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GUIDE TO GOOD PRACTICE

2021

RECOMMENDATIONS BASED
ON THE VIEWS OF CHILDREN
AND YOUNG PEOPLE TO
PROFESSIONALS INVOLVED
IN INTERNATIONAL CHILD
ABDUCTIONS



This report was funded by the European Union's Justice Programme (2014-2020). The content of this report represents the views of the authors only and is their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

**Date:**

June 2021

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**INCLUDE PROJECT
(2019-2021)**

was launched to offer a set of good practices to legal and other professionals to improve children's wellbeing when dealing with cases of international child abduction, based on the ideas and perspectives of children and young people. The project was implemented in partnership with Missing Children Europe, University of Antwerp, Hope for Children Cyprus and Hintalovon Child Rights Foundation.

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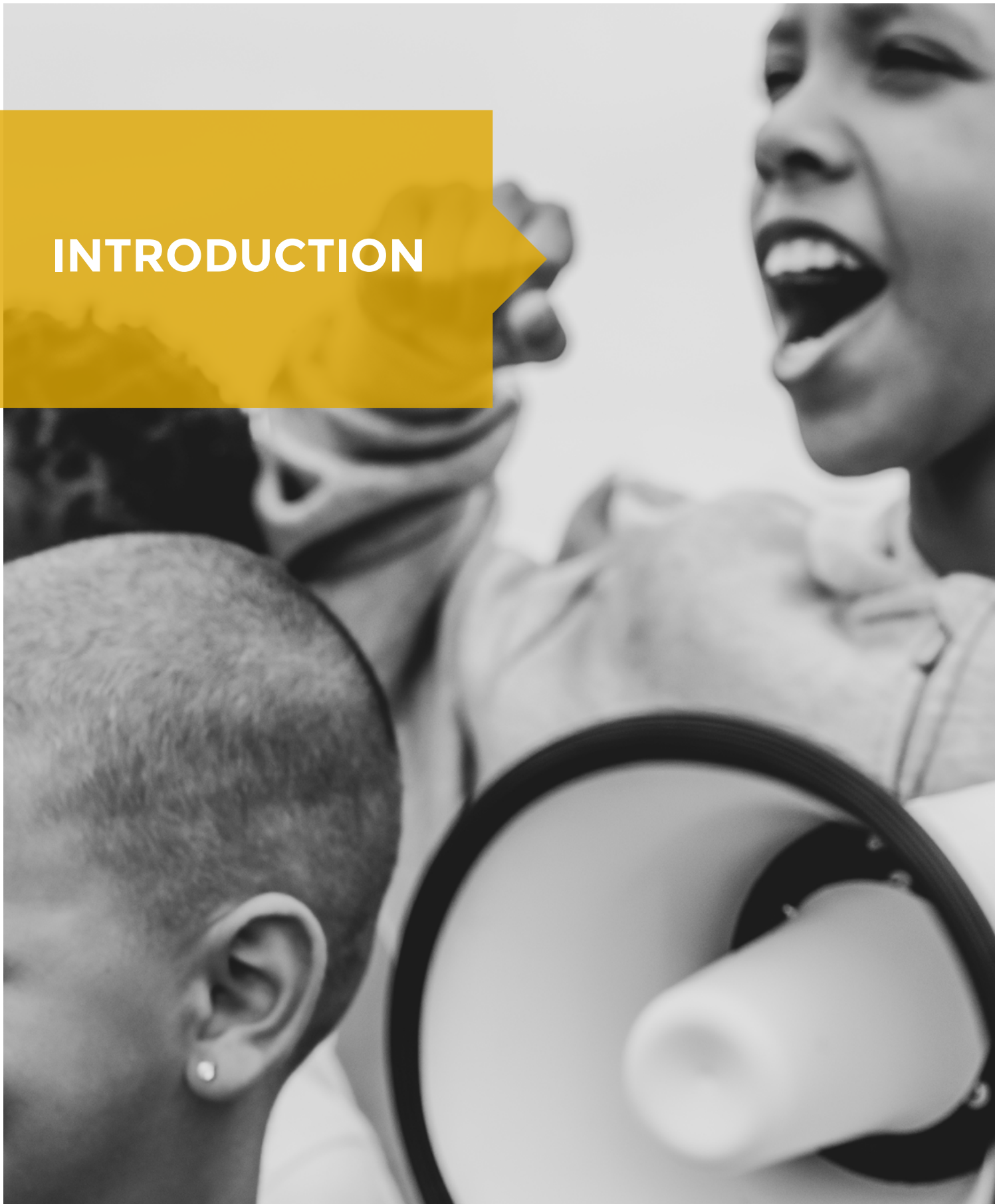
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INTRODUCTION





INTRODUCTION



“

By being involved in this project, I can help other children to feel more safe. That is a great experience.

”

Young person, Cyprus, no personal experience with child abduction

“

It is reassuring for me to see that children who have never experienced a child abduction understand my situation and show empathy.

”

Young person, Belgium, personally affected by child abduction



International child abduction

An international child abduction occurs when one parent takes or keeps the child abroad without consent of the other parent. This situation confronts children, young people and families with stressful, difficult and sensitive issues. Conflict, separation, being excluded from significant decisions, being confronted with the justice system and having to (re)integrate in a new environment pose great challenges for children and young people affected.

Role of professional

To minimise harm and maximise wellbeing for children, young people and their families throughout all phases of an abduction process, rights-respecting responses from professionals and authorities are crucial. This Guide presents recommendations for good practice to all adults involved in child abduction proceedings. The recommendations are insightful not only on how adults can accommodate and reduce children and young people's vulnerability, but also how they can recognise and strengthen agency in matters affecting abducted children.

Voices of children and young people

This Guide is unique in focusing on the voices of children and young people about what they consider to be good practice for adults in a context of child abduction. A total of 44 children and young people between 10 and 17 years old from Hungary, Cyprus and Belgium participated in the project. Children and young people were supported by a multidisciplinary team of experienced facilitators. Mixed methods of drama workshops (Cyprus/Hungary, 2020), involving young people in discussing the workshop outcomes (Cyprus/Hungary, 2020) and focus group discussions (Belgium, 2019) were used to gather children and young people's perspectives. Most children and young people had no personal experience with abduction or hearings in front of a judge. Therefore, where relevant, children and young people's voices are backed up by (non-exhaustive) references to multidisciplinary literature and empirical research from several projects co-funded by the European Commission on these matters (including EWELL, VOICE and INCLUDE).



Children's rights perspective

The Guide explicitly recognises children and young people as human beings with human rights. These rights include, amongst others, the right of children and young people to participate in matters affecting them, to be protected from harm and to be supported in matters they cannot achieve on their own. This perspective is reflected not only in the rights-based methodology, but also in linking the underlying themes of child abduction to the wellbeing and rights of children and young people who experience such events in their families.



Areas of Good Practice

The Guide covers the following areas of good practice in which professional action is required to guarantee abducted children and young people's human rights and wellbeing:

- ✓ Interaction style
- ✓ Information and dialogue
- ✓ Relationships of trust and affection
- ✓ Supporting adults
- ✓ Rights-respecting return



Structure

The recommendations for each of the five areas are presented in an information sheet. The first four topics, “interaction style”, “information and dialogue”, “relationships of trust and affection”, and “supporting adults” are all key elements of respecting the rights of children and young people, both in enhancing their living situation during an international child abduction, and in improving their wellbeing when enforcing return orders. The fifth topic focuses more elaborately on the specific area of return proceedings. In addition to the recommendations specific to an area, each information sheet features quotes by young people and professionals, summaries of the main elements of each recommendation and background notes to further illustrate or contextualise the recommendations. Both the recommendations and the background notes are based on input from workshops with children and young people, combined with non-exhaustive references to related research and literature. The background notes present additional reflections or further details of children and young people’s conversations. A summary of the good practices is presented at the end.

