



**VOLUNTARY ORGANISATION
FOR CHILDREN**
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To: Committee on the Rights of the Child
Human Rights Treaties Division
Office of the United Nations High
Commissioner for Human Rights

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Athens, August 28 2012

Missing Children and their Rights in the Context of International Migration

*- Submission for the Committee on the Rights of the Child
Day of General Discussion 2012 -*

“The Smile of the Child” welcomes the opportunity to submit this document to the Committee on the Rights of the Child, on the occasion on its Day of General Discussion 2012 - “The rights of all children in the context of international migration”.

This document aims to focus on issues related to violation of the rights of missing children in the context of international migration. More specifically it will emphasize link between the phenomena of child disappearance and child trafficking and provide information which would contribute to improving situation in addressing the violation of the rights of the child as outlined in the Convention on the Rights of the Child (articles 9, 10, 21, 34, 35, 36 and 39) and its Optional Protocol on the Sale of Children, Child prostitution and child pornography (articles 8, 9, 10).

“The Smile of the Child” is a Greek registered NGO which enjoys Special Consultative Status at UN ECOSOC and is also included in UNODC NGO database. It has been active in the field of child protection and children’s rights since 1996. “The Smile of the Child” implements various kinds of programs for the welfare and protection of thousands of children in danger throughout Greece, 24 hours per day, 7 days a week, 365 days in a year, among others:

- o Establishment and operation of 11 Community homes nationwide for children that are in danger, who come to the homes upon relevant court decision aimed to an immediate removal of a child from his present environment
- o National Helpline for Children “SOS 1056”
- o 116000 The European Hotline for Missing Children
- o National child alert automated system AMBER ALERT HELLAS, in cooperation with 59 public and private institutions
- o National Centre for Missing and Exploited Children

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THE NATIONAL HELPLINE FOR CHILDREN: 1056, e-mail: sos1056@hamogelo.gr

- Emergency intervention in cases of children in danger by operating the National Centre for Immediate Social Intervention.
- Development of the South-eastern European Centre for Missing and Exploited Children (SEEC)
- Information, prevention, and awareness programs for children, parents and teachers

In regard to children in international migration context, “The Smile of the Child” has a particular and a proven expertise in providing direct assistance to children in danger, caused by the fact that these children are “on the move”. They are missing children, or trafficked children, unaccompanied migrant minors, street children, or other similar groups of vulnerable children who are exposed to the situations in which they are either deprived from their rights or their rights are considerably violated.

Specific attention in organization’s work is given to dealing with missing children cases, thus combating phenomena of child disappearance and exploitation on different levels as well. Being internationally active in this field, “The Smile of the Child” is a board member at US based ICMEC (International Centre for Missing and Exploited Children), and MCE (Missing Children Europe) in Brussels.

Putting efforts to foster response to these phenomena at regional and international level, our organization has crossed national borders and, upon joint initiative with ICMEC, in October 2010 it has created the Southeastern European Centre for Missing and Exploited Children (SEEC). SEEC is based in Athens and is developing under the hub of “The Smile of the Child”.

Mission of SEEC is to generate co-operative actions, improving, sharing and expanding best practices between all relevant stakeholders from Southeastern Europe in order to efficiently combat the growing problem of missing and exploited children. SEEC’s key objectives in addressing the specific needs of the Southeastern European region are:

- Applying common and effective approaches to deal with the existing problems of missing and exploited children and child trafficking, and furthermore to introduce and apply mechanisms to improve cross-border cooperation and coordination.
- Supporting the incorporation of the 116 000 - the European hotline number for missing children and the establishment of emergency public broadcasting systems (according to the model of AMBER Alert system) in all Southeastern European (SEE) countries, as well as encouraging cooperation between and among these systems.
- Encouraging the establishment of National Centers for missing and exploited children.
- Playing a leading role and advocating the protection of children’s rights in the region.

The phenomenon of disappearance of children is global. It comprises categories of runaways, parental abductions, criminal abductions, missing unaccompanied migrant

minors, as well as lost, injured or otherwise missing children. Children from all these groups are vulnerable and at risk from violation of their rights, before, during and/or after the disappearance.

