

# Transnational Childhoods, Transnational Rights? Nordic Responses to Global Challenges in the Field of Child Protection

Final Workshop of the NOS-HS Workshop Series



**Time:** Thursday 10 August – Friday 11 August, 2023

**Venue:** *Lapinlahden Lähde*: The centre for culture and well-being,  
Lapinlahdenpolku 8, 00180 Helsinki, <https://lapinlahdenlahde.fi/en/>

**Registration:** <https://link.webropol-surveys.com/EP/EF6A73F0B8D6FC96>

**PLEASE REGISTER BY 15 JULY 2023!**

**NOS-HS** The joint committee for  
Nordic research councils in the  
humanities and social sciences



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## Program

### Thursday 10 August 2023

#### **13:00 – 14:45 Session I**

##### **13:00 Welcoming words**

Organizing Committee

##### **13:15 Keynote: *The Utility of the 1996 Hague Convention in Cross-Border Kinship Placements of Children Subject to Care Proceedings (UK)***

*Onyoja Momoh*, Lecturer in Private International Law, University of Aberdeen, UK

##### **14:00 *Access to Justice and Child Welfare Abroad: The Case of the Finnish Expat Community in Costa del Sol, Spain***

*Sanna Mustasaari*, Senior Researcher, UEF Law School, University of Eastern Finland

Discussion

#### **14:45 Coffee**

#### **15:15 – 16.45 Session II: *Involuntary Stays Abroad: Government Initiatives in the Nordics***

##### ***Children and young adults exposed to involuntary stays abroad – new trends and challenges in the Norwegian policy and practice***

*Hilde Lidén*, Research Professor, Institute for Social Research (ISF), Oslo, Norway

##### **TBC**

*Anja Bredal*, Senior Researcher, OsloMet University, Norway

##### ***Swedish child protection measures when children are at risk of or have been taken abroad***

*Hanna Linell*, Senior Lecturer, Department of Social Work, Stockholm University, Sweden

##### ***Comment from the Danish perspective***

*Anika Liversage*, Senior Researcher, VIVE – the Danish Center for Social Science Research

##### ***Comment / Reflection***

*Fairuz Muthana*, PhD Candidate, Gender Studies, Oulu University, Finland

Discussion

#### **16:45 Break**

**17:00 – 18:00 Session III: Sending Children Abroad**

***Temporary return: Complex Belongings of Transnational Somali Families***

*Ayan Handulle*, Associate Professor at Department of Social Studies, University of Stavanger, Norway

***Comment***

*Mulki Al-Sharmani*, Associate Professor of Islamic and Middle Eastern Studies, Faculty of Arts, University of Helsinki, Finland

***Comment / Reflection on Dhaqan Celis***

*Rahma Hersi*, PhD Candidate, UEF Law school

Discussion

**19:00 Dinner**

**Friday 11 August 2023**

**9:30 – 11:15 Session IV: Transnational Child Protection and Children in Conflict Zones**

**9:30 Keynote: The role of international monitoring bodies in the protection of children in the conflict zone**

*Johanna Niemi*, Professor, Dean, Faculty of Law, University of Helsinki

**10:15 From 'villains to victims': The evolution of child soldiers in policy and law and its significance for children born of war**

*Lina Stotz*, Faculty of Law, Department of Criminology and Sociology of Law, and the Center for Gender Research, University of Oslo, EUROwarchild

***Comment / Reflection***

*Noora Kivioja*, PhD Candidate, Faculty of Social Sciences, University of Helsinki

Discussion

**11:15 Break**

**11:15 – 12:15 Closing Remarks and Panel Discussion**

**12:15 – 13:30 Lunch**

**13:30 -15:00 Planning Session: Publications and Joint Funding Applications**

## **Abstracts (in order of appearance)**

### **Onyoja Momoh: The Utility of the 1996 Hague Convention in Cross-Border Kinship Placements of Children Subject to Care Proceedings (UK)**

As Britain's migrant population reflects, in 2021, almost 29% of children were born to non-UK women. This in turn highlights diverse transnational connections that pave way to, amongst others, grandparents and other kinship connections living outside the UK. The all too familiar dictum of *Re B (Care Proceedings: Appeal)* [2013] UKSC 33 impresses on us that the legal and permanent severance of ties between a child and their birth parent(s) must be the last resort – when all else fails. Within care proceeding, there is the need to explore at the earliest opportunity any realistic family member who could be an alternative carer. In cases with an international element, this often includes practical procedures vis-à-vis notice to designated departments within foreign Embassies, to investigations and assessments of relatives abroad or perhaps the transfer of jurisdiction. Since Brexit, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, has found firmer footing within care proceedings, especially intercountry cooperation in matters of child protection and safeguarding measures. As greater reliance on the Convention ensues, this paper examines the effectiveness of the 1996 Hague Convention in its interactions between the UK and other contracting states including the EU. In particular, preliminary considerations on issues concerning (1) the utility of Central Authorities and liaison with specialist authorities abroad (e.g., children services), (2) though by operation of law, the specific powers of recognition and enforcement of foreign orders under the 1996 Hague Convention and the realities of the “simple and rapid” process envisaged under the Convention, and (3) the divergence in national child law terminology and language, how synergy in language can be achieved and whether mirror orders still have a role to play.