How to read this Guide

Whereas each information sheet can stand alone, combined they offer an overview of the main recommendations for good practice in enhancing the living situation of children and young people in cases of international child abduction and in improving their wellbeing during enforcement of a return order. This format allows for a clear and concise overview of the major recommendations, while at the same time enabling a flexible use of the Guide in different (legal) contexts and stages of the abduction.

Recommendations that are relevant for all adults are presented in black. Additional material that is specifically related to the family context, is coloured in **blue**, while specific recommendations to legal professionals are marked in **green**.

Who this Guide is for

This Guide to Good Practice addresses legal professionals and authorities across Europe who deal with families in or at risk of an international child abduction. These include judges, lawyers, Central Authorities, guardians *ad litem*, mediators, police officers and others. In addition, other professionals and support figures (including, but not limited to, parents, grandparents and other relatives, psychologists, teachers, social workers and airport staff), may find the Guide to be inspirational when confronted with international child abductions in their practice or surroundings.

POLICY RECOMMENDATIONS ON IMPROVING CHILDREN’S WELLBEING IN ABDUCTION PROCEEDINGS

To minimise harm and maximise wellbeing for children, young people and their families throughout all phases of an abduction process, rights-respecting practices should be supported and promoted by good policies. Therefore a set of policy recommendations was formulated to accompany the Guide to Good Practice for professionals.



AREAS OF GOOD PRACTICE





AREAS OF GOOD PRACTICE



INTERACTION STYLE

Aim: Children and young people feel included, respected and taken seriously in decisions about their lives

-
- ✓ Listen carefully and actively to children and young people's views.
 - ✓ Be clear about the degree of influence children and young people can have.
 - ✓ Allow children and young people the time and space to develop trust in the adult(s) in front of them.
 - ✓ Be polite, patient and sincere.
 - ✓ Accept and accommodate children and young people's emotions and behaviour.
 - ✓ Avoid feelings of guilt by reassuring children and young people they are not to blame.

“ It should be clear from the adults’ voice that they know what they do and why they do it.

”
Young person, Hungary

“ Children who do not want to talk, e.g. because they are shy or afraid, should never be forced to speak.

”
Young person, Cyprus

“ The teacher could say they are willing to listen when the child is ready.

”
Young person, Cyprus

“ It is not enough if the adults just say ‘I want to help’. They have to express it through their acts.

”
Young person, Hungary

Adults’ decisions in matters of child abduction have a profound impact on affected children and young people. Both within the family and within the legal procedures that follow, children’s perspectives should be valued and taken seriously. Participants explained that they want to be involved, as having a say in matters that concern them positively affects their wellbeing. Attentive and genuine involvement allows children and young people to feel trusted and respected. At the same time, children may be hesitant to speak up in front of adults. This hesitation is more visible in front of authorities than in front of other unknown (e.g. psychologists) or familiar adults (e.g. teachers or family members), even if trust in the family is damaged.

For abducted children and young people to feel included, respected and taken seriously in decisions about their lives, adults should adopt a positive, confident and reassuring interaction style with children and young people as follows:

1. Listen carefully and actively to children and young people’s views.

Careful and active listeners are dedicated to children and young people’s voices. They show interest in the child’s point of view (e.g. by asking the child what the reasons behind his/her opinion are), let the child speak freely (e.g. not be ‘judgmental’ about what a child is/not willing to share, not interrupt or correct the child’s expressions), explicitly say and show to the child that what he/she says is important and valuable, pay attention equally to unspoken words and body language and avoid adopting a pedagogical position towards the child. This attitude is not only reflected in words, but also shown physically to the child (e.g. through body language, nodding, eye-contact...). Adults should also regularly check back with the child whether they have adequately understood what the child is conveying.

2. Be clear about the degree of influence children and young people can have.

How much room there is for children to influence certain outcomes or decisions varies. Children understand that some outcomes cannot be changed or that the room for negotiation may be limited. Nevertheless, adults should ensure children know and understand

to what extent they can influence the outcome of a decision. Even if a decision is final and children have no possibility to change the outcome, adults should provide feedback to children on how their views have been incorporated in the decision-making (see e.g. [Lundy](#) on how this feedback can be structured). Children should be given the opportunity to share their views on the outcome, while adults should check with them how the implementation of the decision could incorporate children's views to the best extent possible. Directly asking children what solutions they have in mind to address certain challenges can also be experienced as powerful by children. Children believe they are able to alter or influence decisions. Even though this influence may be overestimated, it is reassuring for children that adults are interested in their point of view and solutions are thought-through together. In addition, participants explained it may be helpful to distinguish between aspects of a decision that do not allow for children's direct influence (e.g. having to move to another country, having to go to school) and aspects that do allow their influence (e.g. choosing a hobby or the colour of their room). It also helps children to have positive aspects of a decision highlighted to them.

3. Allow children and young people the time and space to develop trust in the adult(s) in front of them.

Participants explained it takes a lot from children to develop trust in adults they do not know and who are in a position of authority. A lack of trust is a hurdle for children and young people to open up to share their views. What helps children is to be able to speak openly and in confidentiality, while at the same time receiving assurance that no bad consequences will arise from speaking up (e.g. in creating instability in the family environment). Children should never be forced to speak if they are not ready or do not want to, and it is important for them that professionals do not judge them for being silent or shy. Especially for younger children, but also for others, authorities are seen as more distant and less trustworthy in comparison to psychologists or school staff. Even though authorities embody an important quality of 'objectivity' (i.e. not choosing sides in the conflict or making the child choose sides between the parents), developing trust is easier towards someone with the explicit mandate to support them (emotionally and practically) as compared to someone who takes decisions about their lives.

It helps children to be supported by someone the child knows and trusts when facing persons with

“ Children will feel that you have left them out of this decision and I'm not sure that's good. [...] If it is a family matter... obviously, the lives of all of you change... ”

Young person, Hungary

“ Start with the good things. You'll tell the bad ones later. ”

Young person, Hungary

“ When teachers share a child's story with their peers in class, they should be careful to take into account the views and wishes of the child in what can and cannot be revealed to others. ”

Young person, Belgium

authority. The child should be given the opportunity to bring someone they trust, if they want to. When appointed, this person should preferably be independent to other parties in the decision-making process (i.e. be neither a parent nor a judge). It can also be helpful for (very) young children to take a personal item with them (e.g. a toy) and that adults show interest in what they brought.

4. Be polite, patient and sincere. Adults' attitude in their contact with children is decisive in the extent to which children will feel confident to open up. Children appreciate adults to be polite (e.g. not show rude, intimidating, belittling or patronising behaviour), patient (e.g. explaining what is expected from the child in a friendly and understandable way, be available and open to answer all the questions



a child may have, not expect from a child to trust strangers at once), and sincere (e.g. be authentic, genuine and show their support not only in words, but also in actions).

5. Accept and accommodate children and young people's emotions and behaviour.

When interacting with children, adults should show empathy and understanding. They should acknowledge children's emotions and experiences when being confronted with information or decisions that are challenging for them. Adults' attitude should reflect that they are aware and understand children may experience difficult feelings such as guilt, disappointment, stress, puzzlement, fear or frustration. For example, when experiencing difficult news, children may make assumptions about worst-case scenarios that can be frightening for them. Adults should take their time to explain the facts and allow children to express the emotions and reaction that this news brings about. It is reassuring for children that they know they are in good hands and being taken care of. Adults can make this explicit in their interaction with children.

6. Avoid feelings of guilt by reassuring children and young people they are not to blame.

Even though it may be clear to adults that children are not responsible for the events leading to a certain decision, children may nevertheless *feel* responsible. They want to understand their own role in the circumstances leading to a decision. This feeling, whether justified or not from adults' perspective, can place a heavy burden on the child. Take time to explain that children are not to blame.

