



JOINT SUBMISSION

General Comment N° 27 on Children's Right to Access to Justice and Effective Remedies

Background

Trafficking in children is a global phenomenon urgently calling for improved prevention measures as well as child, disability, culturally and gender-sensitive identification, protection and support mechanisms for victims.

Globally, 1 in 3 victims of human trafficking is a child.¹ Current trends show a significant increase in the proportion of identified child trafficking victims over the past decades² as well as a proliferation of trafficking forms³.

Child trafficking constitutes a denial of a spectrum of human rights and has long-term effects on children's physical and emotional development. While the root causes of trafficking are diverse and multi-faceted, certain profiles of children such as children deprived of parental care in residential or closed-type institutions and care leavers, children with disabilities or unaccompanied or separated children on the move⁴ are at heightened risk of being exposed to trafficking and require particular attention by States and other stakeholders.⁵ Children deprived of family care are disproportionality represented among child trafficking victims and face more challenges in the recovery process.⁶ Yet, in many contexts, systematic bottlenecks exist for children's access to justice and effective remedies. For instance, child trafficking is widely underreported, among others, due to fear of retaliation from traffickers, lack of information, invisibility of trafficking, mistrust of authorities or absence of child-centric reporting procedures. Other barriers relate to inadequate legal frameworks providing protection for child victims as well as stigma and social exclusion.

As stressed by the CRC Committee itself "for rights to have meaning, effective remedies must be available to redress violations."⁷ Therefore, **we, namely, Child Helpline International, ECPAT International, Eurochild, International Social Service, Tzuby's Kids and World Without Orphans Europe**, welcome the CRC Committee's decision to elaborate further guidance and advance on the realization of children's right to access to justice.

¹ UNODC, [World Day Against Trafficking in Persons](#).

² See UN Office on Drugs and Crime, [Global Report on Trafficking in Persons](#), 2022; see also [2023 Policy Brief Accessing Justice](#).

³ US Department of State, [2024 Trafficking in Persons Report](#).

⁴ See IOM, [Call to end child trafficking](#).

⁵ See also 2013 OHCHR Report to the Human Rights Council, [Access to Justice for Children](#), Section IV.E.

⁶ See [GENERAL COMMENT No. 5 \(2003\)](#).

⁷ Idem.

Institution-related child trafficking

We live in times of a polycrisis marked by ongoing conflicts, natural disasters, pandemics, migration influxes, economic and energy crises, leading to more and more children being at risk of separation and placement in institutions. The harmful impact of these settings on children's wellbeing and development are well-documented due to their prevailing harmful conditions such as depersonalization, rigidity of routine, lack of individual support or personal treatment, children's lack of control over decisions affecting them, exclusion from the wider community and limited contact with their families or other caregivers.

Likewise, despite the international standards and existing good practices, in many contexts, child protection systems heavily rely on institutionalisation to address the vulnerabilities of families and children deprived of parental care. This reliance is often compounded by issues such as the absence of other quality family-based care alternatives, privatisation of child protection services, inadequate enforcement of minimum standards, insufficient monitoring and complaint mechanisms, and the phenomenon of voluntourism⁸. Additionally, in many contexts, there is still a general lack of awareness/understanding regarding the harm caused by institutional settings coupled with inadequate responses and accountability for staff and State failures in cases of serious rights violations.

The phenomenon of institution-related trafficking is not new and the enhanced vulnerabilities of children in such contexts have been recognised on various occasions.⁹ It covers situations in which children are being trafficked into institutions or out of institutions into other forms of exploitation, in which trafficking victims are being placed in institutions for their "protection" holding risks of being (re)trafficked, or in which children, adolescents or young adults are leaving care being more at risk of exploitation or trafficking ("four cycles of institution-related trafficking"¹⁰).¹¹

Despite the substantial evidence linking institutional care with trafficking, the connection between trafficking and the institutionalisation of children is generally not sufficiently addressed in laws, policies nor practice.

Therefore, we wish to share the promising example of recent legislative changes made in the EU context that, while requiring further concrete implementation, hold potential to inspire similar actions in other contexts.

Recent legislative changes at EU level as good practice to inspire further action

In May 2024, the EU Council adopted the [Directive 2024/1712](#), amending Directive 2011/36/EU, on preventing and combating trafficking in human beings and protecting its victims. These amendments occurred at a time when other key policy and legislative acts concerning children's rights were either adopted¹² or are being discussed¹³. This complementarity with and integration of child trafficking into comprehensive child rights, protection and care schemes are crucial to ensure effective children's access to justice rights and accountability¹⁴.

