

Joint call for Action to the EU and EU member states to end child trafficking 2020

During 2020, Child10 and the 2020 Awarded Members have worked together to address trafficking of children along the migration routes towards Europe. The interlinkages between trafficking in persons and migration are clear. As stated by the UN Rapporteur on trafficking in persons, especially women and children this summer “trafficked persons’ rights can be fully protected only if migrants’ rights are protected”. Recently the EU Commission presented its proposal for a new European Migration Pact. Although it does contain some positive elements for children in migration, there are still several risk factors and uncertainties and it does not contain plans for safe and legal pathways to Europe.

The Child10 2020 Awarded Members operate in various origin, transit and destination countries for child trafficking and focus on different thematic topics including trafficking in persons, refugee rights, unaccompanied minors, child protection, sexual exploitation of children and more. During the past year we have come together to discuss joint cross-border challenges and solutions. Although there are many cross-sectoral actions that need to be taken in order to eliminate child trafficking, we have identified two specific areas where we continue to see the consequences of inadequate protective mechanisms for children which we want to address.

Identification.

There is an urgent need to step up efforts to *identify victims of trafficking, especially children*. Without being identified, these children are not given access to the rights and services they are entitled to according to national, European and international law. Children are trafficked from origin countries, through transit countries and within the destination countries without being detected. It is important that more is done to detect and identify trafficked children especially before they reach European borders to prevent exploitation. Child10 Awarded Members working not only in origin countries and transit countries in Africa, The Middle East and Turkey, but also with vulnerable population coming from these countries to Europe report that much can be achieved by providing border authorities with the appropriate tools to detect child trafficking, such as computers and stable internet access. Despite the significant numbers of unaccompanied and separated migrant and refugee children disappearing once they have crossed European borders and concerns expressed by NGOs at the heightened risks of trafficking, limited steps have been taken by police and migration authorities in Europe to identify child victims. It is for example our experience that migration interviews of children upon arrival are seldom conducted in a child friendly way which allows children to openly disclose their vulnerabilities, including if they have been trafficked or exploited. They might not be asked the right questions, and if they are, they do not feel safe enough to talk with police or migration authorities about what they have experienced in fear of retribution from traffickers or because they fear it will affect their migration case negatively. For this reason, particular attention should be paid in providing proper training in the child protection field to police and migration authorities, in order to conduct the interview in the best interest of the child.

In several countries, we also see that the lack of an effective child-friendly age assessment procedure prevents many children from being properly identified as children. As a result, they

are excluded from the official child protection systems, forced to live on the streets or to make their way to other countries, circumstances that expose them to serious risks of being trafficked and exploited, often leading to their disappearance.

In addition, efforts to *identify children at risk of being trafficked* must be amplified. Not only those at risk within European borders where we know that children in migration are at particular risk of being trafficked, but also in origin and transit countries before they reach European borders. Children in origin and transit countries need to not only be aware about the dangerous risks of traveling to Europe illegally, they also need to be equipped with information on legal ways to access Europe.

Access to assistance and protection.

Although states are obliged to offer assistance and protection to all child trafficking victims based on their individual needs, organizations working on the ground see how the lack of sufficient protective mechanisms within childcare services, whose aim is to provide comprehensive attention to all children in need, is a severe problem in many countries with direct and serious consequences. Children in migration, especially unaccompanied children, are often left to depend on themselves for protection against traffickers due to lack of dedicated housing and services for children. The childcare facilities in the Reception and Identification Centers (RICs) that do exist, often lack the necessary safeguards, making children feel unsafe and unprotected, exposing them to traffickers and exploitation. Child protective services in many countries fail to provide vulnerable children with a comprehensive and personalized care adapted to their needs. Often we see that there is a lack of protection measures when violence might have happened, as well as a lack of sufficient and trained childcare professionals such as social workers and psychologists. These failures in childcare services increase children vulnerabilities and facilitate traffickers' exploitation of children, whether they have already been subject to trafficking or they are at risk of being trafficked.