“

It is important that professionals who talk to children are able to establish good contact with them and are communicative. A suitable person is so much more important than rules or criteria.

”

Legal professional, Belgium

Background note -

The impact of childhood images

Legal professionals and other adults involved with children's participation in abduction proceedings should be aware that their 'child images' or 'images of childhood' have an influence on how the hearing is put in practice. These images represent the ways in which people, structures and cultures look at children, young people and their position in society. What is a child, and how does a child differ from an adult? What characteristics do children and young people have? Sometimes child images are explicit, but mostly they are implicit in our thinking, acting and interaction towards children. These images are at play in the way we speak to or about children and young people, but also in how we interpret and operationalise their needs, interests, questions and rights.

Where adults implicitly share an image of children being incompetent to understand the issues at stake in family proceedings, or being unfit to be asked to share their views in decisions that are properly the responsibility of adults, tensions on the rights of the child in such proceedings come into focus sharply. As professionals, critical self-reflection and engaged learning about one's images, values, beliefs and attitudes can strengthen children and young people's position to participate as fully fledged citizens (see e.g. [James et al.](#), [Neale](#), [Tisdall](#), [Tisdall & Morrison](#), [Van Vooren & Lembrechts](#), *forthcoming*).



INFORMATION AND DIALOGUE

Aim: Children and young people understand what is happening

- ✓ Adopt a high-quality communication style when informing children and young people.
- ✓ Ensure an open dialogue in which children and young people's views are genuinely heard.
- ✓ Ensure continuity and ongoing conversation throughout the abduction.
- ✓ Carefully choose the appropriate time and space to inform a child or young person of significant events.
- ✓ Give sufficient detail to children and young people.

Access to appropriate information and dialogue are crucial issues throughout children and young people's stories in the project. Both are indispensable preconditions for meaningful participation in decision-making processes affecting children and young people. Children and young people experiencing an abduction have a right to information about what is happening to them and what their options are. Participants explained that lack of information results in children and young people feeling excluded, insecure and not knowing what to do. Yet, appropriate information is often absent – not only within the family, but also on the level of professional or non-professional support and in legal proceedings.

For children and young people to understand what is happening to them, adults should inform them and engage in dialogue as follows:



1. Adopt a high-quality communication style when informing children and young people.

Respectful communication assures continuity, attentiveness, positivity, sincerity, trust, safety, child-friendliness, transparency and honesty towards children. When approaching a child, adults should make sure to speak in a friendly, clear and confident manner that can easily be understood by the child. Preferably, adults should use simple, positive and reassuring language, avoiding to unnecessarily overwhelm or worry the child. The difference in age, maturity or personal needs may require separate or additional dialogues with individual children, whereas in other circumstances involving children together with their siblings can be more appropriate. The content of information and the mode in which it is conveyed should be adapted to children's cognitive and emotional abilities and needs.

2. Ensure an open dialogue in which children and young people's views are genuinely heard.

Adequately informing children happens best through an open dialogue in which children can ask questions and negotiate outcomes (see also *'Interaction style'*). Explanations of complex matters are made in a language and format that is accessible to children. This implies continuous feedback with children to check whether they have understood what is transmitted, can work with the information and can, in time and where necessary, internalise the information.

3. Ensure continuity and ongoing conversation throughout the abduction.

Informing children of past, present or future incidents is not a one-off or unilateral event of bringing across certain facts. Throughout a decision-making process, children should be updated about what is happening and what the next steps entail. Sometimes, information needs to be repeated several times before it becomes meaningful to children. Being informed of what has happened, what is happening now and what lies ahead in the future gives children a sense of control, as it allows them to understand, to cope, to feel safe and comfortable, to decide upon steps for follow-up and to envisage what their future would look like.

“

Adults should be extra clear in their language when decisions have a major impact on children's lives.

”

Young person, Cyprus

“

If I were abducted, I wouldn't know what to do. I would not know whether to talk to a judge because I do not know how the procedure works. I think, if I had known more, I might make different choices.

”

Young person, Belgium

4. Carefully choose the appropriate time and space to inform a child or young person of significant events.

Informative dialogues should start in advance, before the event or procedure hits in. There is no formula to calculate this moment; children's views on this matter diverge. For instance, the amount of time between being informed about the decision and the actual coming into effect of this decision should not be unnecessarily long, but should leave children the time to adequately prepare themselves for what lies ahead. Adults should keep in mind that children may not be able to process difficult information when other things occupy their mind, like exams at school. Children prefer times and spaces that they associate with feeling relaxed. *Within the family, this could for example be during dinner, rather than during unnatural 'important talks' with a high level of seriousness about them. In formal settings, professionals should create an attractive*



environment where children and young people can meet them face to face, feel at ease and be safe (e.g. by paying attention to the furnishing and making toys available for young children). Adults in a position of authority should not overly emphasise their power and authority (e.g. sitting at the same height as the child (not on a platform), adapting their language (not use jargon), dress casually (not wearing a uniform or gown) etc...). However, children have also pointed out that a conversation or hearing should not be made dependent on perfect circumstances. Even if the context is not perfectly arranged or the discussion starts uncomfortably, children still prefer a genuine attempt to engage with them over not being involved at all.

5. Give sufficient detail to children and young people. Children want to receive very detailed information about matters such as legal procedures and the consequences or impact of a certain decision on everyday life – not only on themselves, but also on others that are important in their lives (e.g. siblings or pets). At the same time, children recognise that the level of detail they want to have about the internal conflict between their parents is much lower, with some children preferring to not know anything about it.

Background note – The need for professional training

Academics and child rights experts have pointed out that, in order to make an informed and well-founded decision, the child or young person should have access to all necessary information about the nature of the decision and the decision-making process, including who will listen to them, what weight will be attached to these views and under which conditions the conversation will be conducted. When children and young people are adequately informed, the risk of suffering is considerably reduced: children and young people cope better if they are appropriately informed and involved and helped to understand the decisions being made. It is the responsibility of adults to ensure that communication with children and young people is safe, that methods are in place to reduce the risk of harm and that professionals are sufficiently trained to conduct a hearing in a respectful and child-centred way (see e.g. [Lansdown, Parkes, Schuz](#) and [UN Committee on the Rights of the Child](#)).

“

Child 1: Why didn't you tell me this earlier?

Child 2: Give us some time to process the news.

Child 3: Wait for the right moment, when everything is calm.

”

Conversation between young people, Hungary

RELATIONSHIPS OF TRUST AND AFFECTION

Aim: Children and young people feel safe, nested and involved

- ✓ Avoid alienation, even if parents live separately.
- ✓ After a breach of trust, restore the relationship with children and young people.
- ✓ Acknowledge mistakes.
- ✓ Avoid at all times that children and young people have to make a choice between two parents.
- ✓ Avoid separating siblings, but consider their interests individually.
- ✓ Accommodate difficult feelings emanating from instability in the family environment.
- ✓ Ensure enough stability for children and young people in challenging circumstances.



“

The child should stay somewhere familiar and not away from the people he/she is close with.

”

Young person, Cyprus

“

Children should not be put in a position where they should choose between two parents or in any position where they would be psychologically threatened.

”

Young person, Cyprus

Family experiences may differ significantly between children and young people. The bond children have with their parents, siblings and extended family is dependent on various circumstances. However, across countries and across situations, most participants experience their family as supportive. They show great empathy for their parents and siblings, also in choices that bring about challenges for them. Participants tend to associate family with positive concepts like solidarity, feeling at home, trust, freedom, overcoming difficulties, hugs and happiness, but complexities like sharing the good and the bad sides of living together with various personalities were also highlighted several times. As an abduction has a profound impact on family dynamics, professionals and decision-makers should be aware of the great importance of family in children and young people's lives. There is a key role for professionals to support parents in living up to their responsibilities, as well as to include parents as key partners in creating rights-respecting environments for children and young people confronted with legal proceedings.

