



Enforcing Children's Rights

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Dobar dan,
Ladies and Gentlemen,
distinguished participants,

first of all, I would like to thank the organisers and the Croatian government for the invitation to this Conference. It is with great pleasure that I may represent here GRETA, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings.

Trafficking depends on dependency: traffickers deliberately create and use such conditions for their own profit, and, as we know, they see no limits to drag even the smallest of children into these situations and exploit them economically, sexually and for other purposes.

What is the contribution of GRETA to enforcing children's rights in such a context? On the policy level, the link between the CoE Child Rights Strategy 2012-2015 and trafficking appears quite obvious: all four strategic objectives of the current Strategy also apply to child trafficking. This could mean, for instance: to promote child-sensitive assistance services for trafficked children; to eliminate violence against children in situations of dependency; to specifically protect the rights of children at risk of trafficking, such as children belonging to socially excluded groups; and to promote child participation e.g. through involving former victims in conceiving anti-trafficking responses.

But the linkages go much deeper. In the anti-trafficking field, we have a dedicated CoE Convention, which addresses explicitly also children's rights, and we have a monitoring body evaluating compliance with these obligations. In the following I would like to briefly highlight some of these standards and explain the role of GRETA, before giving some practical examples from our work and recommendations for future action.

The Convention on Action against Trafficking in Human Beings was adopted in 2005; it entered into force in 2008 and currently has 41 States Parties, with further three signatures. This means, we are approaching full ratification by all CoE Member States, and – on this occasion - I would like to invite the remaining governments to join this group.

As far as substance of the Convention is concerned it is important to stress its human rights and victim-centred approach, as stated as one of the purposes of the Convention in Article 1. Furthermore, already the Preamble refers to the "child rights approach" to be taken into account

in all anti-trafficking action. This is followed by a long list of references to children's rights and the best interests principle throughout the Convention: this includes child-sensitive prevention policies, distinct identification procedures, training, guardianship, assistance services, safety and protection at court and safe return based on best interests determination. This to-do-list is further complemented by general obligations under the Convention which require States Parties to also specifically take into account children when setting up anti-trafficking strategies, action plans and research agendas, national referral mechanisms or data collection systems.

In conclusion, there is a strong basis for addressing children's rights in our monitoring of the Anti-Trafficking Convention. How does the monitoring work in practice? As stated above, the Convention itself sets up a monitoring mechanism, which consists of GRETA and the Committee of the Parties. GRETA comprises of 15 independent experts, with backgrounds ranging from law enforcement to child protection, from forensic medicine to human rights research. GRETA itself became operational with its first meeting in February 2009.

If you may check at our website, www.coe.int/trafficking, you will find reports with detailed recommendations on already 26 States Parties; and only at our meeting last week we dealt with another nine different country situations. These evaluations follow a consistent methodology applied to all States Parties, including a comprehensive Questionnaire on the national anti-trafficking framework, a country evaluation visit and two readings of a report before final adoption and publication. Between the two readings governments may comment on the draft report. Country visits usually last for one week, starting with meetings with civil society, followed by various state authorities, including for child protection. Regularly we also visit at least one shelter for trafficking victims. There is also an important second stage to this monitoring process, which relates to the Committee of the Parties: it consists of representatives of the States Parties to the Convention, and also issues recommendations, based on GRETA's conclusions, thus adding political weight to the process. As you can see, quite a lengthy process, but it also allows entering into a quite intensive and constructive dialogue with the government, and civil society as well.

Now, what does this mean for children, what are the key challenges in terms of implementation of children's rights in the context of trafficking? I would like to highlight four main areas which would require particular attention by States Parties implementing the Convention, but in which we as GRETA would also be interested in further engagement and discussion with partners both from within the CoE and from other European and international organisations, including civil society.

First of all, identification: difficulties in practice already start with the broad definition of trafficking and the manifold purposes of exploitation. Children may be trafficked for sexual exploitation; to work in domestic households or in agriculture or they are forced into begging or criminal activities, ranging from growing cannabis to involvement in petty crimes. Children may arrive in countries accompanied or not, as migrants or asylum-seekers, and all of them may be trafficking victims as well. In order to have at least the slightest chance of identifying such victims, it requires strong, concerted efforts by a range of stakeholders inside a country. If it is, for instance, only the police, who is given the task of identification, children may avoid reporting to authorities, as they may lack residence permits or have been involved in offences. Therefore GRETA advocates for a multi-disciplinary approach to identification, including outreach work, which also brings in social services and NGOs as service providers. Furthermore, we stress the importance of the non-punishment principle (Article 26) which aims at preventing

criminalisation of trafficked persons, who are involved in offences only because of their trafficking situation (child prostitution, petty crimes, irregular stay), and who should be treated as victims rather than as perpetrators. It would be interesting to further discuss this concept with other monitoring bodies as well as the concept of child exploitation in general.

Another challenge GRETA has come across in its monitoring work concerns appropriate assistance to children: there should be dedicated shelters with trained staff, immediate appointment of guardians when unaccompanied, availability of legal assistance to children, including for claiming compensation, and granting them a period of reflection and recovery and residence permit in order to be able to actually benefit from all these assistance measures. Many elements, however, are lacking in practice; furthermore, one of the most difficult issues relates to the so-called “disappearance” of children from institutions. For various reasons of fear of reprisals they may leave shelters at the earliest opportunity and return to the traffickers, before social workers may build relationships of trust with them. On the other hand, detaining them “in their own interest” appears as a problematic response from a human rights perspective.

Thirdly, difficulties often arise in establishing options for a longer-term perspective for trafficked children, whether they should stay, or move to a third country, or return to the country of origin. The Convention requires a specific risk assessment, taking into account the best interests of the child, prior to any return decision. However, in many cases guidance on this is lacking, as well as standardised procedures of cross-border cooperation, e.g. between child protection authorities, on how to implement such return. Personally, I find it striking that there is much emphasis on cross-border cooperation between police and judicial authorities in Europe, but what about creating a common European area of child victim protection?

Finally, as in so many other policy areas, I would just like to mention the challenge of prevention. In GRETA’s view prevention of trafficking extends beyond awareness-raising campaigns for young people; we have come across situations where not even registration of babies at birth can be ensured. Prevention means also to adopt legislation and policies in the broader social and economic field that strengthen families and child protection authorities, reduce social exclusion of Roma communities, and offer programmes tackling youth unemployment. As we can learn from discussions in the field of prevention of violence, empowerment of children and creating and strengthening child protection systems should be seen as key prevention strategies.

In conclusion, I would just like to state that after its first four years, GRETA is currently preparing for its second round of evaluation. We are always grateful for feedback on our work; and it is already clear now that child trafficking will receive further attention in the next round. GRETA has also engaged in a series of exchange of views with other relevant stakeholders, including civil society organisations, the EU Anti-trafficking Coordinator, OSCE and the UN Special Rapporteur on Trafficking; and we look forward to possibilities for further cooperation with partners especially in the child rights field, such as the CRC Committee, UNICEF and UNHCR, and in regard to our colleagues at other monitoring bodies and structures within the Council of Europe.

Only jointly we will be able to create environments enabling children to break through the cycle of dependency and claim their rights!

Thank you for your attention!