

P R O M I S E

## Child Trafficking: Recent EU developments

Promise TRM  
Webinar April 25, 2024  
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# Thinking together today

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Background: child trafficking in the BSS region  
– some points to think about

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EU legal and policy developments that are on  
our radar

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A word on the key aims of our upcoming  
Promise TRM guidance

# Child Trafficking in the Baltic Sea Region

Clear data is hard to come by, as it is hard to identify trafficking

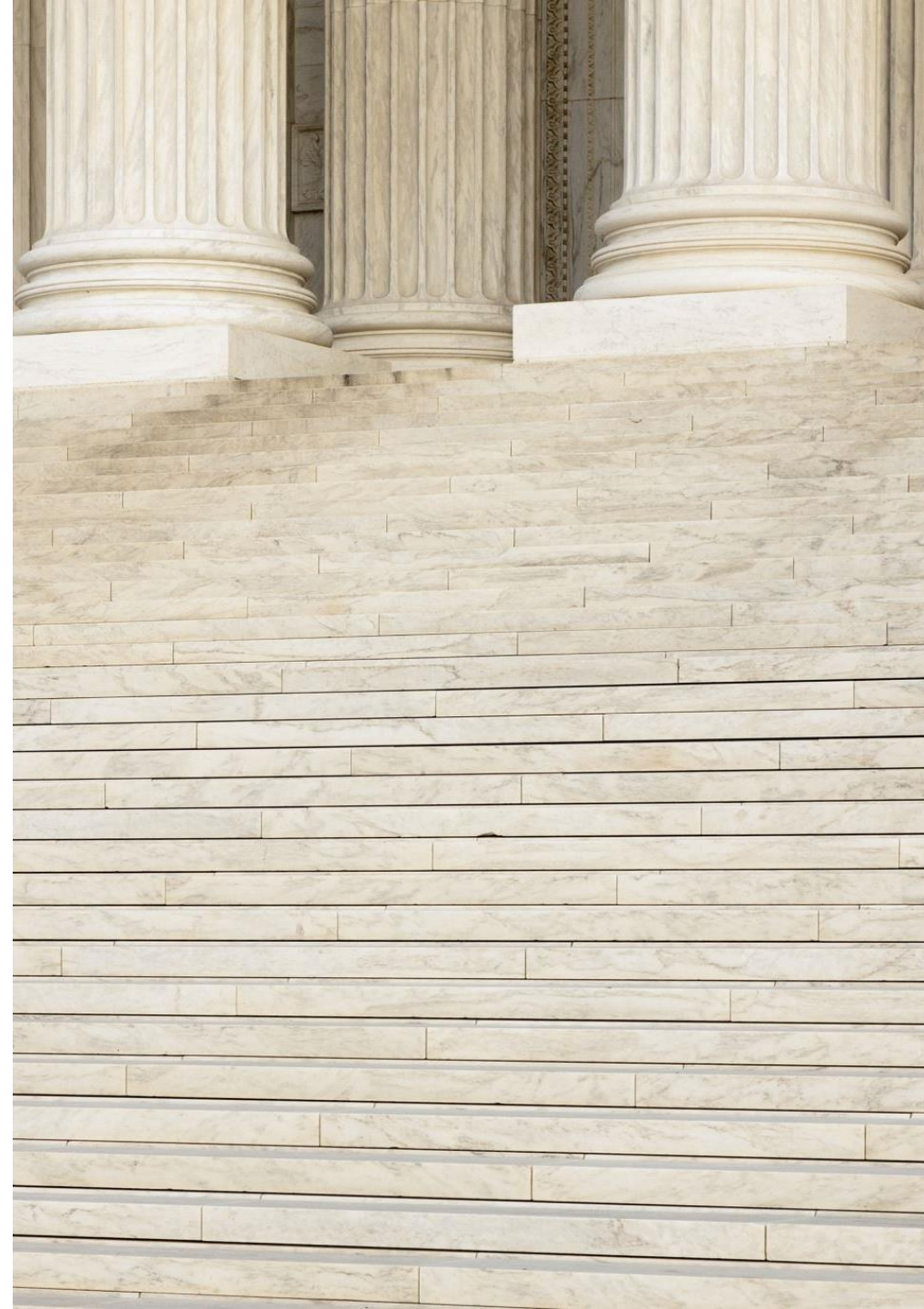
Many different forms of trafficking

Sometimes encounter myths & cultures of disbelief

A wide range of risk factors

# Hot off the press: some new EU legal and policy developments

- Specific obligations in relation to **trafficking** - revision of the EU Anti-trafficking Directive
- Provisions on **transfer of proceedings in criminal matters** from one State to another – imminent adoption of a new Regulation
- Specific obligations in relation to **victims of crime** – revision of EU Victims Rights Directive (ongoing)
- New reform of **European asylum and migration** legal instruments (finalized)
- New EC recommendations to Member States on developing and strengthening integrated **child protection systems**