For children and young people to feel safe, nested and involved, adults should nurture trust and affection in the family as follows:

1. Avoid alienation, even if parents live separately. Parents bear a key responsibility to inform children and communicate with them in an honest and transparent way. Professionals should encourage and support parents to achieve this. Parents should tell the truth, should avoid statements that could easily lead to misconception or miscommunication, should not talk negatively about the other parent and should prevent geographical distances from becoming unbridgeable. It is very important to children that the parent who does not live with them can still participate in major events in the child's life and that this parent takes up an active role in maintaining the bond with the child. Professionals too have an important role to play. They should avoid influencing the child in any way and should pay careful attention to signs of (un)justified estrangement, rejection or parental alienation. In those cases, additional support for children, parents and families may be required (e.g. on the level of mental health) and extra care should

“ It is like choosing between father and mother, between Spain and Belgium... And that is not really a choice. Or if it is, it is a very annoying choice.

”
Young person, Belgium

be taken to provide a safe space for children to share their views (e.g. through the intervention of child protection specialists). Adults should take into account that gender dynamics may play a role as well: irrespective of how the bond between a mother and a son may develop, *“a boy may miss a father-and-son-talk when his dad lives abroad”* (young person, Hungary).

2. After a breach of trust, restore the relationship with children and young people. In the context of an abduction, children have often faced a breach of trust within their families. Such experiences may be traumatic for children and can have negative consequences in developing trust towards other adults, including professionals and authorities. However, children have pointed out that relationship with loved ones could and should be restored. When parents breach their child's trust, it is important for young people that parents make sure that it does not happen again. *“I think it's about whether it was a one-time thing or lasting change”* (young person, Hungary).

3. Acknowledge mistakes. For adults in general, and parents specifically, admitting that they made a mistake is a powerful way of taking the first step towards children: *“I think that as an adult, you can tell children that you made a mistake. Because everybody makes mistakes”* (young person, Hungary).

4. Avoid at all times that children and young people have to make a choice between two parents. Having to choose between two parents is perceived as exceptionally distressing for children. Children see it as adults' responsibility to avoid putting a child in such a conflict of loyalties.

Not only parents, but professionals too should be extremely careful in this matter. Even though mediation will not always be suitable (e.g. in cases of domestic violence), it can potentially improve wellbeing and stability in high-conflict family settings. Professionals should encourage parents to consider alternative dispute settlement above legal avenues, if they consider this to be a safe option.

5. Avoid separating siblings, but consider their interests individually. Decision-makers and persons offering support should be aware that the different family dynamics children experience may come to a head when facing an abduction. Children who have brothers or sisters may find their

“ Real friendships can be continued over the internet.

I think it's about whether it was a one-time thing or lasting change.

”
Young person, Hungary

siblings to be important for bonding and teaming up, especially when living through difficult moments. Siblings could also become a source of anger and frustration, and sometimes as a source of competition children may like or dislike. Not having siblings, on its turn, could lead to a stronger bond between children and their parents. Siblings should not be separated, but at the same time it is important to note that the best interests of each individual child should be assessed separately. Also for children with siblings, it should not be the case that the needs or interests of one child trump those of another.

6. Accommodate difficult feelings emanating from instability in the family environment. Being separated from their parent(s) is hard for children. A loss of one of their main reference persons and role models may confront them with difficult feelings and worries associated to a loss of their basic sense of security. Substantial changes in the family environment not only affect the relationship between children and their parents, but can also impact on siblings' relationships, both positively and negatively.

7. Ensure enough stability for children and young people in challenging circumstances. Predictability, continuity and routine bring stability to children, which is of crucial importance when they feel threatened or challenged in their basic security. Being able to pick up old routines (e.g. reading bedtime stories in a specific manner), doing something that is familiar (e.g. pick up a hobby from before), having access to objects or arrangements that they know well and feel comfortable with (e.g. take a pet with them), and keeping up a fulfilling level of contact with people that are important to them (e.g. over the Internet) can help children to cope in difficult circumstances. If circumstances allow, professionals could also partner up with parents to creating a suitable environment for children.



Background note – Advantages of child-inclusive and culturally sensitive mediation


The possibility of mediation may be crucial to enhance stability in high-conflict family situations, as well as to reach satisfactory results upon enforcement of return decisions. In particular, research with parents affected by child abduction shows that they were significantly less anxious and less depressed when mediation was used to reach an amicable solution for the family conflict, in comparison to cases where no mediation was used.

Other research highlights that lawyers can be very supportive to parents in conflict to settle a case on terms that do not put children at risk, respect their views and promote a good relationship with both parents, where child-focussed settlements may be more likely to be respected by both parents than an order imposed by a judge.

Research on the participation of children in divorce proceedings has further clarified that some children who had little impact on the decision-making process or who could not change anything about the contact arrangements, refused to comply with the Court orders. This finding illustrates how a lack of involvement and respect for children's views may result in unworkable agreements. In addition, child-inclusive mediation could be a good example for children whose parents are in conflict on how constructive communication may work.

Mediators specialised in cross-cultural communication can also be of help in settling family conflict. Not only does culture play a role in the way people view disputes and how to deal with them, views on parent-child relationships may also differ between couples from different cultural backgrounds: *"I have often thought that parents need to be sensitised to parental alienation. I think they are often unaware that they are provoking that and don't know how damaging it can be to the child. In some communities, it can be helpful to work with a cultural mediator to explain these things"* (child protection officer, Belgium).





“ Child 1: If I were them, I'd expect my mum to be completely honest and play with open cards.

Child 2: If someone starts lying, it will grow into a big net of lies... and you'll lose children's trust. I think you should tell the truth.

”

Conversation between young people, Hungary

“ Parents and children should talk together and take a decision together.

”

Young person, Cyprus

“ We are a family. We'll go through it together.

”

Young person, Hungary

“ The child's parent has no right to say that she cannot see or speak to her other parent. Both are your parents, so you should be allowed to have contact with both.

”

Young person, Belgium



SUPPORTING ADULTS

Aim: Children and young people can benefit from a safe and secure network

- ✓ Give children and young people the opportunity and the time to develop a relationship of trust with a supporting adult.
- ✓ Ensure empathy, confidentiality, patience, safety, comfort and equity to children and young people.
- ✓ Give children and young people a voice concerning the type and details of support.
- ✓ Carefully manage children and young people's expectations about the role, limitations and possibilities of professional support.
- ✓ Respect children and young people's own boundaries and do not force them to open up.

“ When your siblings are too young, like 2 years old or so, I would try to leave them out of the conflict.



Young person, Belgium

“ Siblings are both going through the same thing and could be able to support each other.



Young person, Cyprus

Participants had a lot to say about adequate support for abducted children. They identified a range of adults who could fulfil a professional or non-professional supporting role for children, young people and families experiencing an abduction. These include trusted family members (e.g. parents, grandparents, or an aunt/uncle), but could also be people the child did not know previously (e.g. counsellors or psychologists). Some children and young people prefer professionals with whom they already have a relationship of trust (e.g. their teacher, school staff, a hobby club trainer or parents of peers). In addition, young people can also support each other, as friends or as (elder) siblings. Offering information, answers to their questions, practical guidance and emotional support are crucial for children and young people, especially when their parent(s) is/are not in a position to fulfil this role.

