



Responding to child trafficking: Ensuring the right to effective remedy

UNGIFT and Harvard Seminar on Combating Child Trafficking

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Effective response to child trafficking

Guiding principles of the CRC when working with a trafficked child:

- The best interests of the child is the primary consideration
- Every child without any discrimination shall have the right to protection
- The right of the child to participate meaningfully in matters affecting him/her
- Right to life survival and development

See: Guidelines on the Protection of Child Victims of Trafficking

(http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf)

Effective remedy

The right to effective remedy involves substantive right to reparations and procedural rights necessary to access reparations

- In substance, it includes restitution, compensation, recovery, satisfaction and guarantees of non-repetition
- Procedural rights include measures and mechanisms that allow for access to substantive remedies including
 - Provision of information concerning their rights; the reparations that are available and the mechanisms
 - Legal, medical, psychological, social, administrative and other assistance
 - A reflection and recovery period

Effective remedy is not just right in principle but also right in practice!

Effective remedy in practice: The case of *Thida*

- 16 year old girl from Myanmar rescued from brothel and placed in shelter in Bangkok
- Several weeks to build rapport before trust was built
- Discussed hopes, fears and plans of going home
- Criminal case against the brothel owner – successful prosecution; compensation awarded
- Positive family tracing and assessment
- Repatriation & (re)integration and ongoing assistance
- Regular follow up (monitoring)
- Assessment a year later
 - A peer educator actively working to spread knowledge of trafficking
 - From a victim to a survivor to a youth leader working to prevent trafficking

Take away... on good practices

When the response is done right: -

- treated as individual with appropriate care – health, psycho-social support (placement in alternative care should be for the shortest possible time) ;
- with respect
- information provided and in the child's language;
- given time to reflect and recover;
- listened to and space to actively participate
- the best interests taken fully into account
- When family, community and relevant persons are involved
- When monitoring ensures that support is in place
- When those working with (child) victims are well trained
- When systems and structures are in place and when attitudes leave no place for stigma...

We get a durable solution where the sum is greater than its parts!



Thank you