**Obligations and opportunities arising from the Council of Europe Convention on Action against Trafficking in Human Beings and the Council of Europe Strategy for the Rights of the Child (2016 - 2021) for safeguarding children from exploitation and trafficking**

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I would like to start by thanking the organisers for inviting me to speak today on behalf of the Council of Europe, an intergovernmental organisation with 47 member States which has invested a lot of efforts in building up the international legal framework for protecting and promoting human rights. As a standard-setting organisation, the Council of Europe strives to have children acknowledged as fully-fledged holders of human rights - to quote Maud de Boer-Buquicchio, former Deputy Secretary General of the Council of Europe, “not mini-human beings with mini-human rights”.

As the title of my presentation suggests, I will focus on just two of the CoE tools which are relevant to the topic of the conference: the Council of Europe Strategy for the Rights of the Child and the Council of Europe Convention on Action against Trafficking in Human Beings. However, there are a number of other Council of Europe treaties, recommendations and guidelines which build the foundation for our member States to prevent and combat trafficking and exploitation of children, in particular:

* The Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
* The [Cybercrime Convention](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185);
* The Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence;
* The Council of Europe Guidelines on Child Friendly Justice (supported by an online training course HELP, finalised in June 2017);
* The Council of Europe Recommendation on the participation of children and young people under the age of 18.

Before I enter into the substance of my presentation, allow me share with you an example. A month ago, I had the opportunity to visit Barnahus in Reykjavik, which you are familiar with as both the CBSS and the Council of Europe promote this model of a child-friendly, interdisciplinary and multiagency centre avoiding the subjecting of children to repeated interviews by many agencies in different locations. Set up 20 years ago, it was initially intended for sexually abused children, but has expanded its function over the years, covering all unaccompanied children arriving in Iceland, including possible victims of trafficking. Two weeks later, I spoke with a forensic doctor in Tunisia who, as part of his duties, examined children for possible abuse. He was familiar with the Barnahus concept and told me that there was one facility in the capital, Tunis, set up according to the Barnahus model; however, judges did not have the time to travel to this facility for interviews with the children and parents did not have money to travel to it with their children. As a result, the facility was rarely used. Thus best practice models cannot be transposed if there is a lack of resources, capacity and training.

The **Council of Europe Strategy for the Rights of the Child** (2016-2021), which was adopted in Sofia in April 2016, aims at ensuring a coherent focus on implementing international standards on the protection of children’s rights. The Strategy identifies five priorities for the Council of Europe’s member states to guarantee the rights of the child. While they are all relevant, the ones that focus on **protecting children from violence, trafficking, sexual exploitation and abuse**, as well as **ensuring child friendly justice** and effective participation, are at the crux of the discussion today. The first of these priorities is directly related to fulfilling obligations under the Convention on Action against Trafficking in Human Beings. Most Council of Europe bodies and administrative entities contribute to the implementation of the Strategy. Internal coordination and cooperation is facilitated by an Inter-Secretariat Task Force on the Rights of the Child. As a result of this transversal and coordinated work, the Organisation gains in coherence, efficiency and impact.

Through the Strategy for the Rights of the Child, the CoE works to mobilise governments, local and regional authorities, parliamentarians, ombudspersons, professional networks, children, young people and civil society. Our cutting edge contribution to end **violence against children** illustrates how the Council of Europe together with partner international organisations, including the CBSS, are mutually reinforcing and generating partnerships. The CoE efforts are aligned with the UN Sustainable Development Goals and in particular with Target 16.2, which calls for the elimination of all forms of violence against children by 2030. For our member States, it is essential that they are able to link the work at regional level (CoE and CBSS) to the progress required under the UN Agenda.

The CoE takes **an integrated approach to the elimination of all forms of violence against children**, as well as **targeted actions** to address specific forms of violence. These include sexual exploitation and abuse, human trafficking, corporal punishment, bullying (including cyber-bullying) and gender-based violence.

Our standards are **benchmarks**; our monitoring mechanisms **collect data** and **review progress;** our cooperation programmes **address the challenges** and gaps. All of these allow us to progress with the 2030 agenda.

The Ad hoc Committee for the Rights of the Child (**CAHENF)** was set up by the CoE Committee of Ministers in order to guide and oversee the implementation of the Strategy. CAHENF has been tasked with developing standards under in several areas. Under the CAHENF, a **special group** has started working on collecting strategies to protect children from **violence** and how to move swiftly towards Target 16.2 through member State action. The work of this particular group is to:

* advise policy makers on priority actions to support member States in the development of legislation, policies, practice, training schemes and awareness raising materials to support the implementation of CoE standards;
* develop proposals for actions by the CAHENF to promote and operationalise the implementation of the Council of Europe Policy Guidelines on integrated national strategies for the protection of children from violence;
* develop a concept for a platform providing access to existing national strategies promoting an integrated approach to protection from violence in CoE member States.

