



# ***Child victims of trafficking and the CRC***

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# Introduction

- ❑ **Introduction:**
  - ❑ **the extend of the phenomenon;**
  - ❑ **wide range of situations;**
  - ❑ **difficulty of the child protection systems to really identify victims of child trafficking;**
  - ❑ **lack of training and capacity of the professionals;**
  - ❑ **mix with migration cases;**
  - ❑ **the common response : treat the victim as a perpetrator;**



# Introduction

- The CRC Committee reiterates the special status of children and their entitlement to the protection and promotion of their rights under the Convention.**



# The CRC

- ❑ How the CRC protects the rights of children victim of trafficking?
  - ❑ Article 35 of the CRC on the Rights of the Child provides the obligation of the States parties to prevent traffic in children for any purpose or in any form.
  - ❑ *States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.*



# The CRC

- ❑ How the CRC protects the rights of children victim of trafficking?
  - ❑ States parties have obligations to take all appropriate measures to promote physical and psychological recovery and social reintegration of child victims of trafficking under Article 39 of the CRC.
  - ❑ Objective : the child victim will be safe and provided with proper care, therapeutic support and enjoyment of all their rights



# The CRC

- ❑ How the CRC protects the rights of children victim of trafficking?
  - ❑ Child victims should be promptly provided a legal representative to ensure their right to be heard (art. 12 of the Convention) and the application of the principle of the best interests of the child (art. 3 of the Convention) as the procedural safeguards



# The CRC

- ❑ **Article 3 of the CRC obliges States to take the best interests of the child as a primary consideration in any decision including the ones to return a child to his or her country of origin.**
- ❑ **Children who are at risk of being re-trafficked should not be returned to their country of origin unless it is in their best interests and appropriate measures for their protection have been taken.**



## The CRC

- The procedure for a decision whether children victims of trafficking are returned to their country of origin should include a robust individual assessment and determination of the best interests of the child.**



