

**CHILDREN TRAFFICKED FOR EXPLOITATION IN BEGGING AND IN  
CRIMINALITY. A ROUNDTABLE MEETING.**

**EMPOWERING THE CHILD – APPLYING THE UN CRC  
IN CASES OF CHILD TRAFFICKING.  
THE NGO PERSPECTIVE.**

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# CRC

- 20th NOVEMBER 1989
- 192 STATES WORLDWIDE
- POLISH INITIATIVE
- JANUSZ KORCZAK



**THE YEAR  
OF JANUSZ  
KORCZAK**

**2012**

**there are  
no children,  
only people**

## **Children's right to protection as a process.**

### **Main challenges:**

To confirm the status of the child, who has to be considered as a person, not as an object of adults' benevolence, entitled with dignity and rights.

To offer universal coverage of all rights to which the child is entitled, irrespective of the place, where the child is living.

### ***The best interests of the child (CRC, art. 3)***

*- child at the centre of all decisions affecting him/her.*

### ***The child's right to be heard and express views (CRC, art. 12 and 13)***

*- child as competent enough for influencing such decisions.*

## **CRC vs. quotes by Janusz Korczak**

### ***The best interests of the child (CRC, art. 3)***

*The child is a rational being; he knows well the needs, difficulties and obstacles of one's life. Not despotic order, imposed rigors and distrustful control but tactful understanding, faith in experience, cooperation and coexistence.*

### ***The child's right to be heard and express views freely (CRC, art. 12 and 13)***

*The experience of a few improper questions, failed jokes, betrayed secrets, carefree confidences teaches the child to relate to adults as to tame, but wild animals, which can never be trusted.*

*The child is a foreigner, does not understand the language, does not know the direction of the streets, does not know the laws and customs. [...] He needs a guide that will answer the question politely.*

## **Art. 4 of CRC**

*States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.*

- Are children and adults aware of the CRC?
- Does CRC form part of the domestic law?
- Is there a national body having responsibility for coordinating actions on the rights of the child?
- What resources are allocated to services that help protect the rights of children?



### **Are children and adults aware of the CRC?**

- bypassing children as subservient to adults
- children found in criminal settings tend to be defined as criminals not victims
- not sufficient child participation and consultation
- CRC seen as a threat to parents and caregivers authority



### **Does CRC form part of the domestic law?**

- lack of full protection of children up to 18
- vague legal application of CRC by professionals
- lack of full protection of child-victims (legal procedures, guardians, translators, shelters, health care, education)



### **Is there a national body having responsibility for coordinating actions on the rights of the child?**

- insufficient/lack of coordination at central level of child policies
- limited flow of information and institutional memory



### **What resources are allocated to services that help protect the rights of children?**

- not sufficient financial resources allocated to policies concerning children

## **CHILD TRAFFICKING VS CHILDREN'S RIGHTS:**

**VIOLATION OF CHILDREN'S RIGHTS IS BOTH  
A CAUSE AND CONSEQUENCE OF TRAFFICKING.**

*Art. 35 CRC - States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.*

### **Defining child trafficking:**

*Different forms of child exploitation.*

*Removal of children from their protective context  
(cross boarder and internal trafficking).*

## **TRAFFICKING VIOLATES A RANGE OF CHILDREN'S RIGHTS:**

### **CRC:**

- 1. The right to life** (Art. 6.1)
- 2. The right to survival and development** (Art. 6.2)
- 3. The right to protection:**
  - a. from discrimination and punishment (Art. 2.2)*
  - b. from physical or mental violence (Art.19.1)*
  - c. from economic exploitation (Art. 32)*
  - d. from sexual exploitation (Art. 34)*
  - e. from illicit transfer abroad (Art.11)*
- 4. The right to participation** (Art. 12)
- 5. The right to information** (Art. 13)

**The Optional Protocol to the UN CRC on the Sale of Children, Child Prostitution and Child Pornography (2000)** further clarifies this article by defining the “sale of children” and by recognising internal as well as transnational trafficking and trafficking on an individual and organised basis.