For children and young people to benefit from a safe and secure network, adults should involve others to provide support as follows:

1. Give children and young people the opportunity and the time to develop a relationship of trust with a supporting adult. Irrespective of whether the person children talk to is a stranger or known to them, participants agree that certain qualities make it easier to talk to an adult. The most important quality of a support figure, according to children, is the person's trustworthiness. This is especially relevant in the context of an abduction, where children have often faced a breach of trust within their families. Such experiences may make it harder for children to trust professionals and authorities. Important to note is that trust, to children, is a reciprocal dynamic – where experiences of being able to participate in a meaningful way help children to build trust in adults. To the contrary, being excluded from decisions leaves children with difficult feelings (including e.g. anger, discomfort, frustration, disappointment, powerlessness, panic, stress, puzzlement, confusion and hurt), especially when they experience the outcome of the decision to be unjust, challenging or inappropriate. Whereas children are more confident towards the possibility of restoring a breach of trust with their loved ones (e.g. parents or siblings), bad experiences of distrust in relation to authorities are more difficult to restore and greatly influence children's attitudes.

“

The counsellor should be specifically trained and should give enough time to the kid to speak and explain while he/she will listen carefully by paying the necessary attention to the child's needs.

”

Young person, Cyprus

“

This adult should ask the right type of questions. In this situation, I think open questions are important.

The person asking the questions should not already put the answers into the child's mouth.

”

Young person, Belgium

“

It wouldn't make much sense to talk to a psychologist in Spain if this person doesn't speak Dutch.

”

Young person, Belgium

2. Ensure empathy, confidentiality, patience, safety, comfort and equity to children and young people. These qualities are highlighted by participants as being important for professional interaction with children. Speaking a language the child understands is also mentioned. To the contrary, if children have the feeling that an adult is not fully interested, does not take them seriously, would not believe them or forces them to share part of their story they would rather keep private, children do not feel they are being called upon to speak openly about matters affecting them deeply.

3. Give children and young people a voice concerning the type and details of support.

Depending on factors such as their age, their level of maturity, how much they know about the formal settings they face and how they experience their relationship with their family, abducted children may have different wishes or needs for support. Some children point out they would rather talk to a relative (e.g. an older sibling or an aunt), or someone they already know and trust (e.g. a teacher or hobby club trainer), instead of to a complete stranger (e.g. a psychologist or a lawyer). Especially in a context of feeling 'betrayed' in a trusted family relationship, children may become more sensitive towards adults. A confrontation with people that are unfamiliar to them can lead to feelings of disorientation and confusion. For others, the opposite is true, they see an added value in talking to an outsider because they would prefer the person to be neutral, objective or not influencing the child in a subjective way. Yet other participants pointed out it doesn't matter that much whom they talk to, as long as they can feel at ease and feel equal to them.

4. Carefully manage children and young people's expectations about the role, limitations and possibilities of professional support.

Being informed makes it easier for children to develop relationships of trust with adults and decision-makers. Conversely, the lack of information and not understanding what is happening to them is a catalyst for difficult feelings detrimental to children's wellbeing, such as insecurity, destabilisation, frustration, embarrassment, fear, confusion and disappointment. To prevent these feelings from taking over, it is crucial that the child's expectations towards professionals, procedures and events are discussed,



“ For me, a psychologist would not be the right person to talk to. I have seen too many psychiatrists by now.

”
Young person, Belgium

clarified and adjusted if necessary. For example, the boundaries of confidentiality, the balance of different interests, how due weight is given to the child's views and what professionals can and cannot do for them should be clearly explained to children.

5. Respect children and young people's own boundaries and do not force them to open up.

Sometimes, personal experience leads young people to have less trust in professionals. Even though feelings may be temporary and can be overcome when responded to with genuine care and attention, children point out that restoring trust or recovering from traumatic experiences is much more difficult. The kind of support children need, may therefore differ depending on their situation as well as on their personality. Some children may prefer to be left alone, while knowing that someone is there to listen when they need it.

“ I am the youngest of four, and my older brothers would definitely take action... We would work out some kind of plan!

”
Young person, Belgium



Having an (elder) sibling to talk to could be good for them, as, perhaps, he/she would be able to better understand their point of view.



Young person, Cyprus

Background note - Who do children and young people identify as supporting?

When asked who they would turn to with their questions, participants feel most comfortable with **people they already know and have a good relationship with**, and with family members in particular. However, they also mention that *“anyone who can talk in confidentiality and trust”* (young person, Cyprus) would be in a good position to help them. Some participants have referred to **“outsiders”** in general terms, i.e. someone who has nothing to do with the conflict between the parents but who is not necessarily a professional, as well as to **“figures of trust”** or **counsellors** without specifying their function. **Lawyers** are mentioned but with the caveat that *“it depends on the lawyer’s character and the relationship he/she has with the child”* (young person, Cyprus). The person should be approachable and be open to talk about sensitive things.

In ‘normal’ circumstances, where they would not speak of an abduction, participants would trust their **parents** to talk about things that bother them. Especially with regard to younger children, participants point out that if they were the child, they would have trust in their parents and would also talk to them, even if what they did was not right. Even when trust is damaged within the family, children still feel their family provides emotional security.

When speaking specifically about abduction, participants would confide in their grandparents and (elder) siblings. In particular, **grandparents** could talk to the abducting parent and try to make her change her mind. Nevertheless, participants also see

a risk that the grandparents would too easily choose their own child’s side against the other parent (e.g. maternal grandparents may be ‘biased’ to choose the child’s mothers’ side). The same remark was made with regard to other family members, like **aunts or uncles**. They could be supportive for children, but the level of trust depends on the child’s bond with them and on how well the family members succeed in not choosing the side of the parent who is their own sibling.

Children and young people are reassured by the presence of their (often elder) **siblings**. However, some participants felt protective towards their (often younger) siblings and preferred to leave them out of the conflict. They expressed concern about overburdening or not fully being able to protect their siblings in difficult family circumstances.

In addition, **teachers, hobby trainers, friends, classmates and the parents of peers** are pointed out as possible support figures who could take action on behalf of the child. Parents of peers are particularly mentioned if concrete action is necessary, such as talking to the child’s left-behind parent or to the authorities. If the child or young person merely needs emotional support, friends may be sufficient, even though some participants doubted whether at a young age, this is really the case among friends. Nevertheless, the power of children and young people to support each other without the interference of adults is worth underlining.



RIGHTS-RESPECTING RETURN

Aim: Children and young people's human rights are guaranteed in abduction proceedings

- ✓ Ensure explicit support for children and young people from the start of the return proceedings.
- ✓ Ensure additional support for the family as a whole, so that contact between parents and children can be maintained.
- ✓ Strike a fair balance between protecting children and young people in vulnerable situations and making sure their voices are heard.
- ✓ Take children and young people's views seriously throughout the decision-making process.
- ✓ Formulate return orders timely, as detailed as possible and in a child-friendly manner.
- ✓ Inform children and young people about the decision in a respectful and secure way.
- ✓ Enforce a return order in a respectful and secure way.
- ✓ In cases where police can intervene in a child abduction, only involve them as a measure of last resort.
- ✓ Ensure comfortable circumstances for children and young people to travel during the return journey.
- ✓ Ensure follow-up upon arrival.
- ✓ Ensure continued support for children, young people and their families to re-adjust to everyday life.

“ It is hard to cope with moving to a new environment.

”
Young person, Cyprus

“ An independent professional could listen to the child while the process is ongoing and would be able to advise the other professionals if something is not clear or helpful.

”
Young person, Cyprus

“ If I were the judge, I would insist that the parents talk to each other first.

”
Young person, Belgium

“ Well, this [return] is not such a minor decision. It has a great impact. It is not the type of decision that doesn't mean anything, right?

”
Young person, Belgium

Experiencing an abduction and consequently having to return to the country of habitual residence are particularly eventful experiences for children. When applying the legal framework, judges and other professionals should make sure that children feel safe, respected and taken seriously. At the same time, avoiding embarrassment, discomfort and trauma are key throughout the process. Support should be available to children and their families before, during, upon, as well as after the return, so as to limit negative consequences for children on the short and longer term. In addition, the recommendations presented in the various information sheets – relating to adults' interaction style, appropriate information, family environment and needs for support – also remain valid throughout this procedure.

