**Children and Families Across Borders (CFAB) Submission to the OHCHR**

[*CFAB*](https://www.cfab.org.uk/)*is the only UK member of the*[*International Social Service*](https://www.iss-ssi.org/index.php/en/)*(ISS) network and the only UK charity with an international children’s social work team. We identify and protect the most vulnerable children who have been separated from their families in complex and often dangerous situations due to conflict, trafficking, migration, family breakdown or asylum-related issues. Working with partners in 130 countries, we are experts in social work in an international context, cross-border child protection cases, care proceedings requiring cross-border cooperation and overseas placements.*

**1. What are the main human rights concerns affecting children separated from their families, and the priorities to strengthen global and national frameworks for the prevention of family separation?**

For migrant and refugee children who are separated from their families, many have a legal right to travel safely to a place of sanctuary, however, they face many obstacles when arriving in a new country. Some will have faced severe trauma and hardship along their journey including but not limited to child exploitation, child sexual abuse, trafficking, slavery and dangerous journeys. These can be made worse by delays at borders where chances of exploitation grow as they become more desperate to find means to cross. Sadly, these dangers don’t go away if children enter the care of authorities or foster carers, as they continue to remain at risk of experiencing such dangers.

Once in the system, it can be challenging for these children to access services they have a right to

access – such as education and healthcare – because of domestic hostile environments towards migrants and refugees. This can create a barrier in people accessing services due to discrimination and lack of understanding from workers. This can be made even more challenging by an unstable immigration status which limits access to some services and creates a sense of instability or uncertainty about the future.

While family reunification – whether with their parents or extended family - may be an ultimate goal, it’s important to consider that efforts to ensure family reunification may neglect the best interests of the child. Sometimes being in foster care is a better option than being placed with family members abroad if the family cannot meet the child’s needs. It is important to promote family placement as an option for children, subject to care proceedings and Local Authorities have a responsibility to do this.

Within international social work, greater cooperation at an international level, collaboration between social service counterparts in international cases, and consistency between legal practices are needed to tackle these issues. It is good practice to collaborate with social service counterparts overseas when a case involves more than one country. However, the differing legal systems and interpretations of, for example, what constitutes a public or private law matter; differing thresholds for intervention and different approaches to conducting assessments; and different approaches to social work practice and education, can prevent social services from working together in the best interests of the child.

**2A. How can the right to family life be upheld for children in cross-border situations, particularly migrant children who are separated from their families (taking into consideration Article 10 of the Convention on the Rights of the Child)?**

The right to family life is reflected in the 1990 UN Convention on the Rights of the Child, Articles 10 & 8 identify the right to ‘family reunification’ - for children to live or remain in contact with family members. Wherever possible children should be cared for within their own families. When a child is deprived of parental care but has extended family members residing in another country, the same principles apply, even if this means that the placement must be coordinated across international borders. Although sometimes forgotten, the principle also applies to young people who have fled their country of origin and are travelling to find safety.

In terms of family reunification, COVID-19 has created additional barriers through special rules and measures like border closures, lock-down and quarantine. It has had a direct impact on children who are not living with both parents or those who are separated, with many questions arising about how to prioritise the child’s best interests. To tackle these issues, reinforced cooperation between the central authorities, the judicial authorities, the public prosecutor and all relevant professionals are needed. This will better facilitate the flow of information about the impact of COVID-19 in the two countries to ensure children’s rights are upheld, including the safe return of the child and speedy execution of court orders.

When a child cannot be cared for by his or her parents or it is not in their best interest to, the first choice of alternative care should be with extended family and those with a kinship bond. International family placements may be an alternative to remaining in care and must be explored to respect the child’s right to their identity and family life. In some cases, families may not even be aware that the child is no longer in their parents care.

Whether a child is being reunified with their parents or placed with family across borders, the nature of cross-border international cases presents additional challenges and complexity. As a result of separation or trauma, the child may have psychological and behavioural challenges which make it harder for family reunification or placements with extended family or foster carers if they have a lack of familiarity with the child’s challenge or how to deal with them. To combat this, it is important children’s wishes are taken into consideration throughout the process and they are prepared for the upcoming changes and challenges. For example, the changes to expect when moving to a new country or differing cultural and religious beliefs compared to what they’re used to or grew up with.

**Case Study**

Mohammed and Samir, aged 23 and 13 years old, are cousins originally from Syria. CFAB received a referral for our Family Reunification Project from a partner refugee charity, as Samir was due to arrive in the UK from France to live with Mohammed, who had arrived in the country a year earlier. Samir had originally left Syria with his mother and sister, following the murder of their father, but had lost track of them during the journey. Before he was picked up by authorities, he had been trafficked and beaten.

Before Samir’s arrival in the UK, the CFAB social worker met with Mohammed to prepare him on what it means to care for a young person and the role of a parent in the UK. They liaised with Samir’s solicitor in France as well as the refugee charity. After Samir arrived, the CFAB social worker met with both Samir and Mohammed to understand Samir’s wishes and feelings about being in the UK, any worries he had, and his hopes for the future. We also created a family support plan, working with the cousins to create plans and routines to maintain their wellbeing.

As a result of CFAB’s involvement, within six months the overall situation of the cousins improved on many levels. CFAB’s unique added value is its professional social work expertise to support beneficiaries while partnering up with local organisations connected to services on the ground.

**2B. How can the best interests of children separated from their families in cross-border situations, in particular migrant children, be more effectively upheld without discrimination?**

For the bodies working with migrant children, efforts need to be made to ensure that the child’s existing identity is maintained and supported. For example, using translators to overcome language barriers, and an understanding of cultural background and differences from organisations engaging with the child. There may be issues of ethnic minority communities or certain religious groups not being able to equally access social service support – whether the children themselves or family members who may be able to care for them – need to be accounted for and actively tackled by the bodies working with the children.

When considering the role of social workers working with families in cross-border situations, they may account for cultural differences through local collaboration and having contact with social workers in the local area who will usually be better placed to identify these differences. Social workers are uniquely placed to challenge hostility towards migrants, as they are often gatekeepers to services. They should challenge the ways decisions are made i.e or relying on stereotypes or prejudice, and instead embed anti-racism in social work practice and actively challenge racist practice when it is observed.

**4. What are the main gaps and strategic priorities to strengthen international cooperation on upholding the rights of children in cross-border situations who are separated from their families?**

International cooperation would be improved by having more countries become signatories to relevant international Hague conventions that govern cross-border cooperation and more consistency across approaches. The 1996 Hague Convention places great importance on co-operation in cross-border cases, especially between Central Authorities. However, cooperation and coordination among relevant bodies in finding optimal solutions in 1996 Hague Convention matters can be challenging because few States are signatories, legal application can take precedence over ethical social work practices, and existing social service providers such as the International Social Service are underutilised (especially in cases where Central Authorities have limited resources).

The International Social Service is a network of national entities and a General Secretariat that assist children and families confronted with complex social problems as a result of migration. Working in more than 130 countries, ISS is a global actor promoting child protection and welfare. ISS Members support individuals having difficulties of a social and legal nature because of international migration or displacement. Its local constituents across the world enable the organisation to provide a better overview of all the options available to the individuals and families involved.