Missing children come very often in international migration situations. They could cross borders either by their own will when they travel alone from one country to another (runaway children, missing unaccompanied migrant minors), or against their will, when abducted, smuggled and/or trafficked. Consequently, particular attention should be given to the protection of their rights in international migration environment.

Missing child is any child whose whereabouts are unknown, whatever the circumstances of disappearance might be. There is no doubt on significant existence of cases of missing children *essentially linked to a certain form of criminal activities, which necessarily implies violation of the rights in itself.*

At this point, specific attention should be given to the *link between phenomenon of missing children and trafficking in children*, thus to the violation of the rights of children in these situations. We consider ignorance in recognizing this link as a lost opportunity to better identify, thus better respond to both of these phenomena.

As an alarming globally existing problem, trafficking in children is a criminal activity that involves missing children cases. Missing children are children at risk- they could either become victims of trafficking (being exposed to traffickers) or they are already victims (criminally abducted for trafficking purposes).

According to the latest estimations of ILO (covering the period 2002 – 2011), the number of victims of forced labour, including forced sexual exploitation has reached 20.9 million at a global level, *with an estimated 5.5 million children being trafficked.* At the same time, the 2010 report of the UNODC states that worldwide 79% of identified victims of human trafficking were subject to sexual exploitation, 18% to forced labour and 3% to other forms of exploitation. *Of these victims 13% are girls and 9% boys.*

When we speak about link between missing children and trafficking, we have in mind its two aspects.

The first aspect - missing children might end up in hands of traffickers – they are potential victims of trafficking. Here we have types of cases. The first type is when runaway child, unaccompanied migrant minor or a lost child, may become recruited from traffickers for sexual exploitation, labor exploitation, forced begging or similar other form of exploitation. The second type is when child goes missing because he/she is criminally abducted from traffickers, for the purpose or sexual or any other form of exploitation. In March 2012, Associate Press in China has reported that the Ministry of Public Security said police rescued 8.660 abducted children and broke nearly 3.200 human trafficking gangs, showing that they were (might have been) abducted for trafficking purposes.

The second aspect - children who are trafficked go missing – they are already victims of trafficking. The UK source¹, says runaways of trafficked children placed in state care go missing shortly - within 48 hours of being placed in state care. The majority are never found again. They returned often to their traffickers.

The two aspects indicate how children could go missing in trafficking chains and on the trafficking routes from countries of their origin, through countries of their transit, to countries of their destination.

There are a number of the rights, set in the Convention on the Rights of the Child, which violation may occur when the case of a missing child is linked to trafficking, such as:

Article 9: “..1. States Parties shall ensure that a child shall not be separated from his or her parents against their will..”

Article 10: “..1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad...”

Article 21: “..States Parties ...shall.. ensure that the adoption of a child is authorized only by competent authorities ... that the placement of the child in another country is carried out by competent authorities or organs.”

Article 34: “..States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse...”

Article 35: “..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.”

Article 36: “..States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.”

Article 39: “..States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse.....”

The key CRC principles: non discrimination (article 2); the best interest of the child (article 3); the right to life, survival and development (article 6) and the right of the child to express his or her views in all matters affecting him or her, and to have these views taken into account (article 12), should lead States and/or any other actor involved while taking actions in dealing with cases of child disappearance linked to trafficking. These principles should also guide international cooperation of all stakeholders (police, law enforcement, judiciary, NGOs working in the field etc) involved in such cases.

¹ *Child Exploitation and Online Protection (CEOP) Centre – “Child Trafficking Update”, October 2011

RECOMMENDATIONS TO THE COMMITTEE

1. Consider including definition of “missing child”, encompassing an aspect of this phenomenon in the context of international migration, in a future potential CRC – based Model Legal Framework.
2. Consider calling States to support establishment of the model of regional cooperation involving all relevant stakeholders and based on public private-partnerships, aimed to better address protection of the rights of child (thus in the context of international migration as well), and to avoid overlap of their activities.
3. Promote collaboration and exchange of successful examples of the regional cooperation already established according to the model as described at 2.
4. To elaborate the Guide to indicators for data collection and/or research for monitoring violation of the rights of the child in the context of international migration.