For children and young people to have their human rights guaranteed in abduction proceedings, adults should ensure a rights-respecting return as follows:

1. Ensure explicit support for children and young people from the start of the return proceedings.

Children prefer being informed and supported by someone they trust. Generally, parents are the first reference persons for a child. In a context of child abduction, however, the interests of parents and children may clash and being informed exclusively by one of the parents may undermine objectivity of the procedure. For example, it is not in the interest of an abducted child to be represented in the return procedure by a parent to whom the child does not want to return. This causes a conflict of interest that is neither in the best interests of the child nor in the interest of a fair trial (see ECtHR, [dissenting opinion in Raw](#)). At the same time, participants often experienced officials such as judges or police-officers to be too distant to develop a relationship of trust. Therefore, ways should be sought to combine professional support with support from someone the child can (grow to) trust. To enact this right of the child to be supported in a rights-respecting manner, a third, independent person who can accompany and inform the child throughout all steps of the proceedings could be appointed. This person should have the explicit mandate to support the child, both emotionally and practically, and to prepare the child for return. The appointed professional should keep the child

fully informed about the legal procedure and about what will happen when the child is back in the country of habitual residence. The Netherlands, with the practice of the guardian ad litem in child abduction cases, does seem to offer an appropriate answer to this conflict of interests. The *guardian ad litem* is appointed by the court to defend the interests of a child in legal proceedings where a parent or guardian cannot or will not do so.

2. Ensure additional support for the family as a whole, so that contact between parents and children can be maintained. Research

with parents who experienced an abduction has shown that generally, parents do not feel very much supported by professionals during and after the abduction. The attorney and central authority are generally considered to be more supportive than the police, the mediator or the embassy, but none of these actors scores more than 3 on a scale of 1 (not at all supportive) to 5 (very supportive). Children and young people, at their turn, pointed out that changing family dynamics and parents' suffering can have fundamental repercussions on children's wellbeing. Alongside individual and tailored support for children themselves, they highlight that parents too should not be left to their own devices when facing a return. Organisations or professionals with expertise in mediating high-conflict families can play a role in supporting the family to restore, shape and keep the contact between children and parents. Opportunities for parents and children to meet each other throughout the proceedings (e.g. in specifically designated areas at the Court house, if needed in the company of a professional support figure) should be used to ensure a continuity in contact. Participants also pointed out that contact between family members is not only a right of a child, but of parents as well. Rights and responsibilities in this regard are interlinked, in their view. Similarly, if circumstances allow, parents could be included as key partners in realising children's rights and developing a safe and trusted environment.

3. Strike a fair balance between protecting children and young people in vulnerable situations and making sure their voices are heard.

Judges, mediators and other professionals with decision-making power, as well as parents and other supporting actors, should strike a fair balance between protecting children in vulnerable situations and making sure their voices are heard.

“Afterwards, when she is at home, someone should check with [the child] like ‘How are you now?’ and stuff...”



Young person, Belgium

Having adequate protection and support measures in place during a procedure is crucial to ensure a safe space and protect the human rights of children, but so are measures to ensure an adequate hearing of the child. Seeing abducted children as exclusively vulnerable (i.e. without recognizing children's agency) often leads adults to be overly careful to give space to children in decision-making. This 'protection-reflex' can be unfounded when it is related to adults' own lack of confidence about a hearing. Adults should be careful not to convey their own insecurities on children by patronizing them or deciding in their place that being heard would be traumatic for children.

4. Take children and young people's views seriously throughout the decision-making process.

Despite children's legal right to be heard, there is a tension in how to make hearings meaningful within the limits of legal, procedural and organisational conditions. Even though legal procedures should be initiated and carried out speedily, in practice it can take several months after the moment of the abduction until a return decision is made. During the time it takes to reach a decision, the child may get used to the new environment, e.g. by attending school, caring for a pet or making new friends. As soon as a return decision is made, however, it usually has immediate effect. If the child's perspective is not sufficiently considered, this can again cause an abrupt rupture in the child's daily life. As in other processes of decision-making on matters that affect them, the more children feel involved and respected in return decisions, the easier it will be for them to accommodate the final agreement (see research by Taylor & Gollop). For example, when the judge includes modalities for return in the judgment (e.g. on making professional support available to the child upon return, or deciding how the contact between the child and both parents



will be assured), these modalities should have been discussed with the child and due weight should be given to the child's views. Giving due weight does not mean children's views should always be decisive or superior to other views. Children should be ensured (in words and in acts) that decision-makers care about their safety and best interests and that no negative consequences will result from participating in the procedures or from sharing their views.

5. Formulate return orders timely, as detailed as possible and in a child-friendly manner. Decision-makers in return proceedings find themselves midway between, on the one hand, the need for a speedy procedure, while on the other hand taking the time to make the right decision. At the same time, return orders should also be as detailed and specific as possible to anticipate potential issues of enforcement. Judges should make use of their competence to spell out exactly what is expected from each party and the time within which the specified actions should be taken (see research by [Lowe](#)). In addition, young people have pointed out that judges should take into account whether the consequences of their decision are practically feasible. The assessment of children's best interests and their views should be carefully portrayed in the judgment, preferably in a child-friendly

language that is easy for the child to understand and allow them to grasp the legal reasoning (see [example](#) by judge Peter Jackson from the High Court of England and Wales). The possibility of child-inclusive mediation or other forms of alternative dispute settlement in which children are genuinely involved in a safe way, may be particularly relevant to reach satisfactory results in drafting and enforcing a return order.

6. Inform children and young people about the decision in a respectful and secure way. After the decision on return has been made, the outcome is usually communicated to the parents and not directly to the child. In high-conflict families where communication between parents and children may be challenging, this can be a serious hiccup in the procedure. The child's support figure, who was appointed at the start of the proceedings, should provide counselling and information to children (and if necessary also to the child's parent/s) to help them come to terms with the decision. Whereas children regret when they do not get the opportunity to have an impact on the outcome of a decision, they do understand that some decisions are final. In those cases, being given information, being able to ask questions and obtaining diligent answers to these, is crucial for children. The more they can get a clear picture about the underlying reasons, perspectives, feelings and consequences behind important decisions, the more likely they are to find ways of accommodating the outcome. In addition, the more they experience adults' good intentions, the less important it becomes to understand every single aspect of a decision. Positive aspects of a decision can be highlighted to reassure children.

7. Enforce a return order in a respectful and secure way. When discussing the needs and rights of children in relation to the enforcement of the return order, young people made a distinction between situations that completely get out of hand and situations in which a reasonable agreement between the parents can be reached. Whereas in the latter case, the trip could be a relatively harmless experience when organised in a suitable manner, in the former participants did not exclude the option of an intervention by the police. Specific risks for the child's wellbeing may occur for example in situations where the abducting parent refuses to allow the child to return and to engage in any form of cooperation, assuming obstructive behaviour to delay or avoid the enforcement of the return order (see e.g. [Schulz](#)). Location orders and specialised services to assist in locating the whereabouts of children can be helpful in such cases (see [Lowe](#)).

