detailed and lengthy responses, but the child is not always aware of this shift in the approach to information gathering. The guardian explained that he has noticed that the children pick up a certain behaviour pattern of how the authorities want to speak to them and are not always aware of what they are obliged to share, even though they are informed about the burden of proof.

Many interviewees also raised the issue of interpreters, where the Migration Board has not always used licensed interpreters and has experienced inaccurate translation. This has come to light when the public counsel reviews the asylum protocol with the child with the help of another interpreter at a separate meeting after the asylum investigation. The risk of documenting the child's words inaccurately is an important issue because it is one of the main documents consulted in the asylum examination. Moreover, the order of appeals is primarily in writing, meaning that the protocol is the main document where the child's own words about the reasons for asylum are documented in the first instance.

5.3 CONSIDERATION OF INFORMATION AT THE MIGRATION BOARD

Regarding the asylum investigation, all interviewees commended that note-taking on a computer no longer happens during the asylum investigation which used to be a distracting element for the child. Instead, the interviews are recorded which is much preferred by many interviewees. These measures are part of a work methodology that aims to facilitate the gathering of information.

Noteworthy Practice:

All case officers at the Migration Board use standardised questionnaires to gather relevant information to carry out a best interest assessment. The purpose of such analysis is to make the decision-making process more transparent in terms of how the information about the child has been gathered, describing the circumstances, and analysing the consequences from a child's perspective. The considerations must be presented in the decision.

The best interest assessment is, in many interviewees' opinion, not used to its full potential in practice. According to their experiences, the Migration Board seldom considers all relevant circumstances of the child. One public counsel mentioned, for instance, that the Migration Board seldom fully considers future risks of child rights violations, such as abuse in the family. Also, the interviewee's experience is that the decisions state the reasons that have been brought up by the child, but do not always present how the best interest assessment was conducted or how the information about the child's circumstances has had an impact on the decision-making process. An interviewed representative from the Migration Board also brings up the fact that best interest assessments are experienced as difficult by many case officers. It is always a challenge weighing different interests against each other and where to draw the line.

In addition to considering the circumstances shared by the child and the public counsel in the best interest assessment, the Migration Board is also obliged to consult child-specific and relevant country of origin information (COI). The use of COI is very important as child-specific information can help support the child's account or provide details where it is difficult for the child to provide information, especially if the Migration Board has not asked all the relevant questions. It can therefore contribute to a more comprehensive examination of the situation from a child's perspective and is also imperative in the assessment of internal flight alternatives.

One lawyer, however, shared that the Migration Board rarely uses child-specific COI and, if consulted, the references often address the general situation such as access to food and water rather than security risks. Her experiences are also that the use of COI is more common in negative asylum decisions.

A case officer at the Child Unit admitted that it is not always apparent that they have considered COI before making a decision, but highlighted that they do consult COI in general. The country of origin information is often found through the Migration Board's public COI database ([Lifos](#)) that is accessible to all actors and contains all types of information, not just about children, although more child-specific information could be added. It is notable that its use is not always apparent because all considerations should

be presented in the decision to outline how they impacted on the decision-making process. Knowing the sources of COI is also necessary to address them in any potential appeal process.

5.4 GATHERING INFORMATION AT THE MIGRATION COURTS

Decisions made by the Migration Board can be appealed to one of the four [Migration Courts](#) (administrative courts). The appeal must be submitted within three weeks after an official at the Reception Unit has personally informed and explained the negative decision to the child and their guardian. If no appeal is submitted within the time limit, the ruling from the Migration Board remains in force. The appeal process is a two-party procedure where the child (with the help of the public counsel) and the Migration Board meet as two parties in the Migration Court.

According to the Migration Board's [Annual report 2013](#):

- 14 917 asylum decisions were appealed
- 27 of these decisions were changed by the Migration Board and not sent to the Migration Court.²⁴
- And 14 606 of the asylum appeals were sent to the Court within an average of 5 days after the date of decision made by the Migration Board.
- The average time between the time of appeal until a verdict (including both the Migration Court and the Migration Court of Appeal) was 123 days. The Migration Board participated in 2044 oral hearings concerning asylum appeals.

