

# Twentieth Anniversary of the Convention on the Rights of the Child

## Theme 1: Dignity

### Sub Theme 2: Children: rights holders versus commodity

Caritas Internationalis<sup>1</sup>, the International Catholic Child Bureau (Bice), the International Institute Maria Ausiliatrice (IIMA), the Teresian Association and VIDES International recognizing the right of the child to be protected from all forms of exploitation prejudicial to any aspects of the child's welfare<sup>2</sup>, are particularly concerned about the large number of children trafficked, across borders and within the boundaries of countries, for forced labour, domestic servitude, sexual exploitation, or any other form of exploitation.

According to the International Labour Organization (ILO), 2.4 million people worldwide are trafficked each year. The ILO estimates that as many as 1.2 million victims of trafficking are children under the age of 18<sup>3</sup>. 98% of those trafficked for the purposes of sexual exploitation are women and girls.

At present, Child trafficking is a global phenomenon and an inhumane offence against child's dignity, children's rights and the human family.

Building upon the experiences of Caritas members working on prevention and protection of victims of trafficking, on the Christian network Coatnet (Christian Organizations against Trafficking in Human Beings<sup>4</sup>), as well as on the other cosigning organizations' field experiences, we would like to make the following recommendations:

#### **Fight the intricate web of root causes**

Factors that make children vulnerable to trafficking for sexual purposes are phenomena inherent to marginalization: violence against children, lack of recognition of children's rights, fragmentation of the family structure, poverty, alcohol and drug abuse and lack of education. These negative and destructive factors are mutually dependent and reinforce each other.

#### **Improve border controls and registration of children**

Corruption among politicians, state officials, and the police and customs authorities leads to activities that facilitate the trafficking in persons, money laundering and the impunity of perpetrators.

Moreover, the lack of proper identity and travel documentation when crossing borders increases the risk of sexual exploitation of children. Particular attention should be paid to the lack of birth registration in many countries, which puts children in danger

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<sup>1</sup> Caritas Internationalis, the global confederation of 165 Catholic charities, aims to achieve a just society through the promotion of integral human development. Our integral approach takes into consideration the wellbeing of the person and of all people in their different dimensions: economic, social, political, cultural, ecological and spiritual.

<sup>2</sup> Article 36 of the Convention on the Rights of the Child (CRC)

<sup>3</sup> ILO Action against Human Trafficking in Human Beings 2008

<sup>4</sup> Coatnet: [www.coatnet.org](http://www.coatnet.org)

of abduction, sale and trafficking. Registration is the state's first official acknowledgement of the child's existence and recognition of a child's status under the law. The Committee on the Rights of the Child should raise awareness among government officials, community leaders, NGOs and parents to ensure that all children have a birth registration irrespective to their parents' status.

### **Address the demand side – increase the capability of families**

One of the key elements to counteract the demand side is to strengthen children and their families through universal access to education, particular emphasis on human rights education, capacity-building and access to dignified work at just wages.

Governments should maintain and put into effective action their keep their commitment to achieving the Millennium Development Goals, specifically numbers 1, 2 and 3<sup>5</sup>. Governments have the responsibility to provide families the necessary means to raise their children, including access to relevant support services. Parents should be sensitized about the risks to which their children might be exposed, when they send them off to “have a better life” or to earn the money for the family.

Special attention should be given to prevention and assistance with and among the most vulnerable, such as children without parental care, orphans, victims of disasters and destitute families.

A “Trafficking watch element” should be included in all emergency programmes.

There is growing evidence of criminal activity related to the trafficking of children for sexual purposes, for example their exploitation by tourists and through travel agencies. The adoption of codes of conduct should be promoted for companies<sup>6</sup> and industries, but also in the field of humanitarian work<sup>7</sup>.

### **Strengthen the legal protection of child victims and the prosecution of perpetrators**

Although 193 States are committed to take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form (Article 35 of the CRC), in many countries the legal system for child protection is still very weak or not applied. Inadequate legislation and weak law enforcement are among the facilitators of child trafficking. However, the very flexible nature of trafficking networks requires a regional as well as a global approach rather than this issue being addressed in one country. In order to enhance international cooperation in the prevention and repression of trafficking and to create a coordinated framework for law enforcement, States that have not already done so

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<sup>5</sup> <http://www.un.org/millenniumgoals/> 1) End poverty and hunger 2) Universal education 3) Gender equality

<sup>6</sup> See produced by Ecpat Code Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism <http://www.ecpatusa.org/whatwedo.html> of

<sup>7</sup> Child protection frame work of Caritas Internationalis, <http://www3.caritas.org/upload/opc/opcildrening.qxd.pdf>

should become parties to the international and regional standards on trafficking<sup>8</sup> and they should implement the *Recommended Principles and Guidelines on Human Rights and Human Trafficking*<sup>9</sup>.

All countries should review their legislation in the light of international instruments on trafficking and they should ensure that all forms of trafficking of children for any purpose are considered as crimes under the national criminal law.

All countries should adopt the same definition of trafficking in their criminal code to facilitate the harmonization of interventions and responses.

The legal framework should reflect the specific protection needs of trafficked children. Special protection measures include: ensuring that proper travel and identity documents are provided, the right to humanitarian visas and to a legal guardian in the case the child is without parental care.

Child protection measures should be adopted when children participate as witnesses in legal proceedings to avoid the stigmatization and re-victimization of trafficked children.

A child rights approach should be integrated as a normative framework in the further development of policies and measures against trafficking in human beings, but also in social policies at large.

### **Protection and Assistance**

Too often the importance of protecting and assisting the victims of trafficking is overlooked. High quality integrated services and personnel should be provided for child victims.

Governments in collaboration with NGOs and religious communities should create, in countries of origin, transit and destination, safe spaces for child victims of trafficking and provide them with accommodation, health care, counseling, the necessary identity documentation and legal guardianship and an adequate time for recovery. This would allow qualified personnel to find the best solutions for them.

### **Efficient fight needs resources and informed personnel**

Resources to fight trafficking in human beings should be increased, particularly in the areas of prevention, protection and prosecution. More specifically, this would entail the appointment of 'National Rapporteurs on Trafficking' with a strong focus on prevention of child trafficking, provision of training to all relevant stakeholders at

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<sup>8</sup> These include: The United Nations Convention on the Rights of the Child; The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; The International Labour Organization Convention No. 182: Worst Forms of Child Labour Convention; The United Nations Convention on Transnational Organized Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; The Hague Convention on Protection of Children and Co-Operation in Respect of Inter-country Adoption.

<sup>9</sup> UN Office of the High Commissioner for Human Rights, E/2002/68/Add.1, 20 May 2002

different levels of responsibility (teachers, health care professionals, border guards, police officers) and an increase in the funding allocated to the establishment of high quality services for trafficked persons, specifically child victims, and to law enforcement mechanisms, including the police, border guards and the judiciary. Civil Society and governments should become more engaged with and contribute to the work of the relevant UN – Special Rapporteurs and therefore improve their impact.