### **Sanna Mustasaari: Access to Justice and Child Welfare Abroad: The Case of the Finnish Expat Community in Costa del Sol, Spain**

This NOS-HS workshop series builds on the assumption that as the mobility of families and children increases so does the number of children who face challenges and need support and services abroad. Essentially, this is an issue about access to justice: When needs for child protection emerge in transnational settings, we need to be able to recognize such needs and to provide services and support for these children and their families. Of course, this is not always easy when a case involves two or more states, and local social workers or other authorities of those states. Our NOS-HS group asks what services and forms of

support there are (availability), and how children and their families can access their rights, such as those protected by the Convention on the Rights of the Child, and services that they need for these rights to be real and effective (accessibility).

In my on-going research project, I study child protection in transnational settings from the perspective of children with connections to Finland. Several sets of data are collected within this project, which is funded by the Academy of Finland (2020-2024). Generally speaking, the problems families face in cross-border contexts seem similar to those usually faced in child protection work, including substance use, mental health problems and in many cases indications of intimate partner violence. However, particular geographical and migratory contexts are distinguishable from the data, and one of these is the mobility between Finland and Spain, especially Costa del Sol, which holds the second largest expat community of Finns abroad. This presentation draws on the preliminary findings based on interviews, Finnish Central Authority cases and literature on this specific geographical context as well as existing research on transnational social work. These findings are analysed within the theoretical framework of 'stategraphy', relational analysis of the state.

### **Hilde Lidén: Children and young adults exposed to involuntary stays abroad – new trends and challenges in the Norwegian policy and practice**

In the last few years, the number of known cases in the support services in Norway concerning children and young people exposed to involuntary stays abroad has increased. This presentation discusses updated knowledge about the situation for children and young people while they are abroad and the follow-up assistance received when they ask for help before and after they return to Norway.

Regulations and therefore the follow-up process are different for children and adults (over 18). The presentation looks at the dilemmas, lacks in the support system as well as the arrangements currently in place, and asks what can be done to prevent involuntary stays and to ensure that vulnerable persons receive adequate care upon return.

The presentation is based on an ongoing study commissioned by the Ministry of Labour and Integration, utilizes a combination of several methods: we interview the apparatus for assistance both in Norway and abroad, including integration officers located at relevant embassies, civil society organizations and other actors who have experience with assisting children and young people withheld or left behind. Additionally we include a mapping of cases with the Norwegian

Directorate of Immigration, a survey on the experiences at Norwegian embassies and a register data survey.

### **Hanna Linell: Swedish child protection measures when children are at risk of or have been taken abroad**

In the presentation preliminary findings from a research project at Stockholm University will be presented. The Swedish Gender Equality Agency has been tasked by the Swedish government to analyse and disseminate knowledge of honour-related oppression and other violence and abuse that individuals with links to Sweden have experienced while abroad. The purpose is to contribute to the development of preventive measures and treatment interventions in Sweden. Stockholm university was assigned to interview individuals (ages 17-29) with experiences of being taken or held abroad against their will, analyse verdicts regarding child protection measures during 2022 for children (ages 0-17) at risk of or who had been taken abroad as well as making an international outlook looking at experiences of the problem in the focus countries designated in the government assignment (Norway, Denmark, Finland, the Netherlands, Great Britain and Canada). In the presentation preliminary findings from the study of verdicts will be presented with a focus on children's experiences of abuse and their agency regarding help-seeking and safety-work as well as the Swedish child welfare systems ability to protect them.

### **Ayan Handulle: Temporary return: Complex Belongings of Transnational Somali Families**

In this paper, I explore Norwegian-Somali parents' motivations for returning to Somalia, how life has unfolded in the face of their return and how they prepare for their return to Norway. The paper draws on two months of fieldwork in Somalia with parents who returned from Norway and consists of 13 individual in-depth interviews. The paper highlights temporary return migration for middle-class Norwegian-Somali families and addresses contested return practices that have been discussed in the media by politicians and among researchers. Theoretically, the paper addresses the complexity of belonging (Yuval-Davis, 2006) and demonstrates that the motivation to return to Somalia is influenced by Norwegian-Somali parents' struggles for a sense of belonging and their worries regarding their children's future. The analysis reveals that the desire to avoid Norwegian government surveillance of families served as an important backdrop for their return to Somalia, as the parents in this study perceived that their child-rearing practices in Norway were racialised and they feared being prejudged by Norwegian welfare institutions. The findings suggest that parents work towards strengthening their belonging to both Somalia and



Norway by reconstituting belonging to both countries through parenting in Somalia.

### **Johanna Niemi: The role of international monitoring bodies in the protection of children in the conflict zone**

On June 29th, 2019, then Prime Minister of Finland announced that Finland is not going to help children in the camp Al-Hol in Syria. By then, the conditions at the camp were public knowledge and obviously violated most, if not all, articles in Convention on the Rights of the Child. Shocked as I was, I drafted a communication to the Committee on the Rights of the Child. This talk shall describe the process in which I was drawn for the next three and half years and reflect on the role of the state and the Committee in this process.

### **Lina Stotz: From 'villains to victims': The evolution of child soldiers in policy and law and its significance for children born of war**

Children born of war are a group of war-affected children which is still often forgotten. Facing a number of challenges, including significant juridical ones, this groups is often misunderstood and overlooked by policy makers and international courts. Instead of as victims, these children often are perceived as dangerous or threatening to post-war societies. In a relational approach, the evolution of child soldiers, who once faced a similar dilemma but today are recognized as rights holders across several international legal fields, will be traced. In an application to contemporary children's rights crises such as in Syria and Iraq, the question will be addressed of how the experiences of child soldiers with legal and policy recognition can be successfully applied to children born of war.

### **Organizing committee**

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