## **Children victims of trafficking vs. attention to the situation of all children.**

*Ensuring protection of **vulnerable children** not only setting up mechanisms of identification of victims of trafficking.*

### **Determining and analysing the causes:**

✓ **Immediate causes** - decisions

✓ **Underlying causes** - conditions that influence decisions, various factors; supply and demand

✓ **Structural and root causes** - social, cultural and economic environment, including weak legal and social protection

*In the theory of education we forget that we must teach the child not only to appreciate the truth, but also to recognize the lie, not only love but also hate, not only respect, but also despise, not only accept but also outrage, not only to give in, but also rebel.*

*by Janusz Korczak*

## **DIFFERENT EXPECTATIONS of children and authorities:**

### **CHILD-VICTIM expects:**

- to be heard
- to be understood
- to be trusted
- respect
- friendliness
- professional help
- individual treatment

### **AUTHORITIES expect:**

- cooperation
- following and understanding official and legal procedures
- availability and credibility
- gathering evidence
- closing the case

*The child has the right not to know, not to remember, succumb to suggestions from prior conversations and own reflection, [sometimes] has the right to knowingly lie.*

*Janusz Korczak*

# **CASE STUDY**

*Drawing lessons.*

*Gathering data.*

*Treating carefully and validating evidence.*



## CASE STUDY

Support programme for children-victims of trafficking

- run by La Strada Foundation

### Clients:

Minor victims of sexual exploitation (main group)

Minors exploited in forced begging

Minors exploited in forced labour

# **Luminita**

15 year old Roma girl

Born in Romania

Brought up in Poland

Father – imprisoned, mother – unemployed

Living with her family in a Roma community  
on the outskirts of one of the Polish cities

Exploited by an organized crime group – forced begging

Identified by the Border Guards and the Police

## Empower:

- give (someone) the authority or power to do something
- make (someone) stronger and more confident, especially in controlling their life and claiming their rights

(Oxford Dictionary)

*Empowerment – both process and outcome*  
*– gaining control over one's life*

## **Course of proceedings:**

Provided information, legal assistance,  
assistance during court proceedings (CRC, art. 4, art. 12)

Assesment of living conditions - inappropriate (CRC, art. 27)  
The girl refused to be separated from her family (CRC, art. 9)  
or transferred to the country of origin

Provided social support (CRC, art. 26)

Provided medical aid (CRC, art. 24)

Offered access to education (CRC, art. 28)

Maintained contact with the Border Guards (CRC, art. 35)

Guardian appointed to the family (CRC, art. 18)

The role of media (CRC art. 16, art. 17e)

## **Close cooperation between several institutions:**

Border Guards

Police

La Strada Foundation

Crisis Intervention Centre

Nomada Association

Social Welfare Centre

Guardian

**But: one case manager** monitoring the case and contacting the child – building relation of trust; holistic approach.

In order to recover the child requires long-term consultations, assistance, psychological support (CRC, art. 39)



Cultural differences vs universal rights?  
Adapting double standards vs imposing Western values?

Shifting from salvation to participation.

„The effective protection of the rights of the child will not be achieved unless the substantive protections are perceived as culturally legitimate by local communities and unless the implementation procedures are aimed at enhancing such legitimacy as opposed to merely ensuring adherence to form.”

(Kaime, 2011)

## **TO SUM UP:**

### **•IMPLEMENTING EXISTING STANDARDS**

- ensure application of CRC and evaluate it's impact on the lives of children

### **•DEALING WITH MAIN CAUSES OF TRAFFICKING**

- improving care and protection of vulnerable children

### **•HOLISTIC APPROACH and LONG TERM PERSPECTIVE**

- dealing with all forms of trafficking (countries of origin and destination)
- addressing political, social and economic factors that increase vulnerability
- improving prevention, protection, assistance, rehabilitation and social reintegration

### **•PINNING UP RESPONSIBILITIES**

- effective division of labor and responsibilities
- holding governments accountable to children and international community
- multidisciplinary approach, better information flow and institutional memory

### **NGOs have a unique role to play in anti-trafficking responses:**

- close link to children-at-risk and their communities
- understanding needs and concerns of marginalised groups, field-based experience
- importance of consultation with NGOs
- wide range of focus areas

## • CHILD-RIGHTS BASED APPROACH

- CRC as the best tool to ensure the best interest of the child
- conceptualisation of the problem of child trafficking shall be based on CRC
- putting children at the center and recognising them as rights-holders
- involving children and building relationship of trust and mutual respect
- building capacity of children and their local communities

*„Many mistakes stem from the fact that the children we come across are borne into coercion, bondage, they are bitter and rebellious; one has to try hard to guess and find out what they are really like, what they can become.”*

*„I want it understood that no book and no doctor will substitute for one's own vigilant thought and attentive observation.”*

*by J. Korczak*

THANK YOU FOR YOUR ATTENTION

