

## HOW TO TRANSLATE THE PRINCIPLES IN PRACTICE: SOME CASE STUDIES

The fictional cases studies below serve to illustrate how and where the principles might come into play.

### Case study 1: child victim of online sexual abuse

A member of the public in the UK comes across and reports an online child sexual abuse image to [Internet Watch Foundation](#). The NGO analyses the image, refers it to law enforcement authorities and takes the necessary steps to have it taken down. The resulting investigation serves to identify that the child victim appears to be Polish. The UK authorities apply the relevant protocols for contacts with Poland. Investigations in Poland serve to identify the four-year-old child victim, Jan, living in Poland. Immediate measures are taken to ensure the child's protection, treatment and follow-up. The investigation leads to the prosecution and conviction of the perpetrator, the child's uncle, and sentencing takes account of the aggravating circumstances in the case.

#### EU law and policy documents

Directive 2011/93/EU on Child sexual abuse and exploitation, Directive 2012/29/EU on Victims' rights

#### Relevant Principles:

Principles 1, 2, 3, 5 and 10 – the member of the public is aware of the rights of the child and of hotlines and helplines and how to report issues of concern.

Principle 7: Measures, mechanisms and protocols are in place for cross-border cases.

Principle 6: the investigation and forensic interviewing are carried out by specialists who are trained on rights of the child, child protection and on communicating and dealing with children. Treatment for the child is delivered by specialists and is child-sensitive, prevents secondary victimisation, and ensures adequate follow-up and reintegration measures, including additional school support to make up for time out of school.

### Case study 2: cross-border placement of a child

A court in Germany considers a placement of a 7-year-old child with a foster family in Spain, in view of the child's ties to Spain, to allow the child to find an appropriate environment for his development and to recover from a difficult situation the child has experienced within his family. Due weight is given to the views of the child. The court consults the Central Authority in Spain to enquire about appropriate foster family arrangements and to obtain formal agreement for this placement, as public authority intervention for such placements is required by Spanish law. The Spanish authorities request a report about the child from a psychologist and the German local child welfare authority in order to identify a foster family that can meet the child's needs and to issue the consent for placement by the local court.

#### EU law and policy documents

Brussels IIa Regulation (2201/2003) concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility.

### **Relevant Principles**

Principle 1 – Due weight is given to the child's views.

Principles 6 and 7 – the social workers and psychologist should receive appropriate training to be aware of aspects relating to, and indeed the possibility of, cross-border placements and to assess in this context the best interests of the child. The Central Authorities coordinate the work of all actors involved in the placement process, in particular with respect to contacts with their domestic bodies such as child welfare/social authorities and ensure swift proceedings in cross-border situations. The necessary mechanisms and protocols are in place to regulate the cross-border placement and also to ensure monitoring and follow-up of the child's case.

### **Case study 3: child victim of physical abuse**

Zuzana, a primary school teacher on the outskirts of Zagreb, has been concerned for some weeks that Maja, an 11-year-old girl with learning difficulties, has been very withdrawn. Noticing a livid bruise on Maja's upper arm, she initiates a conversation and Maja eventually confides that since both her parents lost their jobs it has been very tough at home and her Dad has been hitting her. Maja says she wants the hitting to stop but is very afraid of what might happen to her family. Zuzana refers the case to the [Child Protection Centre of Zagreb](#) (a multidisciplinary children's house) and pending a first interview two days later, it is arranged that Maja stays with her grandmother. Maja is interviewed in the Centre by specialists who are also trained to work with children with disabilities, and an assessment is made of the abuse suffered and the treatment needed. Maja's mother and grandparents are also interviewed. The multidisciplinary team coordinates with the social welfare centre and law enforcement. Maja's father cooperates fully with the investigation. The case proceeds to court. Maja's views are given due weight, in particular that she wants her family to stay together and for her Dad to get some help. Her Dad had already committed to following training on non-violent parenting and to participate in a parenting group run by the Child Protection Centre; the judge orders these measures, and asks for a report in six months' time. The social welfare centre initiates steps to help reintegrate both parents into the labour market. The Child Protection Centre ensures follow-up of the case.

### **EU law and policy documents**

Directive 2012/29/EU on Victims' rights, 2013 Recommendation Investing in children: breaking the cycle of disadvantage

### **Relevant Principles:**

Principles 9 and 10: Zuzana, Maja's teacher, has been trained in the identification of risks and knows who to report to in line with her job description.

Principles 1, 3, 4, 5, 6: specialist professionals intervene in a child-sensitive manner in Maja's case and her views are given due weight. Professionals who work with her have

experience in working with children with disabilities. The professionals look also at the root causes of the violence and assess that the family could adequately care for Maja again subject to some support. The child protection centre and social welfare centre assure monitoring and follow-up of her case.

#### **Case study 4: child in a migratory situation**

Ali, a 14-year-old Afghan from Paktya has been sent to Europe by his family to join his brother, in view of the random attacks on civilians by Anti-Government Elements and the pervading fear and insecurity including at school. During his voyage, he hears that his younger brother was killed by the Taliban. After a hazardous experience, the last leg of his journey involved a dangerous trip by sea to a Greek island. He was detained by the police for three days and then let go and lived in a park in Athens, depending on the kindness of strangers. From there he slowly made his way to the Netherlands and applied for asylum. On applying for asylum, he is fingerprinted, but there is no match in the EURODAC system. [NIDOS](#), the organisation mandated to fulfil guardianship responsibilities for unaccompanied children, is entrusted with his guardianship. Given his young age, after a preliminary short stay in a reception centre and an assessment of his risk of vulnerability with regard to trafficking, NIDOS arranges for Ali to live with foster parents and he settles in well. Ali's older brother Hussaini lives in Belgium. Ali's guardian, Annick, ascertains that Ali wants to live with Hussaini, who is willing and capable of taking care of Ali. NIDOS liaises with the Belgian authorities to carry out preliminary checks and Ali's case is eventually transferred, under the Dublin Regulation, to Belgium, where he is granted refugee status.

#### **EU law and policy documents**

The Dublin Regulation (604/2013/EU), the Eurodac Regulation (603/2013/EU), the Asylum procedures directive (2013/32/EU), the Reception Conditions Directive (2013/33/EU), anti-trafficking directive (2011/36/EU), the EU action plan on unaccompanied minors (COM(2010)213 final), Council Conclusions on the education of children with a migrant background (26 November 2009)

#### **Relevant Principles:**

Principles 1 and 2, 5, 6: There are still gaps in the protection of unaccompanied children whose protection needs may not be recognised.

Principle 7: the necessary mechanisms and protocols are in place with regard to Dublin cross-border transfers and the procedures are completed in due time, with the child's best interests being the primary consideration.

Principle 8: Once he is identified as an unaccompanied child in the Netherlands, a guardian is assigned to him and he is given appropriate care in a family-based situation.

Principle 9: NIDOS staff are trained to identify risks, particularly with regard to trafficking.