The public counsel often meets the child before submitting the appeal to discuss the reasons for the negative decision and to clarify the reasons for asylum, if needed. The usual procedure is that a presiding judge and three lay judges consider the appeal.²⁵ The presiding judge has formal judicial competence unlike the lay judges, who participate as representatives of the people on the basis of their political affiliation.

The communication at the Migration Courts is primarily in writing, meaning that they are very dependent on the public counsel to provide information about the child's circumstances and the public counsel is dependent on other actors to help gather information. One public counsel said that he often asks guardians to gather supporting documents from the healthcare staff that can be used to support the child's circumstances. There have also been cases where the counsel asks guardians for help in finding COI and some have been reluctant to do this because they are not trained in how to find relevant information. Some interviewed guardians have also been hesitant in such situations because the Chief Guardian of the Municipality has informed them not to be actively involved in the asylum case.

If there are circumstances that the Migration Court thinks should have been assessed in the decision-making process at the Migration Board, it has the mandate to send the case back for further investigation. If the Migration Court thinks that there is inadequate information about the child, it can also grant an oral hearing, if requested and if appropriate and necessary, to hear the child specifically. This is the only opportunity for the Migration Court to hear the child directly and gather information about the child's circumstances in their own words.

The oral hearings are often public, but there are rules in the Secrecy Act (1980:100) that protect the individual's circumstances, such as details about persecution and torture. A decision can be made to have the

²⁴ All appeals are first sent and reviewed by the instance that made the decision. In these cases, the Migration Board decided on positive decisions without the appeals being reviewed by the Court.

²⁵ A presiding judge can also assess the case on their own and make a ruling without lay judges if the case is not complex (enkel beskaffenhet).

hearing in private, where only the essential actors (the child, guardian, public counsel, presiding judge, lay judges, official from the Migration Board, interpreter, and potential witnesses) are present.

According to one public counsel, not all children are systematically granted an oral hearing. From his recent experience, he has noticed that it is more common for Afghani and Somali children to be granted oral hearings compared to Moroccan children, for example, even though they may have mentioned abuse from the Police and unlawful detention in the country of origin. In his words:

“I think the requirements that are put on the child to receive help from the authorities in the home country often are unreasonable, especially when one hears about the child’s testimony. But if the court [the Migration Court] has made a decision on what it thinks about a country’s authorities, that they are adequate, it seems as if no child, in spite of if the individual account indicates the opposite, can be granted an oral hearing.”

According to the [annual report](#) of the Swedish Courts in 2013, 10 percent of the migration cases reviewed were settled through an oral hearing. 384 cases concerned unaccompanied children.

Experts can also be called in as witnesses but this public counsel shared that he has not been to a hearing where a witness has been called in by the court to gather information, support, or question the child’s experiences. Overall, the guardians said that the environment at the court is “unfriendly to children” with their impressions being that the children experience the hearing as intimidating because the Migration Board is the opposing side.

5.5 CONSIDERATION OF INFORMATION AT THE MIGRATION COURTS

Similar to the Migration Board, the Migration Courts consider the child’s circumstances in relation to the protection statuses and section on particularly distressing circumstances outlined in the Aliens Act (2005:716). They should also consult COI in the decision-making process and present how the considerations have impacted the ruling. The use of COI is also important to carry out a proper assessment of internal flight alternatives.

According to the experience of one public counsel, the courts normally consult the COI and present how it has been considered but it is most often the same sources as the Migration Board has referred to in their communications.

5.6 GATHERING AND CONSIDERATION OF INFORMATION AT THE MIGRATION COURT OF APPEAL

Appeals of the Migration Court’s ruling can be made to the [Migration Court of Appeal](#) (the Administrative Court of Appeal), where three judges with judicial competence assess the case and no lay judges are present. The appeal must be submitted within the same time frame as for the lower court and include an explanation of why the Migration Court of Appeal should grant a leave to appeal, as this court only considers those cases that will set a precedent (precedence exemption) and can provide guidance for future decisions in similar cases.

It can also consider those cases with “extraordinary exemption”, where there are extraordinary reasons to consider the appeal. An example would be if the Migration Court committed some serious error in the consideration or assessment of the case. If leave to appeal is not granted, the ruling from the Migration Court remains in force. To date, there is no guiding decision that defines child-specific reasons for asylum.