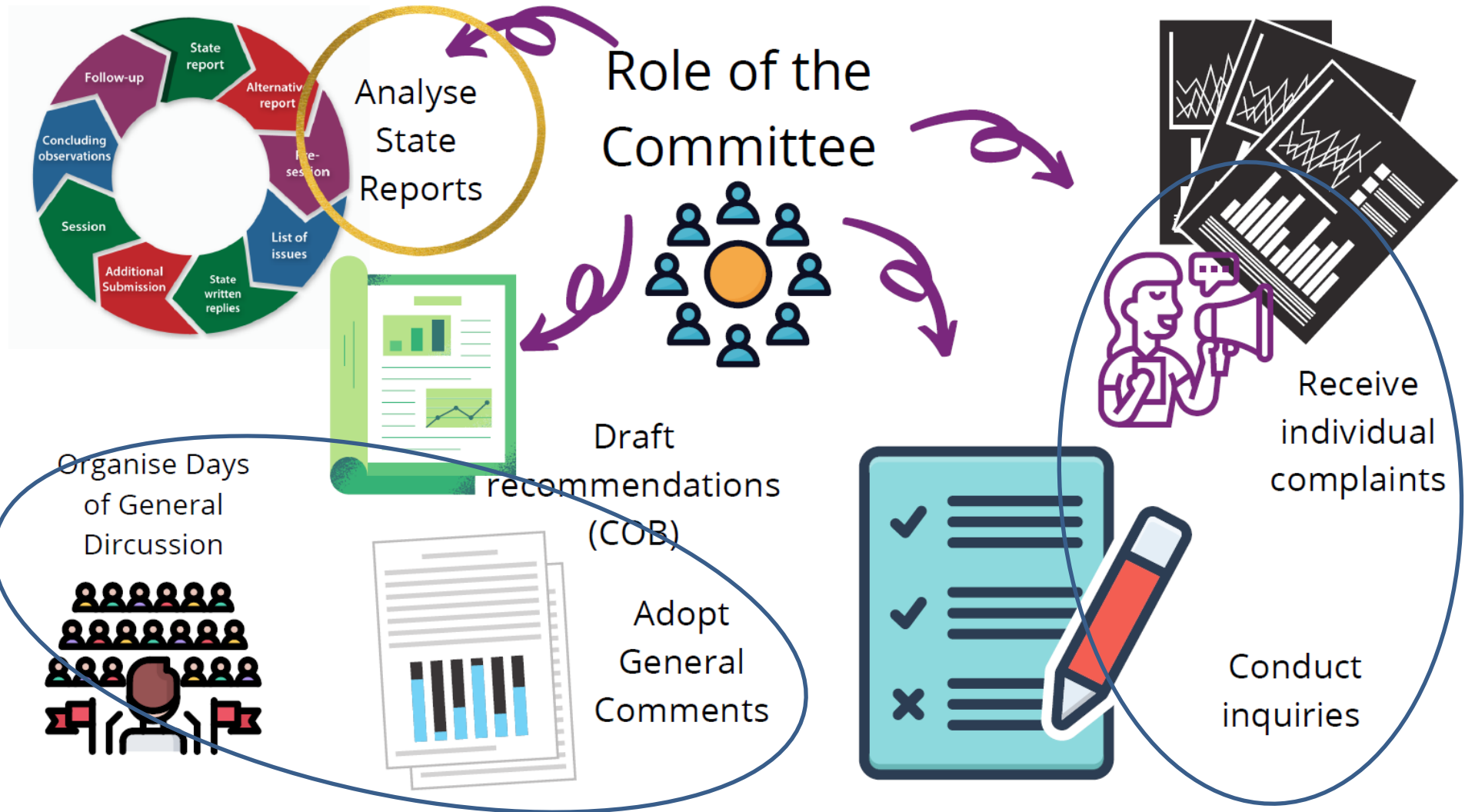


# The CRC

- ❑ **Child-friendly and multi-agency arrangement for child victims**
- ❑ **The measures to protect adults victims of trafficking for testimony in trials from their traffickers are not sufficient for children.**
- ❑ **Child-friendly and multi-agency arrangements should be provided for obtaining testimony from them with the aim of avoiding re-traumatization as a result of multiple/repetitive interviews**



# Different mission of the Committee





# Programme

- How the CRC protects the rights of children victim of trafficking?
- What does the Committee on the rights on this issue?
  - Concluding observations
  - Individual complaints & inquiries
  - General comments
- How can you engage?



# Concluding observations

**□ Recommendations on :  
legislation, data collection,  
training of professionals,  
budgeting, education and  
awareness raising, and  
access to justice**



# Concerns

- While noting reports of the significant worsening of the situation of trafficking in persons in the country and the lack of measures undertaken by the State party to address the situation, the Committee recalls its previous concluding observations and recommends that the State party:



# Concluding Observations: legislation

**The Committee notes with appreciation the amendments to the Criminal Code to prohibit trafficking in persons for the purpose of organ removal, slavery or sexual exploitation.**

- ❑ Expedite the adoption of bills on human trafficking and migrant smuggling and impose harsher penalties on perpetrators;**
- ❑ Fully incorporate the provisions of the Optional Protocol into national legislation, including by explicitly criminalizing all forms of the sale and sexual exploitation of children;**



# Concluding Observations: Action plan and mechanisms

**Enact specific domestic legislation and a comprehensive policy and action plan on trafficking in persons to ensure that perpetrators are punished and victims are adequately protected and assisted;**

**Establish mechanisms for the early identification and referral of child victims of trafficking in persons to appropriate services and provide systematic training on such mechanisms for the police, immigration officials and other law enforcement officers;**



# Concluding Observations: budgeting

Noting the creation of a specific budget line to combat trafficking in children and the progress made in the allocation of resources to social sectors, the Committee is concerned that the State party's social expenditure remains insufficient to generate change in the life of vulnerable children and families and recommend to:

- Ensure that the human, technical and financial resources are adequate and sufficient.
- Increase allocations to social sectors, including child protection;
- Establish a child-friendly budgeting process;
- Strengthen measures to combat corruption.