# Trafficking Directive Revision

## Some new elements

- Definition of trafficking – explicitly mentions **forced marriage, illegal adoption and exploitation of surrogacy**
- **online dimension** of trafficking to be addressed through specialized units within law enforcement & prosecution
- ....**specialised** assistance and support are provided to victims in a victim-centred, gender-, disability- and **child-sensitive approach** before, during, and for an appropriate period of time after the conclusion of, criminal proceedings
- **Enhancing cooperation and coordination**
  - National referral mechanisms
  - National point for cross border referrals on trafficking cases
- **Specialised training, should be child-sensitive**
- National child protection systems to develop **plans to prevent child trafficking**

# Some of the points to think about

- Need for specialized child sensitive training for professionals likely to come into contact with victims of trafficking
- Role of Barnahus in a national referral mechanism that concerns child trafficking?
- Already in the Trafficking Directive, to bear in mind
  - Role of guardians:
    - How can guardians be involved in informing and supporting children in Barnahus?
    - Should guardianship services be able to refer children into BH for exploratory interviews?
  - MS must find necessary measures to find durable solutions for children

# Transfer of Proceedings in Criminal Matters

- Police may be investigating crimes in different states – the Regulation will provide uniform rules for organizing a transfer of proceedings from one state to another
- Among the criteria for requesting the transfer of a criminal proceeding: "one or more victims are nationals of or residents in the requested State. Due account shall be taken of child victims and other vulnerable groups"
- "The suspect or accused person, or a victim, may, in accordance with procedures in national law, propose the competent authorities of the requesting State or of the requested State that criminal proceedings be transferred under the conditions of this Regulation."
- Before a request for the transfer of criminal proceedings is issued, the requesting authority shall, in accordance with applicable national law, give due consideration to the legitimate interests of the victim, including restorative justice considerations."
- Provisions on rights of suspect/accused and the victim also to object to a transfer.
- Requesting authority should ensure that those rights under EU laws, including EU-Anti Trafficking Directive, are respected when requesting a transfer of criminal proceedings under this Regulation."

# Things to think about

- *Testimony of a child: What does that mean for testimony of a child given in one country and used in another?*
- *How to ensure child victim has information on right to request or object to a transfer of proceedings?*
- *How to ensure child's rights as a victim are preserved, where a case is transferred to another jurisdiction*


Do you know of any cases:

- - where recordings from Barnahus from one country has been admitted in the court of another country?
- - Where a child attended a Barnahus for a video link up to a proceeding in another country?



