

Human Rights Council – 14th session – May 31 – June 18 2010

Terre des Hommes International Federation statement for the Panel on Give Voice to Victims of Trafficking

Terre des Hommes welcomes the Panel on “Give voice to victims of trafficking” and we thank you for this opportunity of dialogue. Since Terre des Hommes started its campaign to stop child trafficking in 2001, we recognize the progresses which have taken place. States have increasingly recognized child trafficking as an offence, punishable under national legislation. The entry into force of international and regional instruments has led to a commonly agreed definition of the elements of the crime, thereby facilitating trans-national collaboration in investigation, prosecution and other judicial matters. What remains weak from a human rights perspective are however the preventive interventions as well as interventions aiming at protecting and assisting the social (re)integration of the trafficked children.

In Terre des hommes view, the child remains the main actor in the process of his/her social (re)integration, Programs and interventions which ignore the experience and the will of the trafficked child will fail to be effective as they are based more on assumptions and stereotypes rather than facts. The social reintegration of the child will succeed only when constructed by the child and serving his/her best interest. Terre des hommes regrettably notices that often the voice of the child is ignored in the process of social (re)integration and especially when deciding on a durable solution for a child who has been trafficked across borders.

According to articles 2, 20 and 22 of the UN Convention on the Rights of the Child, when a child is found in the territory of a State other than its own, this State too becomes responsible for the protection of the rights of the child concerned. This means that the transit/destination State has to draft a framework of actions through which the rights of this child are best guaranteed in a long term perspective. This framework of actions is referred to by Terre des hommes as “durable solution”. It is also recognised in the Unicef Guidelines for Protection of the Rights of Child Victims of Trafficking in South Eastern.

The durable solution includes a decision on whether the child should return or not to the country of origin, but it should not limit itself to this issue. The design and planning of follow-up programs serving the protection of the rights of the child are inherent parts of the durable solution decision, regardless on whether the decision is in favor or not to the return in the country of origin.

In order to ensure a durable solution which takes into account the child’s opinion and serves his/her best interest, Terre des Hommes recommends the following steps:

- Interviewing the child by experienced social workers aiming at understanding his/her experience of trafficking, the origin of the child and the location of his/her family of origin as well as understanding the current situation of the child in the destination country.

- Tracing the family of origin, assessing their will and ability to take care of the child, as well as other potential options and security concerns for the child upon potential return
- Assessing options for integration of the child in transit/destination country
- Discussing with the child the various options and reflecting his/her views on the best option possible.

In deciding on the durable solution, the protection of all the rights of the child should be considered, taking into account that they are indivisible and interdependent. Every decision should be made on its own merits. In order to guarantee the right based approach and the child's best interest principle (article 3 UN CRC), the durable solution decision should fairly balance the rights of the child that are at stake. The child remains the important actor in the process, as in accordance with their age and maturity, children are able to assess and balance their own rights and interest upon some guidance.