

**Alliance of Trafficking in Persons Conference
Child Trafficking – Local responses**

May 26-27, Hofburg, Vienna

**OPENING REMARKS
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Excellencies,
Ladies and Gentlemen,

First of all I would like to congratulate the Special Representative on Combating Trafficking in Human Beings, Eva Biaudet, and her Office for organizing this interesting conference which will focus on local responses to child trafficking and challenges faced at the local level when implementing such policies and measures.

I am glad that experts, from governments and civil society, as well as all OSCE structures working on this issue- the Special Representative and her team, the OSCE field operations, the different units in the Secretariat and my own Institution - are here together to share our respective expertise.

The OSCE is making its approach to human trafficking more and more specific: Already in 1999 the ODIHR put human trafficking on the agenda, together with the Parliamentary Assembly. The OSCE Action Plan was developed, leading participating States in turn to adopt Action Plans on the

national level. It is logical that we now look more specifically at what is being done on the local level.

The ODIHR, in its anti-trafficking work, has always emphasized the need to develop and implement responses to trafficking in human beings which are firmly based on the protection of their rights. This means to recognize that trafficked persons are holders of rights and to ensure that responses to human trafficking protect and do not curtail these rights.

As we continue to emphasize, civil society actors, including non-governmental organizations, play a fundamental role in the fight against child trafficking. This should not distract from the fact that it is the governments' obligation and responsibility to protect the rights of those exploited. I am glad to see that a good number of NGOs all over the OSCE region are present here today. Often it is, and it is only, civil society actors who are able to reach out to the vulnerable and to overcome distrust between the exploited and state authorities. Civil society can assist in identifying and remedying gaps in protection, but require an adequate basis and environment for its work politically, legally and financially. It is up to states to provide this framework.

Let me outline, in line with the title of this conference, some of the key challenges to such a rights based response to child trafficking, challenges which the ODIHR has identified through its concrete field work and its research.

First, Government agendas on human trafficking, including child trafficking:

These agendas, are often dominated primarily by concerns with immigration control and criminal justice. This has consequences which often turn out to be counterproductive: In the face of such political agendas, both at the national and sometimes the local level, it is a challenge, if not impossible, to implement local responses that are first and foremost concentrating to protect the rights of those exploited and vulnerable to exploitation. In order to be effective, the political commitment to fight child trafficking needs to go beyond the surface and offer sustainable social responses. Exploited minors often end up being criminalized, even returned without risk assessment and without protection – because of their irregular status in the country, their possible involvement in prostitution, begging or petty crime. Sometimes authorities simply do not keep track of what happens with the exploited minors as the focus is the identification of the perpetrators. In other cases, police activity stops with removing children from the public eye – a measure which must remain temporary, as the children will return to the streets in the absence of a durable solution.) For example, children which are begging or living on the streets are regarded as ‘public nuisance’ rather than not only entitled to assistance and protection, but in dire need of it. The hidden exploitative environment surrounding these children thus often remains unaddressed.

Second, social prejudice and discrimination:

it has also become clear that socially marginalized groups, such as foreign minors or minors of a certain ethnic origin, especially Roma and Sinti, often still face prejudices and discrimination by social actors as well as criminal justice systems. As a consequence, they are not able to access mainstream

services and thus their basic rights. States have to find ways to reach out to the most vulnerable groups in society and assist them effectively. It is not acceptable that some children, because of their social or ethnic origin or migration background, are excluded from the protection of their rights. Such gaps in protection need to be identified and addressed through a comprehensive package of measures: monitoring mechanisms at the national and local level as well as awareness raising, capacity building, and clear guidelines and instructions to local authorities. The upcoming Supplementary Human Dimension Meeting on the Role of National Institutions against Discrimination in Combating Racism and Xenophobia with a special focus on persons Belonging to National Minorities and Migrants in the second half of the week is a welcome opportunity to discuss some of these issues in more detail, including how participating States can ensure that their responses and services are non-discriminatory.

Seven months ago I addressed you here in the Hofburg at the closing session of the Supplementary Human Dimension Meeting on “Combating the Sexual Exploitation of Children”. Today, at the opening of this Alliance in Persons Conference on “Child Trafficking: Responses and Challenges at Local Level”, I would like to take the opportunity to draw your attention to some of the conclusions and recommendations from this meeting which are important to today’s conference.

There is generally no lack of international law and standards when it comes to child protection, including fighting child trafficking, but rather a lack of translating these standards and commitments into sustainable action at the national and local level. The focus of this conference, local responses to

child trafficking, therefore points in the right direction: How are participating States ensuring that the measures implemented at the local level – of preventive, protective and criminal justice nature - respect the needs and the best interests of the child?

Effective responses to child exploitation and abuse require a set of measures: reviewing child protection mechanisms at the national and local level, putting in place effective and child friendly referral systems for assistance and, first and foremost, finding a durable solution for the individual child that puts the rights of the child (and not immigration policies) at the centre. This also means refraining from “one size fits all” solutions. Sustainable solutions also require the development and implementation of measures that tackle the marginalization of certain social and ethnic groups and the lack of opportunities and discrimination that give rise to their vulnerability and that of their children.

Before concluding, I would like to highlight some of the key recommendations from last year’s SHDM which express very well the human rights based approach that needs to be taken when addressing child exploitation, including child trafficking:

National and local authorities should take a range of measures:

- pay special attention to the precarious position of migrant children, particularly those who are undocumented and without protective environment, when developing and implementing strategies and measures that address child exploitation;

- develop responses that are rights based and empower and not victimize or re-victimize trafficked children;
- ensure that institutions that work with children, including with children who have come in conflict with the law, are able to identify, refer and adequately address situations of abuse and exploitation;
- ensure that their social and health services personnel are adequately trained, equipped and instructed to provide specialized short-, mid- and long-term assistance to exploited minors;
- Ensure that their laws and practices do not punish or criminalize, but protect exploited minors who are in conflict with the law. This will facilitate the reporting of exploitative situations and enable exploited minors to come forward;
- Continuously review laws, regulations and procedures around social protection and child protection and monitor their implementation to ensure they adequately address the prevention and protection needs of children. This includes measures provided during and after criminal proceedings.

It is at the local level - in the villages, cities and regions throughout the OSCE region - that child protection fails or succeeds. I hope that these two days of discussions will provide a good opportunity to learn more about good practices that exist and about challenges that state and non-governmental actors face at the local level in the fight against child trafficking. I am confident that an open exchange of experiences and practices between state and civil society actors will lead to the

development of more effective responses. The ODIHR will continue to assist you in this regard, together with the whole OSCE family.

Finally, let me point out one further issue: I will be launching later today, during the lunch break, the latest ODIHR publication on Compensation of Trafficked and Exploited Persons in the OSCE region. This report, amongst others, identifies that the obstacles to children's access to justice and rights, including compensation, are significant and that there is still a huge need to increase the knowledge and awareness about the obstacles faced by children.

Thank you.