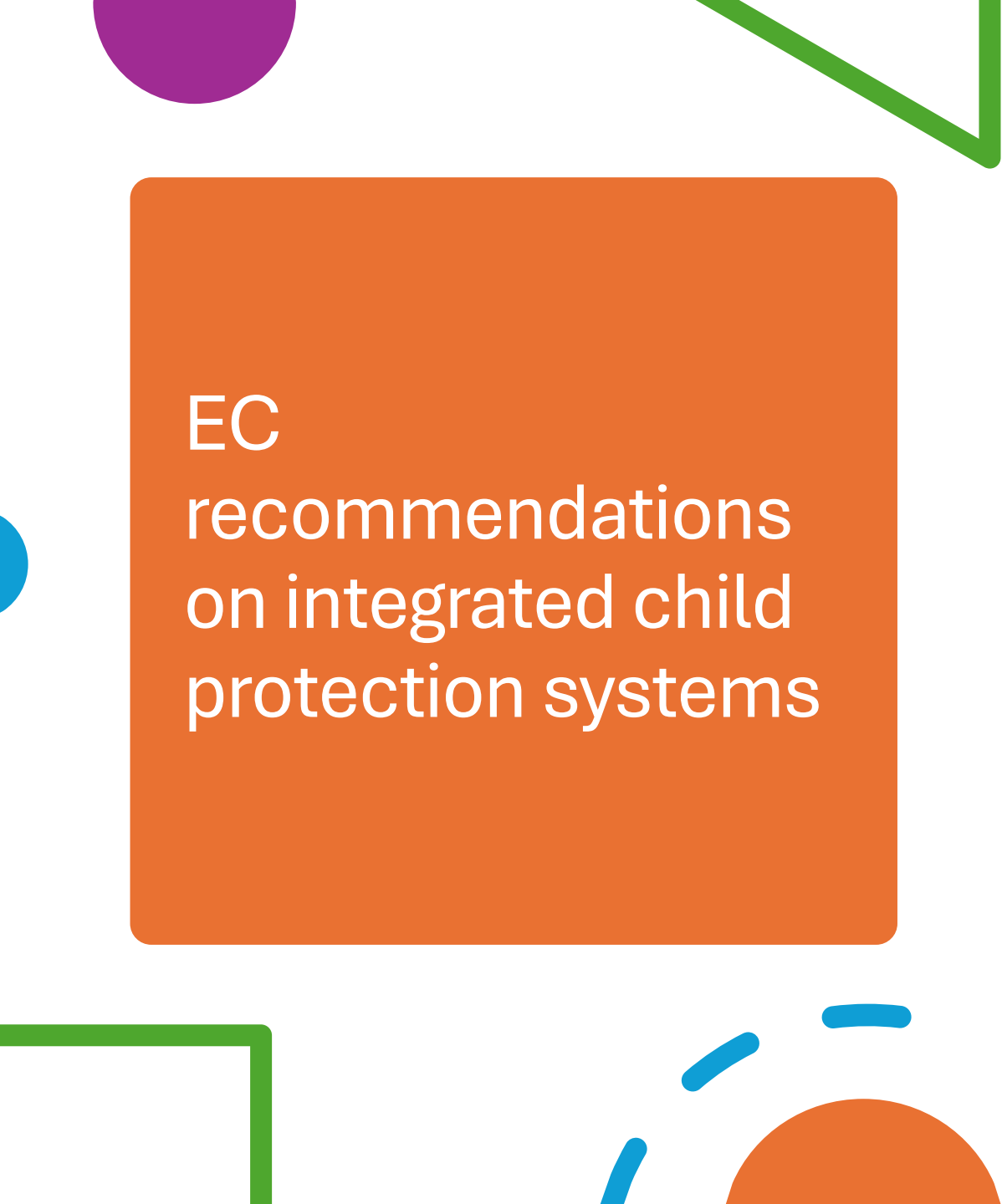


# Victims Rights (under negotiation)

- “The lack of a child-sensitive approach is still an issue in many Member States. The evaluation has demonstrated that there is lack of common understanding on what targeted and integrated support is required for vulnerable victims, especially children. .... ”
  - “The Barnahus model is currently the most advanced example of a child-friendly approach to justice. Although this revision does not require Member States to follow the Barnahus model, it builds on its principles. ”
  - “The revision requires that Member States provide for a targeted, multi-agency approach to support and protect child victims. It should be based on providing services in an integrated and coordinated manner on the same premises. “
  - Under this revision, Member States are also required to make such a targeted and integrated multi-agency approach available to all child victims who need it.
  - Other provisions include:
    - improvement of individual needs assessment
    - Improving access to protection measures
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# Some things to think about

- Potentially expanding use of BH to a broader scope of child victims?
- Improving individual assessment processes
- Increase focus on considering protection measures: how this is already reflected in the BH model (connected to another EU funded project: Promise Soteria)




EC  
recommendations  
on integrated child  
protection systems

- Recommendations just published by the Commission
- Encouraging Member States to strengthen and develop integrated child protection systems
- Trafficking of children
- Barnahus model promoted
- Enhance cooperation in cross border cases



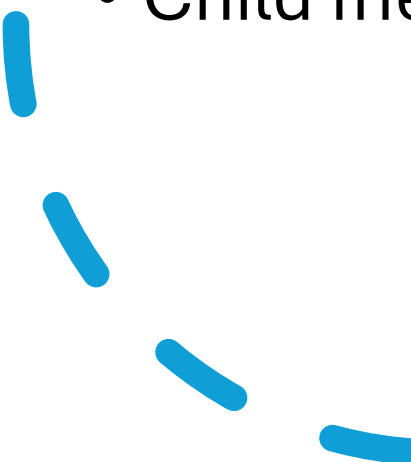
## Common European Asylum and Migration Instruments