We consider the adoption of the amended Directive 2024/1712 and in particular the recognition of institution-related child trafficking as well as new forms of trafficking, linked for instance with forced

⁸ See [here](#).

⁹ See [2021 DGD Outcome report](#), WG n° 3; See [UN GA 2019 Resolution on the Rights of the Child](#), [SR reports of 2019 and 2022](#); 2018 report of the [Council of Europe's group of Experts on Action against Trafficking](#); Country monitoring reports of the Council of Europe Convention on Action against Trafficking in Human Beings towards Albania, Bulgaria, Romania, UK.

¹⁰ Lomos (2021) [Cycles of Exploitation](#).

¹¹ See [2023 Joint Contribution](#).

¹² E.g. [New Pact on Migration and Asylum](#); The European Commission [Recommendation](#) on developing and strengthening integrated child protection systems in the best interests of the child also addresses child victims of trafficking.

¹³ E.g. [Revised Victims' Rights Directive](#), the proposed [Regulation](#) laying down rules to prevent and combat child sexual abuse and the proposed recast of the [Directive](#) on combating sexual abuse and sexual exploitation of children and child sexual abuse material. The Recommendation 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.

¹⁴ See also Prof. Jorge Cardona, pp. 19-20, [2021 DGD Outcome report](#).

marriage, illegal adoptions and surrogacy¹⁵, as an important step towards securing effective prevention and protection of trafficking victims. Indeed, in 2019 and 2020, children represented ¼ of all registered victims of trafficking in the EU (23%), where the victim's age group was known¹⁶ – a fact that called for action!

The Directive's text introduces prevention strategies, including awareness campaigns and education programmes. Training for professionals, both general and specialised, should be human-rights based, victim-centred, gender-, disability- and child-sensitive.

It also underscores the importance of establishing transparent and harmonised referral mechanisms for early victim detection, with a focus on cross-border cooperation and a unified approach among Member States of the EU. Support for victims is a central focus, with Member States required to ensure specialised assistance and support in a gender-, disability-, and child-sensitive approach throughout identification, reporting and criminal proceeding. Assistance to victims includes providing appropriate and safe accommodation, material assistance, necessary medical treatment, and supporting victims with special needs arising from pregnancy, health, disability, mental disorders, or serious forms of violence.

Further, more severe penalties are proposed for crimes against children. Legal persons can be held accountable for offences committed for their benefit, covering individuals within the organisation. Member States are mandated to appoint a guardian or representative when holders of parental responsibility are conflicted, ensuring the child's best interests.

Additionally, measures are encouraged to support the families of child victims. Importantly, the [revised Directive](#) recognises that “children placed in residential and closed-type institutions are a group particularly vulnerable to trafficking in human beings. They can fall victim of trafficking when being placed in these institutions, during their placement and after”. It further encourages States to “ensure that national child protection systems develop specific plans to prevent trafficking in human beings, including for children in residential or closed-type institutions.”

Recommendations for the General Comment N°27:

As child rights organisations with decades of experience at national, EU and international levels, **we, namely, Child Helpline International, ECPAT International, Eurochild, International Social Service, Tzuby's Kids and World Without Orphans Europe**, are providing the following set of recommendations to the CRC Committee for further consideration.

These recommendations are mainly based on the [recent joint statement](#) endorsed by our respective organisations as well as other leading child rights organisations aimed at promoting the effective implementation of the measures envisaged by the Directive as well as previous work by the group to advocate for the inclusion of certain amendments.

Likewise, we echo all recommendations made by the [CRC Committee \(2021\)](#) in relation to States' obligations to ensure access to justice and child-friendly justice systems for children in alternative care and by the ICAT Interagency Coordination group against Trafficking in Persons in their recent [Call for Accelerated Action to End Child Trafficking](#).

Solid legal and policy frameworks

1) With low global ratification¹⁷, we urge **wider adoption and effective implementation** of the Optional Protocol on a Communications Procedure (**OPIC**). It allows children to appeal to the CRC Committee when domestic remedies fail, requiring prompt and sensitive handling of cases.

¹⁵ See [Press release](#).

¹⁶ European Commission, Statistics and trends in trafficking in human being in the European Union in 2019-2020, 2022.

¹⁷ See [Status table](#).

2) **Robust national laws, policies and practical guidance to professionals** should specifically address the vulnerabilities of certain profiles of children to forms of child trafficking such as children placed in institutions and be “victim-sensitive – based on the core principles of recognition, respectful treatment, empowerment, well-being and safety”¹⁸.

3) The enforceability of legislative and other measures needs to further be strengthened through **multilateral or bilateral cooperation, and effective coordination and cooperation** among all relevant actors, including child protection authorities and civil society organisations, so that a comprehensive approach is taken to a trafficked children’s needs and circumstances, both short and long term.