According to the annual report of [Swedish Courts in 2011](#), 74 out of 11 023 cases appealed to the Migration Court of Appeal were tried.²⁶ In 2013, the decision by the Migration Court was overthrown in 0,8 percent of the cases tried at the Migration Court of Appeal. Asylum cases concerning unaccompanied children increased with 14 percent from the previous year. In total, 266 cases concerning unaccompanied children were appealed to the Migration Court of Appeal in 2013.

5.7 CO-OPERATION BETWEEN ACTORS

Unaccompanied children meet many actors who have information about the children, and given their different roles, mandates, and responsibilities, it is likely that they possess different types of information. It can be important for actors to communicate and co-operate with each other.

In accordance with Chapter 17, Section 1 of the [Aliens Act \(2005:716\)](#), the Migration Board is allowed to make inquiries about the child with other agencies and institutions if it concerns a residence permit case or the execution of an expulsion order. In terms of residence permits, some of the social workers mentioned that the Migration Board has asked them about their estimation of a child’s age. In such cases, they added that the informal procedure is to first ask the child for permission to share personal information. The interviewees, however, emphasised the problem with such questions because it is difficult to judge a child’s age solely based on appearances. Although it may not be the general practice nationally, the interviewed social workers refrained from answering and stressed that they had been uncomfortable because they did not consider it to be their responsibility to assess reasons for asylum or age. Most importantly, they did not want to betray the child’s trust.

One of the social workers said that she had not thought about sharing information with other actors before, but realised its importance because she might hear of circumstances that other actors were unaware. She would not herself forward information to the Migration Board, but would in future ask if the child has mentioned the circumstances to the Migration Board. The child may have vulnerabilities or protection needs that should be taken into account in the Migration Board’s decision-making process.

In terms of information sharing and inquiries with other international actors, the Migration Board can ask for documentation or information from the children’s countries of origin to evaluate if it is in the child’s best interest to be reunited with family in the country of origin, or to be granted permission to stay in Sweden (see Govt. Bill 1996/97:25, p.249). This is common if the child does not know where their family is located.

The Migration Board also contacts authorities and organisations in the country of origin to ensure a proper reception of the unaccompanied child in the return process. This is a precondition in order to send unaccompanied children back to their countries of origin. This responsibility to ensure proper reception remains with the Migration Board even if the task of executing the expulsion order has been forwarded to the Border Police.

Tracing of family is of greater importance if the child receives a negative asylum decision. Inquiries can be made with actors, such as embassies and consulates, and the International Organisation for Migration regarding how to find the family’s contact details. The concern identified by the Migration Board is rather that it is a problem when the child does not want to establish contact with their family.

²⁶ Source: Swedish Courts, Annual Statistics, page 2011 and written communication received on January 7th 2013.

6. REFLECTIONS

Unaccompanied children may have friends and acquaintances around them but they are constantly dependent on formal actors to know, claim, and safeguard their rights. These aspects put high expectations on the actors engaged with the child. This mapping has identified potentially good practices and also challenges in how actors individually and/or in co-operation with other actors respond to the situation of unaccompanied children. This chapter will address these aspects and point to areas of improvement.

One of the specific features of the Swedish system is the decentralized reception of unaccompanied children. This feature has been part of many of the discussions with the partners of the CONNECT project. One of the questions is whether decentralization is the best practice for children or whether it makes co-ordination difficult. Sweden receives a high number of children compared to most other EU member states and reception has been in a constant build-up phase over the last couple of years.

Some of the challenges with decentralization are differences in services and quality of services provided to unaccompanied children, degree of specialization of actors and support to different actors such as guardians and social workers. There are also disparities in terms of knowledge and capacity within the municipalities and how they use private companies and how these services are procured. On the other hand there has been a normalisation process in the municipalities where unaccompanied children are now looked after by the local social services responsible for all children and seen as their responsibility just as with other groups of children in care. This is seen as something positive by many actors. Decentralization also leaves room for local initiatives to the benefit of the children.

There is not one ministry responsible for all issues concerning unaccompanied children. The Ministry of Justice is primarily responsible for asylum related issues and the Ministry of Social Affairs for child rights issues. The general child rights policy does not specifically focus on migrant children nor is there a national framework or an action plan related to migrant and/or unaccompanied children. The establishment of formal co-ordination structures and an overall responsibility assigned to one actor/ministry could lead to a more integrated approach to unaccompanied children. A national action plan could be worth considering in this context.