8. In cases where police can intervene in a child abduction, only involve them as a measure of last resort.

Participants extensively discussed police intervention. Whereas some children point out the police could play a role in locating the child or discouraging the parents from abducting in the future, “getting the police involved in the situation can be shocking for the child” (Young person, Belgium). Involvement of the police should only be considered if all other options have been unsuccessful: “The police is really a last resort, only if no-one else can take care of the return and join the child. And then they have to behave in a child-friendly way and give her enough information about what is happening – you go back to Belgium now, say goodbye to your mother – and they should be calm, because yeah, she’s only a child...” (young person, Belgium). The behaviour of police officers is crucial for children: “I think as such it is ok that the police would get involved, but they should do so in a friendly way, not just enter and go away again, you can’t do that” (young person, Belgium). Young people in Hungary also discussed this: “I would have calmed down if I could talk to the policeman and I was only getting more nervous when then policeman, let’s say, wasn’t too friendly.” They suggest that when the police arrives, they would want to explain their situation, and then “the policeman would be more understanding and put himself in his position” (young person, Hungary). Earlier research shows that arrest of a parent can be highly traumatic for children and should be avoided. This is in line with the reasoning of the ECtHR, which has repeatedly held that coercive measures involving children are not desirable in this sensitive area (see e.g. [ECtHR, Ignaccolo Zenide §106](#)) or might even be ruled out by the best interests of the child (see e.g. [ECtHR, Raw §80](#)). When the police has to intervene as a measure of last resort, especially in the presence of the children, transparent communication about what is going on and what will happen in the future is necessary. Children should not get the feeling that they did something wrong.

9. Ensure comfortable circumstances for children and young people to travel during the return journey.

It is important for young people that someone who the child trusts would accompany her on the flight, both “to make sure she actually arrives” and because “it is nicer not having to travel alone” (young person, Belgium). This person could be a parent (although some children point out it should preferably not be the abducting parent), grandparents or yet another person who is not specifically named. They also note that some children are used to fly by themselves and could be comfortable with the mere company of an airhostess. They refer to situations in which they themselves have travelled alone, where they saw other children travelling in this way or when they know of someone who once took a plane by him- or herself.

10. Ensure follow-up upon arrival. Once children get back to their country of origin, participants think it would be good if the left-behind parent, or someone else they have a trustworthy relationship with, could meet the child upon arrival. Young people have also suggested that an abducted child may not necessarily want to return immediately to the left behind parent’s house. The child might be better off spending some time with grandparents or with someone else they trust, so that the parents can take their time to settle things “and leave their child out of this” (young person, Belgium). Participants pointed out that this might protect the child from harm when the conflict between the parents is not yet sorted or needs some time to cool down. When the abducting parent returns with the child, additional safety measures may be required to protect the parent (e.g. in cases of alleged domestic violence).

“Hearing the child is very helpful. You get to know the person about whom you make a decision. Feelings and emotions are more difficult to transmit through a representative.”



Legal professional, Croatia

11. Ensure continued support for children, young people and their family to re-adjust to everyday life. Keeping in mind findings from earlier research, given the long-term effects of child abduction, it is equally important that professional support (e.g. through child protection services or psychological support) is available for children and their families after return. Children and parents may need time to readjust and find ways to cope with possible trauma, stress and anxiety they experienced. Young people expressed that if any of the parties (children and/or parents) voice a need for psychological assistance to process what happened, this should be made available to them. One participant hopes there would be someone who gets in touch with the child after some time. Peer support is also an avenue that is mentioned. Innovative ways to organise this could be, for example, through “youth camps for children who have experienced an abduction, where they can share experiences with others and stay for a bit, while parents can come to their folds and take a rest after this stressful time” (child protection officer, Belgium). Compensating children for a hard experience (e.g. getting their own room and deciding how to paint it, or by small gestures, rewards, freedoms or ritual acts) can be helpful for children to readjust.




Background note – How can children and young people's relationship to adults in positions of authority be understood?

When having to face adults in a position of authority, participants have explained they would feel embarrassed, worried, destabilised, vulnerable and 'out of control' for a variety of reasons. They fear in particular that adults representing powerful authorities would not take them seriously. Children and young people are afraid they cannot fully express themselves because they would not feel at ease in the presence of a professional they perceive as intimidating. As the following conversation in one of the focus groups illustrates, thinking about an abducted child having a conversation with a judge makes young people insecure.

In addition, participants explained children may not understand what is happening to them (e.g. due to a lack of information or appropriate communication), they may feel excluded (e.g. because the decision has already been made without their input or ability to change something), they may feel humiliated, vulnerable or out of control (e.g. because authorities do not treat them respectfully), they may fear the consequences of making their voice heard (e.g. in creating instability in their family environment by speaking up) or they may be having a hard time missing family and friends. Children may not be willing to cooperate or show difficult behaviour when experiencing these emotions. Accommodating children's rights and needs in these circumstances, in line with the recommendations presented above, may help them to overcome these difficulties and open up constructively.

Since most of the children and young people who participated in the workshops have not had the experience of talking to judges in their own lives, participants may have preconceptions that do not fully match reality. Irrespective of whether the reasons for being hesitant are real or perceived in a given situation, however, they may stir up anger, fear or nervousness hampering children's wellbeing in decision-making processes.





“ Child 1: I’m afraid the judge is not used to talk to a young child, that is intimidating... These people are so big... and then you can’t just say everything you think.

Child 2: I think when you talk to a judge, you have to look like a grown-up.

Child 1: Yes, they look down on you a little.”

”


[Group agrees]

“ Child 2: And when you say something that is a bit childish, they probably think ‘Oh well, this is a child, she doesn’t know anyway’.

Child 3: Her opinion doesn’t matter.

”

Conversation between young people, Belgium



SUMMARY OF THE RECOMMENDATIONS





SUMMARY OF THE RECOMMENDATIONS



INTERACTION STYLE

- ✓ Listen carefully and actively to children and young people's views.
- ✓ Be clear about the degree of influence children and young people can have.
- ✓ Allow children and young people the time and space to develop trust in the adult(s) in front of them.
- ✓ Be polite, patient and sincere.
- ✓ Accept and accommodate children and young people's emotions and behaviour.
- ✓ Avoid feelings of guilt by reassuring children and young people they are not to blame.

INFORMATION AND DIALOGUE

- ✓ Adopt a high-quality communication style when informing children and young people.
- ✓ Ensure an open dialogue in which children and young people's views are genuinely heard.
- ✓ Ensure continuity and ongoing conversation throughout the abduction.
- ✓ Carefully choose the appropriate time and space to inform a child or young person of significant events.
- ✓ Give sufficient detail to children and young people.

RELATIONSHIPS OF TRUST AND AFFECTION



- ✓ Avoid alienation, even if parents live separately.
- ✓ After a breach of trust, restore the relationship with children and young people.
- ✓ Acknowledge mistakes.
- ✓ Avoid at all times that children and young people have to make a choice between two parents.
- ✓ Avoid separating siblings, but consider their interests individually.
- ✓ Accommodate difficult feelings emanating from instability in the family environment.
- ✓ Ensure enough stability for children and young people in challenging circumstances.

“Only if I understand this person's point of view, I'm inclined to follow the rules they set for me.



Young person, Cyprus

SUPPORTING ADULTS

- ✓ Give children and young people the opportunity and the time to develop a relationship of trust with a supporting adult.
- ✓ Ensure empathy, confidentiality, patience, safety, comfort and equity to children and young people.
- ✓ Give children and young people a voice concerning the type and details of support.
- ✓ Carefully manage children and young people's expectations about the role, limitations and possibilities of professional support.
- ✓ Respect children and young people's own boundaries and do not force them to open up.

“

Child 1: Some people don't like to expose themselves to strangers.
It may be difficult to talk about things.

Child 2: You could also write it down... or just talk to yourself about
what you're going through.

Child 3: It depends on who you are, if you easily open up or not.