Prevention of child trafficking

4) **National plans and strategies** should be elaborated to prevent child trafficking with measures aimed at strengthening child-care and protection systems and be tailored to the specific forms/purposes of trafficking, including sexual and labour purposes. This particularly entails the effective prevention of unnecessary separation of children and families and quality alternative care through the provision of family and community-based care rather than institutional care, the development of individual plans for children in care and strengthened monitoring and reporting mechanisms for children deprived of parental care. The transition from institutional to family-based care must also be monitored and assessed.

5) **Targeted prevention measures shall address groups at risk**, including children, according to their age maturity and gender, and persons with disabilities, taking into consideration language barriers and different levels of literacy and abilities. Actions should also target marginalised children from remote communities, those living in poverty and lacking access to basic services, such as education and healthcare, and those deprived of parental care. The [European Child Guarantee](#), the EU wide initiative used to tackle child poverty and exclusion, could serve as an example.

6) **Humanitarian situations require specific attention** as they increase vulnerabilities and can be breeding ground for trafficking¹⁹. Therefore, child protection considerations need to be mainstreamed in environmental and climate change policies as well as disaster preparedness and response plans and action.²⁰

Safeguards for children at risk of trafficking and those victims to trafficking

7) States should ensure that **reporting procedures are safe, confidential and accessible for children**, in accordance with their age, development and maturity with signposting to national child helplines for referral and psychosocial support.

8) States need to ensure that child victims’ physical and psychosocial recovery are undertaken following an **individual assessment of the special circumstances of each child victim**, taking due account of the child’s views, needs and concerns with a view to finding a durable solution and tailored recovery pathways for the child. Access to education shall also be ensured after a reasonable lapse of time.

9) States should appoint **coordinating bodies** to deal with child trafficking cases. Ideally these bodies should be independent and monitor the implementation of anti-trafficking measures regarding children in vulnerable situations, such as children from institutions.

10) The entities in charge of receiving reports of offences from victims must be regularly and **appropriately trained** to facilitate and assist child victims in child, gender and culturally sensitive ways. Capacity building should cover specific factors for and forms of child trafficking and address the

¹⁸ See [Victim Support Europe \(2023\)](#).

¹⁹ See i.e. the [Council of Europe, July 2024](#).

²⁰ See [ICAT Interagency Coordination group against Trafficking in Persons](#).

situation of children coming from institutions or having a lived experience of the care system as well as the online trafficking dimension.

11) States and relevant stakeholders should rethink the dichotomic view of abuse and exploitation being conducted either **online or in-person** and devise **holistic interventions**. Indeed, it is key to highlight that the lines between online and in-person abuse/exploitation are increasingly blurred. Technology is now used at any moment during the continuum of abuse and exploitation and not necessarily to only contact potential victims.

12) **Priority should be given to family- and community-based care options** for child victims to ensure their recovery and prevent the risk of re-trafficking. Provide separate assistance to child victims for their participation in criminal justice investigations and processes to achieve effective identification and protection; assistance should be offering victims a path toward recovery, rehabilitation and restoration of their rights. This entails providing age-appropriate emotional, psychosocial, psychological and educational support, including to children who have witnessed trafficking or who became deprived of parental care as a result of trafficking.

13) States need to recognise the **key role of child helplines and missing children hotlines** in protecting children from trafficking and ensure they are properly resourced, and staff is well-trained.

14) Ensure **meaningful engagement with children, including survivors**, and CSOs with relevant experience and expertise, and effective monitoring to ensure proper implementation of access to justice mechanisms.

15) There is a **need to support and fund research initiatives** that explore the root causes and trends of child trafficking, the effectiveness of interventions, and the specific needs of trafficking survivors when accessing justice.

16) Strengthen safeguards to **prevent the disappearance of unaccompanied migrant children** transferred to specialised accommodation centres and ensure their protection through measures such as the appointment of legal guardians, case-management tools, early identification of trafficking and exploitation warning signs, effective and secure referrals to support services, robust guardianship systems.

17) Secure tailored approaches to **victims with disabilities** especially in relation to their identification and rehabilitation.

18) It is crucial to have strong and safe **disaggregated²¹ data collection in place** when it comes to child victims of trafficking and specific groups at risk, including through awareness raising campaigns, and the anonymised data collection to monitor the effectiveness of child protection systems. Initiatives such as the [Data Care Project](#) should be promoted and used as models.

²¹ Disaggregated by age, gender and type of exploitation, i.e. sexual, labour, illegal adoption.