

## COMMENTARY

# In search of children's best interest

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The peak of the 'Europe migrant crisis' has witnessed a record number of unaccompanied and separated children crossing the Mediterranean Sea (UNICEF, 2017). It has been estimated that over hundred thousand minors from Asia and Africa have arrived in Europe in 2016 alone (Eurostat, 2016). A third of them were classified by the relevant authorities as unaccompanied or separated children, generally young men in their mid-teens who fled violence, chronic economic stagnation, and political turmoil in their countries (Eurostat, 2016). Direct engagement with children and youth impacted by humanitarian emergencies was crucial to ensure that their best interest was brought into policy discussions. However, for a variety of reasons, children's voices were often not heard (Achilli, 2022).

By virtue of their age, minors should be entitled to special forms of protection; especially if we consider that the 1989 Convention for the Rights of the Child (CRC) is the most widely ratified human rights treaty in the world, with 195 countries that ratified it. While lacking specific references to migration, the CRC provides specific guidelines concerning the protection of children. Article 3 of the convention states: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." In September 2016, the member states of the UN reaffirmed their commitment to addressing the specific needs of children travelling as part of large movements of refugees and migrants, especially children who are unaccompanied or separated from their families, in the New York Declaration for Refugees and Migrants.

Yet, despite the emphasis on the "best interest" of the child, there is a clear absence of input from children when migration decision-makers determine what is best for them. Numerous studies have shown how international programmes have often interpreted the best interests of the child in terms of reflecting the priorities of donor countries rather than the child's own interests (Pupavac, 2001). Moreover, examination of the conceptualisation of the best interests of the child by the CRC in recent decades has suggested that the factual disregard for children's voices might be embedded in the dominant approach to child protection. Borne out of an era of humanitarian assistance that was largely characterized by a paternalistic approach to child protection, the CRC would universalise a Western conception of childhood that erodes individual autonomy and promotes dependency on professional intervention (Boyden, 2015), as opposed to one that promotes the agency and capabilities of minors.

True to be told, while the opinion of the child should be at the centre of any programmatic response regarding their best interests, engaging children and youth as research proves problematic for a number of reasons. The child protection community is fiercely debating whether researchers should directly engage children affected by forced displacement, conflicts, and other humanitarian emergencies. Some believe the risk of such interactions to

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re-traumatize vulnerable children and increase their vulnerability vis-à-vis security actors outweighs any benefits of interviewing them (see Ruehs-Navarro this issue for a similar discussion in the US context).

Ethical concerns are legitimate. Yet, there are clear risks in overemphasizing children's vulnerability. Regardless of their circumstances and the reasons for which they are on the move, unaccompanied and separated children are often exposed to considerable risks and dangers. Children, however, are not by default more at risk than their adult counterparts. Recent research has demonstrated how mobility provides children with a source of empowerment and one of the few available paths to social adulthood. The very concept of vulnerability needs to be considered within a proper context, taking into consideration the age of minors, level of maturity, socio-cultural background and personal views.

Most importantly, the overemphasis on children's vulnerability can backfire by legitimizing security approaches that systematically criminalize minors' mobility. Lems et al. (2020) argue how the association of children with ideals of victimhood "can create a backlash against those who do not fulfil the expectations of children as apolitical and muted victims" (2020, 327). Losing their characterization of an innocent child, unaccompanied minors started to blend with a range of other figures, such as the deceptive opportunist rascal who fakes his/her own age or the young criminal who is not interested in integrating into the host society. Scholars have explored the ambivalent slippage from 'victim' to 'risk' surrounding unaccompanied minors in mainstream narratives about irregular migration across the world and how these have been translated into restrictive and punitive policies and practices (Heidbrink, 2014; Menjívar & Perreira, 2019; Ticktin, 2011). In Greece, the prevailing tendency among authorities and the international community to enact "appropriate care provision" for minors on the move by endorsing the use of protective custody has led at times to the disruption of social relationships and the exacerbation of children's vulnerability (Achilli et al., 2017).

Avoiding direct engagement with children and youth impacted by humanitarian emergencies can spell disaster when the international community is called to develop programmatic responses to address their needs and challenges. Clearly, as Lems shows in this issue, researchers (and social workers too) need to go through to great lengths to engage children in line with rigorous ethical standards. There are guidelines that must be observed when approaching them. Research activities should occur in accordance with child protection principles and in the presence of specialized staff who can ensure their best interests are the priority at all times. The interviews need to avoid potentially triggering questions and be conducted in a language that the interviewed person is fully comfortable speaking in, in safe locations and without security officials present; interpreters and cultural mediators must be employed for this purpose. If any interviewee needs to be fully informed about their rights before the interview occurs, when approaching children, researchers should seek parent/guardian permissions (if available) or any other "responsible adult" who lives with the children in their accommodation. There are also other techniques to engage children who have lived through humanitarian crises, which are less invasive and do not hold the same potential for harm, including reviewing their art work and following their social media posts.

Considering children's participation - as actors with a voice in discussions regarding their own vulnerability - requires a considerable shift in societal and organizational structures, and in cultural attitudes toward the minor. In order to further advance a child protection approach, one should recognize not only the conditions of vulnerability to which children are exposed but also acknowledge their agency and resilience. Research suggests that when children are engaged, they become active participants in their own protection. Ultimately, even though such engagement can be difficult and time-consuming, it is the only way forward if we do not want to fall short of insuring their best interests.

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