The **Council of Europe Convention on Action against Trafficking in Human Beings** entered intoforce 10 years ago has been ratified by 47 States. The Convention is opened for accession by any country and recently Tunisia expressed an interest in acceding to it. The Convention is a comprehensive treaty which places the victim at the centre of the efforts to combat human trafficking and places positive obligation on States Parties to criminalise human trafficking, to prevent it, to protect victims, as well as a procedural obligation to investigate trafficking offences. The Convention sets up a monitoring mechanism for evaluating the implementation of the obligations contained in the Convention, composed of the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties to the Convention.

A **child-sensitive approach** is reflected throughout the Convention and when necessary, special measures are taken in respect of children who are victims of trafficking (Articles 5, 10, 11, 12, 14, 16, 28 and 30 of the Convention).

For the **second evaluation round** of the Convention launched on 15 May 2014, GRETA decided to pay particular attention to measures taken by States Parties to address the vulnerability of children to trafficking. GRETA dedicated a thematic section in its **6th General report** on the issue of child trafficking. In addition to analysing gaps in the implementation of the Convention, the report contains examples of promising practices. Of relevance to the protection of children from trafficking and exploitation is also **GRETA’s 5th General Report,** published in March 2016, which examined the challenges to the identification of victims of trafficking in human beings among migrants, asylum seekers and refugees, with a special focus on the risks of trafficking of unaccompanied and separated children.

The Convention requires States to take special measures to reduce children’s vulnerability to trafficking, notably by **creating a protective environment** for them (Article 5, paragraph 5). GRETA’s monitoring of the Convention has paid particular attention to the development of **prevention measures** targeting children in the most vulnerable situations, such as children in street situations, children placed in institutions, children from disadvantaged communities, unaccompanied or separated children and irregular migrant children. The vulnerability of such children to trafficking highlights the close relation between the problems of the trafficking and social protection policies.

Although the lack of official disaggregated data according to ethnicity precludes a reliable assessment of the occurrence of human trafficking in the Roma communities, there is evidence that Roma children are highly vulnerable to trafficking due to structural forms of ethnic and gender discrimination, poverty, social exclusion, school drop-out and prevalence of child, early and forced marriages. There are commendable examples of initiatives by civil society and foreign donors, including Norway, aimed at improving access to social services and education for Roma children. Efforts to address the structural factors underlying human trafficking in countries of origin need to be stepped up. This should involve measures to find long-term durable solutions and foster re-integration of child victims.

Children that are victims of trafficking and exploitation need to be **first and foremost identified,** heard and supported. The identification of child victims requires specialised training to ensure that where a child is unable to explicitly articulate a concrete fear of persecution, including trafficking, such risks are recognised, and protection provided without delay. It is also necessary to set up identification and referral procedures which take into account the special circumstances and needs of child victims, involves child specialists, child protection services, and specialised police and prosecutors, and ensures that the best interests of the child are the primary consideration. The identification of child victims is also essential to the prevention of re-trafficking.

Child trafficking and exploitation take **different forms**, which need to be researched, acknowledged and addressed. The majority of girls fall victim to trafficking for the purpose of sexual exploitation, including the production of child abuse material, but this form of trafficking affects boys as well. Children are also subjected to trafficking for the purposes of forced labour, domestic servitude, forced begging, and forced criminal activities. Further, some countries report cases of trafficking of girls for the purpose of forced marriage. In situations of armed conflict, forcibly displaced children can be especially vulnerable to trafficking.

Children are being trafficked transnationally as well as internally; for example, in Romania the share of internal trafficking amongst children identified as victims amounted to 78%.

GRETA noted considerable variations in the number and proportion of child victims of trafficking identified in different Parties to the Convention, but on average, children represented a quarter of the identified victims of human trafficking in the period 2012-2015. While in some countries nearly half of the identified victims of human trafficking were children (e.g. Croatia), in others the proportion was between 5% and 3% (e.g. Denmark, Austria).

The number of **unaccompanied and separated children** arriving in States Parties to the Convention has grown considerably in recent years. The lack of co-ordination between different national authorities, such as border officials, immigration officers, social services, law enforcement and child protection services, as well as between the agencies of different countries, increases the risk of migrant and asylum-seeking children, particularly those who are unaccompanied, falling victim to trafficking. The identification of victims of trafficking among these children is challenging and the statistics available on identified victims do not reflect the actual scale of the phenomenon.

On two occasions, GRETA organised “**urgent procedure” visits, to Italy and Hungary**, which focused on the identification of victims of trafficking among asylum seekers and migrants, paying particular attention to unaccompanied children.

