

ENGLISH only

17th Alliance Against Trafficking in Persons – Trafficking in Children and Best Interests of the Child.

Panel 2 – Towards Effective Child Protection Systems to Prevent and Combat Human Trafficking

Statement by the European Union Agency for Fundamental Rights (FRA) – (Maria Estebanez, Senior Policy Manager)

Dear Moderator,

First let me thank the OSCE Special Representative and Co-ordinator for Combatting Trafficking in Human Beings for her invitation to attend the 17th Alliance and the opportunity to address the participants. The EU Agency for Fundamental Rights recently conducted research on national child protection systems in the 28 European Union Member States at the request of the European Commission. This has allowed us to better understand how national child protection systems work and to identify challenges and promising practices.

In integrated child protection systems, the emphasis should be on primary prevention and the development of generic services for children and families. However, the identification, reporting and referral procedures of children in need of protection are also of paramount importance. Existing mechanisms should be confidential yet well publicized, and accessible not only by professionals and civil servants but also by children themselves and their representatives. Reporting obligations should include all employees and professional groups and not just be limited to officials and civil servants. There is a need to develop protocols of co-operation and referral systems in many States, and to raise awareness. There is also a need to develop 'Hotlines' and to ensure their sustainability, and to address shortages in their staff and training. Finally, there is also a need to raise awareness and of specialised training on identification and reporting procedures, and to develop a qualified and multidisciplinary approach.

Direct consultation with children and families in developing the framework and the evaluation of services also needs to be strengthened. Awareness of rights, including regarding the establishment of child friendly procedures remains a challenge. Procedures and methods of assessment by competent authorities of the reporting of cases should reflect the principle of the best interests of the

child and seek to take into consideration children's views. For this there is a need for sufficient resources, both material and human, and for specialisation and systematic specialised training of personnel.

There is also a need for systematic vetting of employees and other persons in direct contact with children. Vetting provisions are often, but not always, part of accreditation and licensing procedures.

Positive measures include certification, accreditation procedures, the establishment of minimum training requirements, professional supervision and guidance.

Most monitoring systems are internal: only few States have independent inspection and monitoring bodies with a clearly defined monitoring role. There is a need for an evidence-based approach, including the development of common quality indicators and a comprehensive data collection mechanism. In addition, effective prevention for child protection requires creating a safe environment for children and addressing vulnerability and risk factors, such as poverty.

Distinguished audience,

The Anti-trafficking Directive explicitly requires that EU Member States appoint a guardian or a representative for a child victim of trafficking from the moment where the holders of parental responsibility cannot ensure the child's best interest and/or represent the child, as well as in cases where the child is identified by the authorities as unaccompanied.

The guardian can play a key role in safeguarding the child's best interests, promote the child's safety and well-being, and facilitate the child's participation, acting as a link between the child and others - including within the child protection system. The guardian can assist in identifying durable solutions in the child's best interest, exercise legal representation, support the child in legal procedures and ensure access to legal assistance and counselling. The guardian can promote the child's safety and well-being by ensuring that the competent authorities undertake an individual risk assessment of each child victim of trafficking, actively participating in the risk assessment process along with representatives of relevant authorities, law enforcement officials and the child's legal representative. The guardian can regularly assess the risk that the child may go missing from care, and inform the relevant authorities when new information is available related to the child's safety which might require changes

to the protection measures applied. The guardian can request that the risk assessment be reviewed and documented if new information surfaces which may require different or additional measures; ensure that the relevant authorities are notified without delay of any disappearance of a child and that efforts are made to find the child.

When victims are third-country nationals, the Guardian can regularly remind all authorities involved not to share information on the child's status as a victim of trafficking with the authorities in the country of origin before the risk assessment is finalised. In addition, the guardian can facilitate access to appropriate and safe accommodation for child victims in need for a safe place because of an imminent risk of secondary and repeat victimisation, intimidation or retaliation. The guardian can provide information about support networks available to the child; facilitate access to helpline services and to targeted and integrated support for victims with specific needs, including victims of sexual violence, victims with disabilities and victims of gender-based violence. This includes support and counselling to address trauma. In addition the guardian can support the child in maintaining family links, ensure an adequate standard of living for the child and access to healthcare, education and training.

In closing, let me add that as part of the EU Strategy towards the eradication of trafficking in human beings, our Agency has recently published a [Handbook on Guardianship for children deprived of parental care](#). This handbook and related reports, aim to strengthen the protection of children by assisting national authorities and other stakeholders to further develop existing guardianship systems, clarifying the role of guardians as an essential component of an integrated child protection system, including for victims of trafficking. For more information on the rights of the children victims of trafficking under European Law, it is possible to consult the [Handbook on European law relating to the rights of the child](#).

Thank you very much for your attention.