



## Recommendations for the implementation of the EU Anti-Trafficking Directive:

### Turning children’s rights commitment to good practices

On the 27th of May 2024, the Council adopted the Directive 2024/1712, amending Directive 2011/36/EU, on preventing and combating trafficking in human beings and protecting its victims. This comes at a time when other key policy and legislative acts concerning children’s rights, have been either adopted, including the New Pact on Migration and Asylum<sup>1</sup> or are being discussed, such as the revised Victims’ Rights Directive, the Regulation laying down rules to prevent and combat child sexual abuse, and the recast of the Directive on combating sexual abuse and sexual exploitation of children and child pornography. The European Commission Recommendation on developing and strengthening integrated child protection systems in the best interests of the child also addresses children victims of trafficking.<sup>2</sup>

As civil society organisations with decades of experience at national, EU and international level in promoting and defending children’s rights, we welcome the introduction of child, disability and gender rights in the EU Anti-Trafficking Directive. We appreciate the strengthening of the measures, marking progress in safeguarding human rights and improving prevention responses while identifying, protecting, and supporting victims of trafficking. We also value the inclusion of new forms of trafficking, such as forced marriage, illegal adoption, and the exploitation of surrogacy when the mother is a victim of trafficking.

We welcome the acknowledgment of **the particular vulnerability to trafficking in human beings of children placed in institutions** (7) in its Preamble. We also appreciate that EU Member States are

<sup>1</sup> [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum\\_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en)

encouraged to ensure that national child protection systems develop specific plans to prevent the trafficking in human beings, **including that of children in residential or closed-type institutions** (33). This aligns with the European Commission Recommendation on developing and strengthening integrated child protection systems which also encourages Member States to ensure that national child protection systems develop specific plans to prevent trafficking in human beings, **including that of children in residential or closed-type institutions in the process of transition**.

Based on the measures envisaged in the Directive, we, namely Hope and Homes for Children, Lumos, Eurochild, Missing Children Europe, European Disability Forum, ECPAT International, Child Identity Protection, World Without Orphans Europe, Child Helpline International, International Social Service, Romania Without Orphans Alliance, Tzuby's Kids and Tearfund Ireland, are offering a set of recommendations for its implementation, as presented below:

#### **To the European Commission:**

1. Consider a public consultation on the implementation guidance for Member States
2. Ensure that there is meaningful engagement with civil society and children and monitor its implementation
3. Ensure that the implementation of the Directive is enabled through appropriate resourcing at EU and national levels, by taking into account the feedback and recommendations provided in this Statement during the preparation of the next EU Anti-Trafficking Strategy.

#### **To the Member States:**

##### Coordinating bodies

1. Ensure that the appointed National Anti-Trafficking Coordinators or other coordinating bodies are aware of the specific risk factors for child trafficking, such as poverty, lack of access to resources and the link between institutionalisation and trafficking when assessing trafficking trends.
2. Ensure that the independent bodies to be established in line with the Directive monitor the implementation and impact of anti-trafficking actions regarding children in vulnerable situations, such as children from institutions and their transitioning to family and community-based care, and include conclusions and recommendations in this regard in their reports.

##### National Anti-Trafficking Action Plans

3. Ensure that the national plans to prevent trafficking in human beings are cross-referenced with the EC Recommendation on integrated child protection systems and contain measures addressing all children, including children in residential institutions, care-leavers, children with disabilities and children on the move. These measures should include:
  - Developing strategies and action plans to strengthen child care and protection systems, prevent unnecessary separation of children and families, and ensure the provision of family and community-based, rather than institutional, care as a preventative measure;

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<sup>2</sup>[https://commission.europa.eu/document/36591cfb-1b0a-4130-985e-332fd87d40c1\\_en](https://commission.europa.eu/document/36591cfb-1b0a-4130-985e-332fd87d40c1_en)

- Developing individual plans for care leavers who are at a greater risk of exploitation and trafficking;
  - Strengthening the monitoring and reporting mechanisms for children deprived of parental care.
4. The national plans should contain measures for cooperation between child protection systems and trafficking referral mechanisms, so that a comprehensive approach is taken to a trafficked child's needs and circumstances, both short and long term.

#### Assistance and protection for child victims

5. Prioritise family and community-based care s for child-victims. Provide separate assistance to child victims for their participation in criminal justice investigations and processes to achieve effective identification and protection; assistance should offer victims' a path toward recovery, rehabilitation and restoration of their rights.
6. Ensure that stronger safeguards are put in place to prevent the disappearance of unaccompanied migrant children after being transferred to specialised accommodation centres. These safeguards should include but not be limited to:
- The appointment of legal guardians to all unaccompanied migrant children to guarantee that the safety and best interests of the child are effectively protected;
  - Stronger cross border cooperation in child protection, on both governmental and non-governmental levels, including when responding to disappearances.
  - Assessment and understanding of the reasons why a migrant child has gone missing to counter the nexus with trafficking that forces vulnerable migrant children into sexual and labour exploitation, as well as criminal rings.
7. Ensure that the key role of child helplines and missing children hotlines in protecting children from trafficking is recognised in Member States in and that appropriate resourcing and training for their staff is secured. Prevent children in migration from going missing through:
- Early identification of trafficking and exploitation warning signs (i.e. identifiers),
  - Engagement of case management tools to prevent the risk of trafficking and going missing
  - Effective and secure referrals to support services
  - Alternative care models and strong guardianship systems that take into account children's best interest assessment and individualised care plans.
8. Secure tailored approaches to victims with disabilities - being in need of targeted protection assistance - in regards to their identification and rehabilitation.

#### Training

9. Training for professionals likely to come into contact with child victims of trafficking, with specific vulnerabilities, should cover children coming from institutions or having a lived experience of the care system and address the online trafficking dimension. It should be organised together with relevant CSOs.

#### Anonymised data collection

10. Ensure the enhancement and maintenance of reliable and safe data management processes when it comes to child victims of trafficking, including through awareness raising campaigns, and that the anonymised data monitors the effectiveness of child protection systems.

Engagement of children and civil society organisations

11. Child protection actions should be informed and shaped by children's lived experiences and views, the collection of which should be handled in a safe way, aligned to child rights and protection policies. Any information shared with children should be accessible and adapted to their individual needs to ensure meaningful engagement.
12. Children should be empowered and assisted to express their views on and participate in all decisions concerning their lives, in accordance with their age and maturity.
13. Meaningful engagement of civil society organisations with relevant experience and expertise should be ensured for the implementation of all the envisaged measures.

We look forward to working with the European Commission and the Member States for translating a Directive that embraces children and disability rights and is gender-sensitive into good practices at a national and regional level.

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