There is also a lack of access to legal assistance for children which creates a barrier to effective access to justice. Children do not have enough information about their rights and how to effectively exercise them. There is also an absence of complaint mechanisms accessible for children. This leads to serious violations of the rights of the child in accordance to national and international standards. Counseling regarding the legal and administrative processes for migrant and trafficked children is vital, in addition to psycho-social support and protection for child victims throughout the legal process. Child victims often hesitate to testify and fear involvement in judicial proceedings against their abuser due to lack of protection and support. Some countries also return victims to their home countries without a proper risk assessment, putting these children at risk of being re-trafficked and preventing them from actively participating in the investigation and trial against their abuser or even from reporting the crime at all. Also, in some countries, the residence status and therefore the possibility to access assistance and remedies is made conditional on victims willingness to report and participate in criminal proceedings, the classification of the crime, the status of the criminal proceedings, and sometimes even whether or not their testimony will lead to the conviction of perpetrators.

Although prevention is the ultimate protection, we often see that there are insufficient preventive measures against all forms of violence against children (physical and psychological mistreatment and abuse, sexual and labor exploitation, trafficking, etc.). Prevention must be a priority at national, regional and international level through specific action plans identifying the responsible actors. States should also allocate earmarked funding for concrete actions in this regard following a multi-disciplinary approach with cross-sectoral collaboration.

On this basis, we present our joint recommendations to the EU and EU Member States to be considered in particular in regard to the ongoing process to develop a new European Migration Pact and the new comprehensive EU Strategy on the Rights of the Child.

- Migrant children, especially unaccompanied and separated children, must be identified and registered as children and automatically referred to child protection systems on arrival;
- States must put in place dedicated and standardized procedures for the identification of indicators of young migrants' vulnerabilities, including to trafficking and exploitation. Such procedures need to clearly identify the responsibilities and actions of all actors involved, both within the official child protection sector, as well as the civil society sector;
- States must ensure that identification procedures are child-friendly and proactive and take into account age, gender, maturity and the best interest of the child as a primary consideration, in line with the Convention on the Rights of the Child. In case of doubt when a child has no identification documents to prove his/her age, a child-sensitive age assessment procedure must be carried out. Until the age assessment is finalized, the person concerned should be considered a child and receive full protection by childcare authorities;
- All states must be obliged to transfer unaccompanied migrant children to childcare facilities where they have access to trained multi-disciplinary teams including social workers, social educators, psychologists and legal professionals;
- Child protective services must ensure that vulnerable children are provided with comprehensive and personalized care adapted to their needs;
- States should fund and promote programs to facilitate the family reunification of child victims of trafficking wherever they are identified, and to the most appropriate destination country for family unity, including to their home country or to a country in Europe in line with the best interest of the child;
- States must comply with the principle of non-refoulement through thorough investigations of the specific situation of each child to ensure that they are not at risk of re-trafficking in case they have to be returned to their home country. All returns must be in full compliance with international human rights standards;
- The EU and its Member States must step up its efforts in assisting origin and transit countries outside the EU to identify both victims of child trafficking and those at risk of trafficking and exploitation by strengthening the capacity at borders and supporting programs focused on helping at risk children in their home countries, providing information about legal access to Europe and addressing root causes;
- The EU and its Member States must consider prevention of child trafficking as a priority, including by earmarking funding for concrete actions;

- Classification of the crime, status of criminal proceedings and willingness to testify in such proceedings must not be a condition to receive protection, assistance or residence status;
- States must ensure that criminal proceedings against trafficking perpetrators has a child friendly and victim-centered approach;
- States must ensure protection proportionate with the risks that victims of trafficking face in regard to possible repercussions to them and/or their families from organized criminal groups;
- States must ensure that victims of trafficking are given information about their rights in accordance with international and national obligations and facilitate their access to justice and remedies, including by providing independent legal support; and
- States should review the possibility of giving child trafficking victims permanent residence status on humanitarian grounds in order to give them stability and continued access to long term care for their physical and psychological health issues as a result of their exploitation.

The spread of the COVID-19 virus has disproportionately affected marginalized groups including migrants and resulted in a rise in child exploitation. It is now more important than ever to focus on implementing concrete recommendations and actions.

Signed by:

ADEPE, Guinea

Action Pro, Sierra Leone

The Home Project, Greece

Fundación Raiçes, Spain

ECPAT Turkey

RefugePoint

Defence for Children International Greece

Family Counsellors Association Turkey

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The Greek Forum of Refugees

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