- The Swedish Government should strengthen and formalize co-ordination and co-operation around migrant and unaccompanied children at the ministerial level, by involving relevant actors from different sectors to achieve a more integrated and rights-based approach.

In order to mitigate disparities between municipalities, guidance and directions from actors at the national level are essential. The National Board of Health and Welfare has recently produced simply guidance for social workers and other actors working with unaccompanied children. A system called BBIC is also used in almost all municipalities. The Swedish Association of Local and Regional Authorities have recently implemented a project aiming to strengthen co-ordination and co-operation at different levels. One of the results of this project was a training module for guardians. Different resources are, however, available at the local level for training of guardians as well as for social workers.

- The government should consider establishing a co-ordination mechanism with the responsibility of taking a holistic approach and explore further areas in need of regulation and formalisation of reception practices, potentially in the form of an action plan.

Co-operation between actors often takes place informally, on an ad hoc or case-by-case basis, so information about children can often stay with particular actors. Since it is of great importance to co-ordinate actors in working together to close the gaps in responses to the child's rights and needs, it should be explored whether co-operation could be formalised and structured to reduce the vulnerability of existing networks, both on a national-regional-local structural level as well as on a case basis.

- The Government and national authorities should explore how structures of co-operation between actors within municipalities, either by law and/or policy, can be promoted and maintained on a case level as well as on a structural municipal level.
- Municipalities, Counties and the Government should have proper monitoring mechanisms in place and review protection, reception and integration practices regularly.

It would be beneficial to more regularly include actors such as public counsels, NGOs, the health sector, guardians and unaccompanied children themselves because they have “hands on” experience. It could add value to the discussions of how best to respond to issues related to unaccompanied children and result in actors having a more cohesive view on how to respond to the children’s situations.

The direct participation of unaccompanied children in policy making rarely takes place. This could therefore be an important area of improvement for national authorities to make sure that policies and responses are effective and based on the actual needs of the target group.

- The Government should explore ways to improve the direct participation of unaccompanied children and former unaccompanied children in policy making processes.

Given that many unaccompanied children apply for asylum in Sweden, there is room for actors to have quite a high degree of specialization. The interviews conducted as part of the mapping reveal a need for specifying qualifications and requirements in relation to several of the actors engaging with the unaccompanied child. Several interviewees reflect on guardians having too many children and the disparities in competence and availability of guardians. Social workers and reception centre staff have discussed the need for knowledge in asylum law and in how to screen and respond to suspicions of trafficking.

- The Government should consider initiating a review where the advantages and disadvantages of professional guardianship of unaccompanied children are explored and how competence, quality and accountability can be better ensured by the state and the municipalities.
- The Government should regulate the number of children one guardian can have, establish a common national database of guardians and make relevant training of guardians mandatory and regular.
- The Government should make it mandatory for municipalities to have a guardian appointed within 24 hours after the child’s arrival to Sweden or registration of the asylum application. A review could also explore how this could be ensured, for example by an “on call system”.
- The Government, national authorities, and municipalities alike should ensure that guardians, public counsels, social workers, police officers and reception centre staff receives relevant training in child rights, asylum procedures and extra-vulnerabilities in order to be aware of signs of extra vulnerability including trafficking and how to respond to such signals.

In order to identify and screen extra vulnerabilities there needs to be more co-operation and/or knowledge of different actors’ work areas. One example is the information sharing between social workers and the Migration Board’s case officers. It may in some cases be relevant for social workers to be aware of the reasons for asylum. In order to make well-informed decisions, case officers need relevant information about the child’s circumstances that the social worker might have. While it is of importance that the actors are aware of the child’s different circumstances, the Secrecy Act (1980:100) complicates the level of information sharing and some interviewed social workers have also mentioned that breaking the child’s trust could be a hindrance to such sharing. It is therefore commended that there is on-going work within the Migration Board where an action plan is being developed with the purpose of identifying and supporting children in vulnerable situations.

- The Government, the Migration Board and other national agencies should examine how co-operation between actors such as social workers, case officers, guardians and public counsels, could be improved in asylum procedures without risking the child’s right to privacy and without compromising the relationship and trust the child might have for an actor.

