Tool 8.2  Obligations of States to child victims

Overview

This tool discusses State obligations to protect and assist child victims, and provides examples of measures to ensure their safety, taking into account their special needs and rights.

Child victims of trafficking may fall under the protection of various local or national child protection laws and regimes, whether or not they are citizens of the State. The role of local child protection and welfare organizations, either governmental or non-governmental, must be clarified to ensure that such agencies fully and properly play their role as part of a national strategy to combat trafficking in persons.

Urgent action must sometimes be taken to secure the safety of child victims. Any action to ensure the safety of children must be respectful of their rights.

Article 6, paragraph 4 of the Trafficking in Persons Protocol

Article 6, paragraph 4 of the Trafficking in Persons Protocol provides that

Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

When the age of a victim is uncertain and there are reasons to believe that the victim is a child, a State party may wish, subject to its legal system, to treat the victim as a child in accordance with the definition of a child contained in the Convention on the Rights of the Child until his or her age is verified. States may also wish to consider:

- Appointing a guardian to accompany the child throughout the entire process, until a durable solution in the best interest of the child has been identified and implemented
- Ensuring that, during the investigation, as well as the prosecution and trial hearings where possible, direct contact between the child victim and the suspected offender is avoided. See Tool 5.19 for more on special protection measures for children during legal proceedings
- Providing appropriate shelters for child victims to avoid risk of revictimization. Children should be housed in safe, suitable accommodation, with due account taken of their age and special needs
- Establishing special recruitment practices and training programmes to ensure that individuals responsible for the care and protection of child victims understand their needs, are gender-sensitive and possess the necessary skills to assist children and ensure that their rights are safeguarded.
The O SCE Action Plan to Prevent Trafficking in Human Beings includes a section recom -

mending the following action at the national level for the protection of child victims of 

trafficking:

10. **Protection of children**

10.1 Ensuring that the special needs of children and the best interests of the child 

are fully taken into account when deciding upon appropriate housing, education 

and care. In appropriate cases, if there is no direct threat to the safety of the 

child, providing the children with access to the State educational system.

10.2 Deciding on the repatriation of a child victim of trafficking in human beings only 

after having taken account of all the circumstances of the specific case and if 

there is a family or special institution in the State of origin to ensure the child’s 

safety, protection, rehabilitation and reintegration.

10.3 Considering the provisions outlined in the United Nations High Commissioner 

for Refugees Guidelines for the Protection of Unaccompanied Minors when 

elaborating policies targeted at this risk group, and in particular for those who 

are not in possession of identification documents.

10.4 Using bilateral and/or regional agreements on fundamental principles of good 

reception of unaccompanied children in order to combine efforts targeted at the 

protection of children.

10.5 Ratifying or acceding to, and fully implementing, the Optional Protocol to the 

Convention on the Rights of the Child on the sale of children, child 

prostitution and child pornography.

The full text of the OSCE Action Plan to Combat Trafficking in Human Beings is available at: 


**Promising practice**

*Manual for civil servants dealing with victims of trafficking in persons*

In 2006, a new penal system began to be implemented in Colombia. This created new chal -

lenges for the Colombian criminal justice system regarding victims, especially child victims. 

In response to these challenges, UNODC carried out an assessment of the situation of 

victims and produced recommendations and guidelines for handling and protecting child 

victims of sexual crimes and exploitation under the new accusatory penal system.

The assessment focused on the protection of child victims of crimes relating to trafficking 

and other forms of exploitation. The aim was to facilitate the detection of legal and 

administrative gaps and weaknesses, particularly those affecting child victims of sexual crimes 

and exploitation, by developing a working tool for civil servants, as well as information 

and training on the protection of child victims. On the basis of the analysis and
recommendations which emerged from this activity, UNODC, with the support of the Colombian Family Welfare Institute, issued a handbook on trafficking in persons in June 2007 which emphasizes the rights of victims under the new penal system.

**Recommended resources**

For more information on protecting the rights of children during legal proceedings, see Tool 5.19. For more information on interviewing children, see Tool 6.12.

*Guidelines on the Protection of Child Victims of Trafficking*  
*(United Nations Children’s Fund)*

These good practice guidelines on protecting and assisting child victims of trafficking, published in September 2006, are based on international human rights instruments and address the protection of trafficked children from their identification through to their recovery and reintegration. These guidelines are intended to inform policy development and the protection and assistance practice of Governments and State actors, international organizations, non-governmental organizations and other service providers.

The guidelines are available at:  

*Guidelines on justice for child victims and witnesses of crime*


Both resources can be consulted at:  
[www.ibcr.org/](http://www.ibcr.org/)
Guidelines for Medico-legal Care for Victims of Sexual Violence

(World Health Organization)

Chapter 7 of these WHO guidelines provides some useful information concerning medical assistance for child victims of human trafficking for sexual purposes.

The WHO guidelines are available at:

Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe

(United Nations Children’s Fund)

This UNICEF reference guide contains checklists and guidelines for immigration officers, law enforcement and justice officials and other professionals working with child victims of trafficking in the European context.

The guide is available at:
www.unicef.org/ceecis/protection_4440.html