**Many changes, with only some mentioned here**

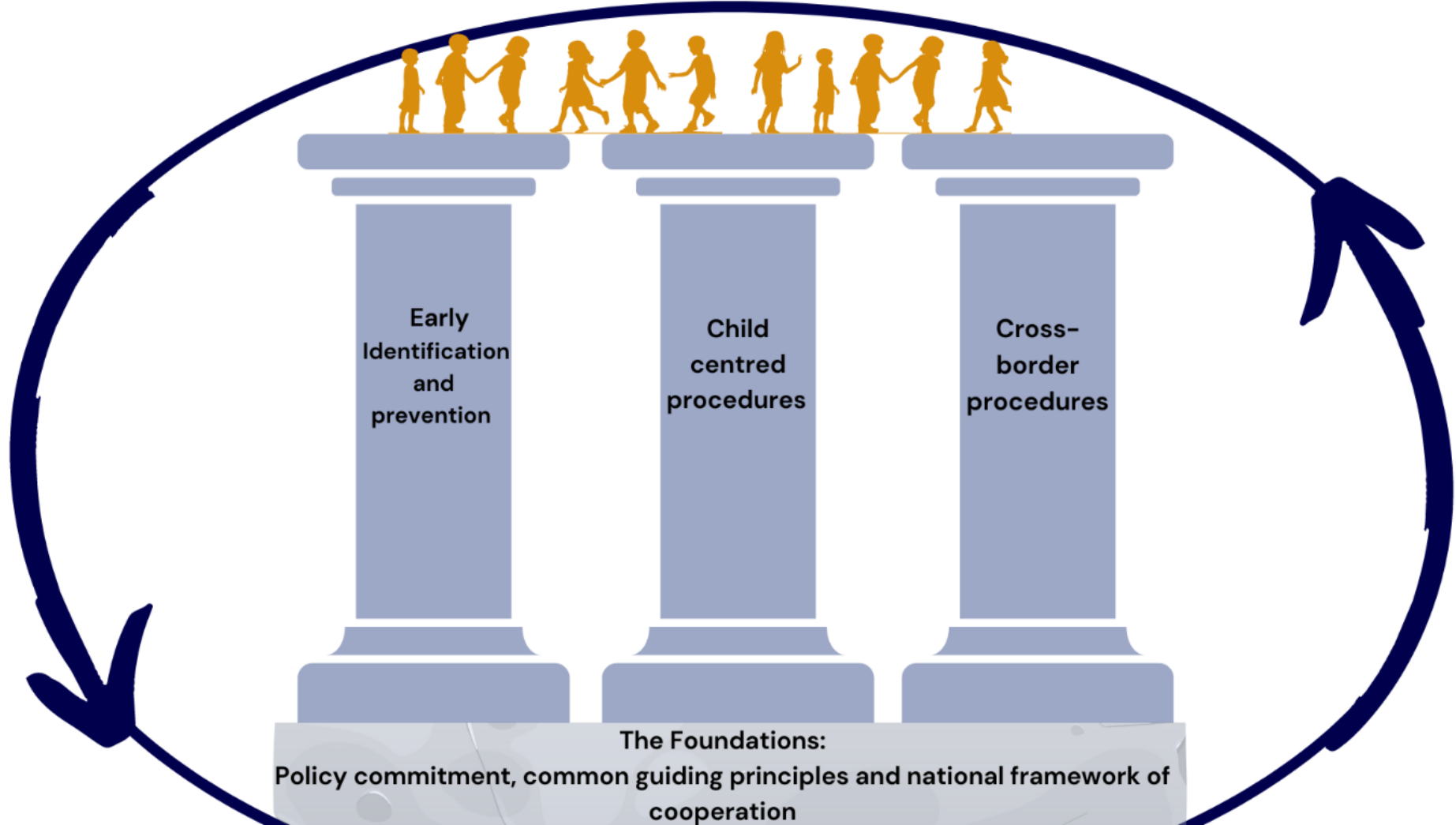
- New **screening procedures** – involvement of child protection actors
  - New **border procedures**
  - New reception conditions directive – **lose some reception rights** if move to another country
  - Provisions re **transfers of children** between countries
- 



# Some things to think about

- Risks of trafficking & how to identify this
  - Potential referrals of children from screening procedures?
  - Role for specialised training: interviewing of children
  - Involvement of guardians
  - Child friendly information
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# A glance at our upcoming Promise TRM Guidance: Creating a Cycle of Protection





## P R O M I S E

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