During the last seven years, many unaccompanied children have disappeared and the formal knowledge on why children disappear and what groups are of particular risk is scarce. There has been much speculation regarding potential links to trafficking. Not all, but some, of the actors interviewed have had experiences with children where they have suspected trafficking. The impression we have from interviews and stakeholder's meetings is that awareness of trafficking and how to respond to suspicions and victims is rather low. This reveals the need for awareness raising efforts as well as improved co-operation between actors.

A transnational referral mechanism will be put in place soon for issues related to human trafficking. This will centralise knowledge, provide greater understanding of how widespread it is in Sweden, and contribute to awareness raising. Hopefully, it can have an impact on how the crime is considered in the courtroom. Regarding these outcomes, it can be discussed whether a national actor should be commissioned with the task of centralising knowledge about other key issues as well. Centralising knowledge and documenting disappearances can map how actors respond, identify gaps in the responses and provide deeper understanding of the reasons why children disappear.

- The Government should provide resources for research and give an actor, such as the County Administration, a permanent mandate to co-ordinate and develop methods for identifying and responding to child victims of trafficking.
- The Government/the County Administration should establish a national referral mechanism for victims of trafficking and increase awareness among all actors engaging with unaccompanied children.
- The Migration Board, the National Board of Health and Welfare as well as SALAR and other national stakeholders should strengthen awareness raising efforts towards relevant actors such as Social Services, guardians and reception centre staff.
- The Migration Board and municipalities should establish local co-operation around children in vulnerable situations including potential victims of trafficking. Actors involved could be Social Services, the Police, and health care services among others.
- The Government and other national agencies should review how specialized support, such as housing and guardians, can be provided to possible victims of trafficking.

All actors, even units within the same authority, enjoy a high level of autonomy in decision-making regarding individual cases, an example being the 21 different Police authorities. A Police Officer said that there are no differences in the response to search for a disappeared child in his municipality, while many other interviewees were firm in their impression that efforts to find out what has happened to a disappeared child could be improved. Many times actors such as guardians and staff at reception centre have information that is not shared with the police simply because they haven't been asked. It is here important to stress that the purpose of these investigations should be to investigate whether a crime has been committed and whether the child is in a harmful situation rather than to strengthen efforts to deport children.

- The Government should give one agency the responsibility of co-ordinating prevention of disappearances. Such function could map the situation and analyse trends.
- The Government should give a co-ordinating agency the mandate to develop an action plan to prevent disappearances.
- The municipalities should develop local action plans and establish co-operation around disappearances and identify groups at risk.

The Swedish asylum laws allow for an assessment based on the child's situation not only in terms of asylum reasons, but also in relation to particularly distressing circumstances, where a broader assessment of the child's circumstances are made possible. The Migration Board have for a long period of time worked with mainstreaming of children's rights in different ways. For example by establishing child units, where the case officers have specific training to meet and engage with children, a best interest determination checklist and also a self-assessment template for departments to use in order to improve their child rights perspective. The current system for appointing public counsels, however, allows all interested lawyers to be appointed to asylum cases. There are no formal requirements on what training and qualifications they should have in terms of asylum and child rights. The system does not encourage the development of a specialised bar or list of experienced and knowledgeable lawyers.

- The Government and the Migration Board should ensure that counsels representing children are specialized or trained in asylum law and child rights, and that they are trained to represent children. Appropriate accountability mechanisms should be established.
- The Migration Board should provide guidance to counsels in how to represent children in practice. Training prior to assignment concerning children should be made mandatory.

The Migration Board's child units have been commended by the interviewees, but the use of best interest assessments could be further developed. More specifically, it should relate to all the rights of the child and be documented more thoroughly.

- The Migration Board should continue to prioritize and develop the work with Child units, training of case officers, the use of best interest assessments and child-specific country of origin information.
- The Migration Board should develop more child specific country of origin information and knowledge on child specific forms of persecution. This information also needs to be passed on to actors around the child and the child him/herself.

Most interviewees have described the court as not being very child sensitive. Oral hearings rarely take place and the courts seldom engage experts. The lay-judges and judges don't necessarily have a child rights competence either.

- The Government should review how the Migration Courts and procedures could be made more child sensitive and whether more children should be given an oral hearing.
- The Government should make it a requirement of judges as well as lay-judges to have knowledge of child rights, how to engage with children and how to apply a child rights perspective.

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CONNECT



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