By way of a positive example, I would like to refer to **Ireland**, where the government agency TUSLA has responsibility for all children in need of protection, including victims of trafficking and unaccompanied children. Together with GRETA, I visited a residential unit for separated children seeking asylum in Dublin, with a capacity of six (boys and girls). There were always at least two staff members present in the unit, including at night. An emergency care plan is drawn up upon arrival, followed for a more comprehensive individual care plan, which is periodically reviewed. All children have an absence management plan and all new arrivals are initially accompanied outside of the unit until a review takes place. Contacts with others (by phone or in-person) are strictly monitored until staff are satisfied as to the nature of the relationship. Children attend school in the community and participate in local sports, cultural and religious activities. After a stay of up to six months at the residential unit, many children are placed in foster care and the remainder move to supported lodgings. I was impressed by the efforts made by TUSLA staff and the company running the unit to provide a safe, stimulating and home-like environment to the children, including follow-up after they leave the unit.

The timely appointment of a **legal guardian** who can act independently with authority and uphold the child’s best interests is essential to ensure the protection and rehabilitation of unaccompanied children who are identified as victims of trafficking, break the links with traffickers and minimise the risk of children going missing. Most countries’ legislation provides for the appointment of legal guardians to child victims of trafficking, but the procedure is cumbersome, there are delays in the guardians’ appointment and the guardians often cannot be seen as being independent and acting in the best interest of the child. The CAHENF is in the process of preparing **guiding principles and guidelines for an effective guardianship for unaccompanied and separated children** in migration, underlining in this context the importance of the role of the guardian and of the guardianship authority.

Assistance should be provided within the framework of a National Referral Mechanism (NRM) for trafficked children, which itself should be **integrated into the general child protection system**, bringing together social, health and education services, in line with Council of Europe and other international standards and policies. Effective and functional child protection systems can reduce the risks of trafficking and re-trafficking. Children must be referred to the child protection authorities regardless of their immigration status.

To take care of child victims, **shelters specialised** in receiving and assisting such victims should be set up with a view to addressing their needs and offering a protected environment. The absence of specialised shelters for child victims of trafficking is a common problem in most Parties to the Convention and GRETA has urged the authorities to provide appropriate accommodation for child victims.

GRETA has expressed serious concerns about the problem of **disappearance of unaccompanied children** from reception facilities, which is due to a number of different factors (including lengthy identification procedures, protracted family unification timeframes, lack of provision of child-friendly information, or fear of deportation). Another common problem is the absence of interpreters.

In the **UK**, GRETA was concerned by the continuing lack of safe accommodation for children who are suspected or known to have been trafficked. There were no agreed standards for accommodating child victims of trafficking, who were often provided with general assistance that does not cater for their special needs. It was estimated that 60% of unaccompanied children placed in local authority care went missing, most within 48 hours of being placed into care. Children that went missing in one part of the UK could end up exploited in another part, without any connection being made. GRETA urged the British authorities to address the problem of children going missing from local authority care and to improve the exchange of information on missing unaccompanied children between police forces and local authorities.

By way of a positive example, in **Northern Ireland**, GRETA visited a children’s home for separated/unaccompanied children who may be victims of human trafficking, opened in 2014. With a capacity for eight children, the home was accommodating six children, both girls and boys. No child placed there had gone missing. The staff was composed of six social workers, three care workers working in shifts at night and two support workers at weekends. A range of protection measures were implemented, determined by an individualised risk assessment. Security and protection measures included CCTV in the reception area and in the hall. Access to computers was in a communal area and supervised. A range of activities were organised and access to education was ensured, with specialist support provided. Additional support was in place for young people transitioning out of the home, and continuing support was being provided.

GRETA has stressed the importance of ensuring compliance with international standards on the rights of the child, in particular as regards the deprivation of children’s liberty as a measure of last resort and for the shortest appropriate period of time. Thus in its report on **Norway**, GRETA asked the Norwegian authorities to keep under review the measures introduced in the Child Welfare Act 2012, which allow placement of children of 12 years or above who are suspected of being victims of trafficking in institutions with severe restrictions on the freedom of movement and communications as a means for improving their protection while the police is investigating the case.

The Council of Europe Strategy for the Rights of the Child also calls on states to **inform children in a child friendly manner**, to allow them to participate and to take into consideration their views. This applies to all children and children on the move or otherwise affected by migration are no exception. Presently the CAHENF is elaborating a **handbook on access to child-friendly information and procedures**. This tool is aimed to equip professionals and volunteers who interact with migrant and refugee children to communicate with them in a child-friendly way about their rights and the procedures affecting them. It takes fully into account the dimension of trafficking in human beings and includes useful elements to ensure that professionals and volunteers communicate in an adequate manner with migrant children who are presumed to be victims of trafficking, as well as potential trafficking victims.

In conclusion, through the Strategy and the tools provided by the Convention, the Council of Europe is committed to ensuring a pan-European response to the challenges of human trafficking and other forms of abuse and exploitation of children.

I thank you for your attention and wish you fruitful discussions.