

Addressing child trafficking: the unsuccessful conventional approach and recommendation for future actions

The International Federation Terre des Hommes takes the occasion of the World Fit for Children +5 commemorative event to raise its concerns on one of the worst and ongoing forms of child rights violation, i.e. child trafficking. Despite the lack of correct and inclusive data, various sources from all regions refer to a large number of children taken away from home and subsequently exploited within their country or across borders. The forms of exploitation the children become subjected to include among others: prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and illegal adoption.

Efforts in the last five years

Terre des Hommes recognizes that in the last five years some steps have been undertaken to address this modern form of child slavery. First, the States have increasingly recognized child trafficking as an offence, punishable under national legislation. The entry into force of the Palermo Protocol has led to commonly agreed definition on the elements of the crime, facilitating thereby trans-national collaboration in investigation, prosecution and other judicial matters. Some more recent regional developments, such as the Council of Europe Convention, have also sought to shift the legislative process from a mere prosecution approach to a more human rights approach focusing on preventive and protective measures. There is however a strong reluctance by States in endorsing such developments as demonstrated also by the relative low number of States signing to them.

In addition to legal developments, there has also been a considerable investment by a group of States and other actors in concrete actions and projects to address trafficking in human being, including child trafficking. Regretfully such investments have not always supported the right-based initiatives, with very often priority given to migration prevention and border control projects. The identification of trafficked children has been build upon the border control mechanisms, whilst there is a lack of investments in investigating and addressing the exploitation to which children are subjected.

At present there is however substantial research and lessons learnt from past interventions to guide the international community in addressing child trafficking through a child rights perspective. It is based on this knowledge that the International Federation Terre des Hommes presents the recommendations below as priorities in any future action to address child trafficking.

Whilst these recommendations will provide some practical guidance, their implementation and the overall progress in addressing child trafficking depends on the State commitment to respect the rights of the child as prescribed in the UN Convention on the Rights of the Child and current international customary law.

Recommendations

- ***The importance of prevention***

The measures to protect children and prevent them from being trafficked should be based on a good understanding of the factors which make the child vulnerable

to exploitation and trafficking. Such factors might be *inter alia* of economic, socio-cultural, institutional or conflict-related character.

- ***The right based approach***

Seeking to prevent child migration because of potential trafficking risks does not constitute a right-based approach. **Instead, children in migration should be better protected against exploitation.**

- ***Investing in child protection mechanisms and practices***

The family and community operate their own mechanisms of protecting children against harm. **The enforcement of such family and community mechanisms is a must in fighting child trafficking.** In addition, an institutional system monitored by the State should be able to intervene and provide solutions according to the best interest of the child to every threat or case of child abuse.

- ***Assisting the child to withdraw from the exploitative/trafficking situation***

Measures to assist trafficked children should seek the empowerment of the child. The choices that children make play a role throughout the process, including withdraw from exploitation. Empowerment means more options available to the child, facilitating thereby the right choice by the child.

- ***Best interest of the child***

It is mandatory for every intervention to guarantee the best interest of the child. Finding out what constitutes the best interest of trafficked children might be a difficult task.

Involvement of child rights professionals is thus necessary in all decision-making process.

- ***Listening to the child***

Child participation is a required component of every rights-based intervention. This means informing, accompanying the child in formulating wishes and concerns, listening to them and guaranteeing that they are elements of decision-making process.