”

Conversation between young people, Belgium

RIGHTS-RESPECTING RETURN

- ✓ Ensure explicit support for children and young people from the start of the return proceedings.
- ✓ Ensure additional support for the family as a whole, so that contact between parents and children can be maintained.
- ✓ Strike a fair balance between protecting children and young people in vulnerable situations and making sure their voices are heard.
- ✓ Formulate return orders timely, as detailed as possible and in a child-friendly manner.
- ✓ Take children and young people's views seriously throughout the decision-making process.
- ✓ Inform children and young people about the decision in a respectful and secure way.
- ✓ Enforce a return order in a respectful and secure way.
- ✓ In cases where police can intervene in a child abduction, only involve them as a measure of last resort.
- ✓ Ensure comfortable circumstances for children and young people to travel during the return journey.
- ✓ Ensure follow-up upon arrival.
- ✓ Ensure continued support for children, young people and their families to re-adjust to everyday life.



What can adults do to ensure abducted children and young people's wellbeing and rights in decision-making processes generally, and in formal settings specifically?

For children and young people to ...

FEEL INVOLVED IN DECISION-MAKING PROCESSES

All adults should ...

- ✓ Show dedication in listening to children's opinions, irrespective of the outcome of the decision.
- ✓ Show interest in the child's point of view (e.g. by asking the child what the reasons behind his/her opinion are).
- ✓ Let the child speak freely (e.g. not be judgmental about what a child is/not willing to share, not interrupt or correct the child).
- ✓ Ensure children know and understand to what extent they can influence the outcome of a decision.
- ✓ Distinguish between aspects of a decision that do and aspects that do not allow for children's direct influence.
- ✓ Ask children what their views are on the final outcome, even if children have no possibility to change this, and how the final decision could incorporate children's views to the best extent possible.
- ✓ Highlight positive aspects of a decision.
- ✓ Listen actively and carefully, also to the unspoken words, and also show their engagement to the child (e.g. through body language, nodding, eye-contact...).
- ✓ Explicitly say and show to the child that what he/she says is important and valuable.
- ✓ Give children the chance to negotiate outcomes of decisions.
- ✓ Ask children what solutions they have in mind to address certain challenges that affect them.
- ✓ Provide full feedback to children on how their views have been incorporated in the decision-making.

Professionals in formal settings should specifically...

- ✓ Make clear to the child that while the child's views are important, children do not bear the responsibility of deciding where to live.



For children and young people to ...

FEEL RESPECTED BY ADULTS IN POSITIONS OF AUTHORITY

All adults should ...

- ✓ Be polite, avoid rude or repulsive behaviour.
- ✓ Not belittle or patronise a child.
- ✓ Be patient (e.g. explaining what is expected from the child in a friendly and understandable way, be available and open to answer all the questions a child may have, give the child the time to open up...).
- ✓ Be authentic, genuine and sincere (e.g. by showing their support not only in words, but also in actions).
- ✓ Accept and accommodate children's emotions, experiences and behaviour (e.g. show empathy, understanding and acknowledgment of children's emotions and experiences when being confronted with situations that are challenging for them).
- ✓ Adopt a high-quality communication style towards children (e.g. assure continuity, attentiveness, positivity, sincerity, trust, safety, child-friendliness, transparency and honesty towards children).
- ✓ Never force children to open up or disclose their views when they are not ready.



For children and young people to ...

UNDERSTAND WHAT IS HAPPENING TO THEM

All adults should ...

- ✓ Give information about what has happened, what is happening now and what lies ahead in the future.
- ✓ Ensure open and continuous communication.
- ✓ Give children the chance to ask questions.
- ✓ Provide appropriate answers to children's questions.
- ✓ Use clear language that is adapted to children's cognitive skills, without belittling or patronising a child.
- ✓ Speak in a friendly, clear and confident manner.
- ✓ Use simple, positive and reassuring language.
- ✓ Avoid to unnecessarily overwhelm or worry the child.
- ✓ Repeat information if necessary.
- ✓ Provide an adequate level of detail.
- ✓ Be mindful about the appropriate time and space to inform a child .
- ✓ Explain the reasons behind their behaviour, questions or decisions.
- ✓ Explain what is expected of children .

Professionals in formal settings should specifically...

- ✓ Appoint someone with the specific mandate to prepare, inform and support children throughout the proceedings, who can ensure open, continuous and high-quality communication with children.
- ✓ Explain what children can expect from different professionals involved, and especially of those hearing the child and those making the final decision.
- ✓ Be transparent about the procedures in place, about the weight that can be given to the child's views, and about other aspects that influence the decision.



For children and young people to ...

FEEL SAFE, NESTED AND INVOLVED IN THE FAMILY ENVIRONMENT AND WIDER SUPPORT NETWORK

All adults should ...

- ✓ Avoid estrangement, rejection and alienation between parents and children.
- ✓ Take the first step towards children to restore a breach of trust.
- ✓ Acknowledge mistakes they may have made.
- ✓ Ensure children do not have to make a choice between two parents.
- ✓ Ensure that siblings are not separated.
- ✓ Give children a voice in the type of support they need.
- ✓ Reassure children that their parents love them and that they are being taken care of.
- ✓ Compensate children for going through hard experiences that they themselves cannot change anything about.
- ✓ Offer predictability and routine.
- ✓ Avoid feelings of guilt regarding the family dynamics (e.g. by explicitly reassuring children that they are not to blame).

Professionals in formal settings should specifically...

- ✓ Encourage parents to consider alternative dispute settlement above legal avenues.
- ✓ Support parents to take up responsibility to avoid estrangement, rejection and alienation.
- ✓ Ensure adequate support where families are at risk of or experiencing alienation (e.g. through child protection specialists).
- ✓ Support parents to adequately deal with a return of their child.
- ✓ Ensure comfortable circumstances for children to travel during the return journey.
- ✓ Follow-up on children and their families after return.
- ✓ Include parents as key stakeholders in developing a rights-respecting, safe and trusted environment for children.

“

It's difficult to open up if my mum or dad was interrupting or correcting me.

”

Young person, Cyprus

“

Start with the good things. You'll tell the bad ones later.

”

Young person, Hungary

For children and young people to ...

FEEL SAFE AND SECURE ENOUGH TO OPEN UP IN FRONT OF ADULTS THEY DON'T KNOW

All adults should ...

- ✓ Allow children the time and space to develop a relationship of trust with the adult(s) in front of them.
- ✓ Ensure children can speak openly and in confidentiality.
Allow children not to speak if they so prefer, and not judge them for being silent or shy.
- ✓ Ensure that no bad consequences will arise from speaking up (e.g. creating instability in the family environment).



Professionals in formal settings should specifically...

- ✓ Adequately prepare children for meetings and procedures involving authorities.
- ✓ Ensure the presence of someone the child knows and trusts when facing persons with authority; this person should preferably be independent of other parties in the decision-making process (i.e. not be a parent nor a judge).
- ✓ Create a friendly environment in which they can meet children face to face.
- ✓ Encourage children to take a personal item with them (e.g. a toy) and show interest in what they brought.
- ✓ Do not overly emphasise power and authority (e.g. not wearing a uniform, sitting on an equal level with the child, adapting their language to not use jargon...).



For children and young people to ...

FEEL CONFIDENT ABOUT THE PROPER COURSE OF THE PROCEEDINGS

Professionals in formal settings should specifically...

- ✓ Inform the child about the different steps throughout the proceedings and prepare them accordingly.
- ✓ Ensure the proceedings are predictable and not overly complicated.
- ✓ Never deepen the family conflict, and especially not endanger the relationship between parents and children.
- ✓ Only make objective statements about the child's parents or significant others.
- ✓ Ensure continuity in the contact between children and their significant others (e.g.
- ✓ Create opportunities for parents, grandparents and children to meet each other during the proceedings).
- ✓ Formulate return orders timely, as detailed as possible and in a child-friendly manner.
- ✓ Enforce a return order in a respectful and secure way (e.g. be mindful about police interference).
- ✓ Strike a fair balance between protection and participation of children in vulnerable situations.





**Missing
Children
Europe**



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Child Rights Foundation



This report was funded by the European Union's Justice Programme (2014-2020). The content of this report represents the views of the authors only and is their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.