# Concluding Observations: Data collection and studies

- ❑ **Improve its data-collection system disaggregated by age, sex, disability, nationality, geographical location, ethnic origin and socioeconomic background,**
- ❑ **Conduct studies on trafficking in persons and address its root causes in order to eliminate the vulnerability of children to traffickers and undertake efforts for the recovery and social integration of child victims.**



# Concluding Observations: Prevention

- Put measures into place to prevent child labour and child trafficking, raise public awareness of child labour and its exploitative character and human, political and economic consequences and strengthen efforts to ensure that no child engages in hazardous work;**



# Concluding Observations: Education and Awareness Raising

- Incorporate the planned workshop on the Optional Protocol into school curricula and raise awareness among the general public, in particular children and families, on preventive measures and the harmful effects of all offences under the Optional Protocol, including online sexual exploitation and child sexual abuse material.**



# Concluding Observations: Business sector

- ❑ **The Committee notes the Finance against Slavery and Trafficking initiative and other measures taken by the State party and recommends to:**
- ❑ **Establish a clear regulatory framework for businesses operating in or managed from the State party to ensure that their activities do not negatively affect human rights or endanger environmental and other standards, in particular those relating to children's rights;**



# Concluding Observations: Tourism and international cooperation

- ❑ To develop a national policy for sustainable and responsible tourism that explicitly addresses the prevention and protection of children from violence, abuse and sexual exploitation;
- ❑ Increase its efforts aimed at international, regional and bilateral cooperation with countries of origin, transit and destination through information exchange in order to prevent trafficking in persons and to harmonize legal procedures aimed at the prosecution of traffickers;



# Concluding Observations: Criminal policy

- ❑ Investigate all cases of trafficking of children, including through the practice of confiage, and bring perpetrators to justice;
- ❑ Take immediate and effective measures to combat trafficking in persons, forced begging, sexual abuse and the harassment of children in schools;
- ❑ Expedite the adoption of bills on human trafficking and migrant smuggling and impose harsher penalties on perpetrators; Fully incorporate the provisions of the Optional Protocol into national legislation , including by explicitly criminalizing all forms of the sale and sexual exploitation of children as defined in articles 2 and 3 of the Optional Protocol, distinct from trafficking;



# Concluding Observations: Multidisciplinary support

- ❑ To continue to increase the provision of psychological and emotional support to victims of sexual exploitation and trafficking;**
- ❑ Ensure that child victims of trafficking have access to the necessary support and services for their care, rehabilitation and reintegration, including shelter, psychological support and legal assistance;**



# Concluding Observations: Access to justice

- ❑ Continue to ensure that children who are victims of offences covered by the Optional Protocol receive child-friendly and specialized support services and remedies, including compensation;
- ❑ To guarantee effective access to justice and compensation for all children who are victims and survivors of sexual exploitation;





# Individual complaints & inquiries

## Individual complaints

- Ratification of OPIC
- Exhaustion of domestic remedies
- Complaint by or for a child

## Enquiries

- Grave or systematic violation of Children's rights



# General Comments

**GC address the human rights of child victims of trafficking in the context of international migration:**

- ❑ GC 6 : On treatment of unaccompanied and separated children outside their country of origin,**
- ❑ GC 22 on the general principles regarding the human rights of children in the context of international migration**
- ❑ GC 23 on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return**
- ❑ GC 5 on general measures of implementation, GC 12 on the right to be heard, GC 14 on the best interests**



# Future General Comment

## Children's Rights to Access to Justice and Effective Remedies

- ❑ Access to justice has an important role to play in combating inequalities, challenging discriminatory practices and restoring entitlements that have been denied. It also advances accountability of State and private actors in the fulfilment of their obligations.
- ❑ A vast majority of children whose rights are violated do not have access to justice and do not receive remedies following violations of their rights or denial of entitlements.



## Future General Comment (27)

- All children's rights must be regarded as justiciable, and it is essential that domestic law sets out entitlements in sufficient detail to enable remedies for non-compliance to be effective.**



## Future General Comment (27)

- Access to justice**
- Particular challenges and risks for children victims to access to justice**
- States should ensure access to justice for all trafficking victims.**



## Future General Comment (27)

- ❑ **Appropriate forms of compensation may include financial or other support for education and/or income-generating activities, which could benefit the victim in the long term.**
- ❑ **When compensation is provided, which form of compensation is preferable for each child victim should be carefully considered, depending on their specific situation, their view and prospects for life.**



## What can you do?

- Engage in the reporting process
- Use the concluding observation at national level (advocacy, training, studies, strategic litigation,...)
- Advocate for the ratification of OPIC
- Identify cases and bring them to court and if needed, to the CRC Committee
- Inform the Committee about grave or systematic violations of the rights of the child



# What can you do?

- And ... take part in the drafting of the GC27**
  - Call for submissions**
  - National consultations**
  - Regional consultations**
  - Focus group discussions with children**
  - Dissemination**
  - ...**



See you soon in  
Geneva!



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