

A mixed picture – child protection systems for trafficking victims?

Lessons learned from GRETA's monitoring



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Ambiguity and lack of focus ...



René Magritte, *L'Esprit de géométrie*, 1937



Background to monitoring

- ✗ CoE Convention No 197 on Action against Trafficking in Human Beings 2005/08
 - ✗ (as of April 2017) 47 ratifications, incl. all EU MS
 - ✗ Human rights approach, victim-centred: empowerment & accountability
 - ✗ Areas of implementation: prevention, protection, prosecution, partnership
 - ✗ Monitoring mechanism
 - ✗ GRETA (expert level) + Committee of the Parties (political level)
 - ✗ GRETA country evaluation visits and (50+) published reports since 2009
 - ✗ “Urgent procedure” (since 2014/16) for situations requiring attention to prevent/limit serious violations of the Convention – information requests (Greece, Italy), country visit (Italy 2016/17)

What systems should look like ...

- ✗ Child rights mainstreaming (Preamble), specific definition of child trafficking + definition "child" (Art 4 - Palermo Protocol, CRC)
 - ✗ Prevention: **protective environment** (Art 5)
 - ✗ Protection (Arts 10ff): **multidimensional** child-focused identification and assistance (accommodation, residence, education, health, legal), safeguards for **unaccompanied** children (guardian + best interests mandate, family tracing, age benefit of a doubt rule), residence, return only after **best interests determination/non-refoulement, non-punishment** (Art 26)
 - ✗ Prosecution: **victim/witness protection** (Arts 28, 30)
 - ✗ Partnership: **cooperation** of specialised bodies and strategic partnership with **civil society** (Arts 32ff)
- ⇒ *But*: GRETA Stock-taking of I. Evaluation Round (4th General Report 2015):
Child trafficking = #1 implementation challenge
- ⇒ II. Evaluation Round (since 2014): **focus** on child trafficking

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- X Dedicated chapter on GRETA's **findings on child trafficking** (*first 12 reports/II. Eval round*)
- X Proportions: from 50% (ME, HR) to 3-5% (AT, CY, DK, GE); 2.476 identified in UK; RO, BG
- X **Key challenges:**
 - X Clear common **understanding** of child trafficking/exploitation – statistics, trends
 - X No isolated approaches – ensure child-focused Action Plans, prevention policies, national referral mechanisms **integrated** into broader child protection systems
 - X Cooperation between levels of government, **cross-border cooperation**/safe return, **strategic partnership with civil society**/funding
 - X Identifying **risk groups** – disadvantaged groups, unregistered birth, street situations, institutional care, migrants/asylum – role of social/child protection services, training, prevention
 - X Multi-dimensional **proactive identification**/outreach, **non-punishment** principle
 - X Focus on un/accompanied **asylum-seeking/migrant children**, age assessment – risk group and need for identification (*see also 5th GRETA General Report 2016*)
 - X Child-focused **assistance** services – assess role of parents, best interests determination/child participation, guardianship, shelter, non-discriminatory access
 - X Ensure “convincing offer” – address **children gone missing**, no detention
 - X **Access to justice** for trafficked children – legal assistance, complaint mechanisms, compensation, court protection



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- x Examples of **good practices**:
 - x **Prevention** – online safety education (MD, UK)
 - x **Children at risk** – Roma health mediators (BG), awareness raising (ME)
 - x **Identification** – multi-dimensional guidance documents (AT, GE, MD), outreach by local authorities (DK)
 - x **Placement** in specialised shelters (AL, AT, HR), protection to prevent children gone missing (UK/Northern Ireland), guardianship measures (UK/Scotland)
 - x Extended **recovery and reflection** period for children (up to 2/3 months – BG, CY, HR)
 - x **Legal enforcement** of non-punishment (UK)

- ⇒ See also **GRETA Compendium of good practices** (Oct 2016)

- x **GRETA commitment to cooperation** - inside CoE/regional, incl OSCE, and international

Thank you ...

... for your attention!

Contact:

GRETA: www.coe.int/trafficking

GRETA's annual General Reports:

<http://www.coe.int/en/web/anti-human-trafficking/general-reports>

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