

2nd day of the Twelfth Meeting

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DECISION No. 13/04
THE SPECIAL NEEDS FOR CHILD VICTIMS OF
TRAFFICKING FOR PROTECTION AND ASSISTANCE

The Ministerial Council,

Reaffirming the strong commitments of participating States in the field of combating trafficking in human beings, in particular the 2000 Vienna Ministerial Council Decision No. 1, the 2002 Porto Ministerial Declaration on Trafficking in Human Beings and the 2003 Maastricht Ministerial Decision No. 2/03 which endorses the OSCE Action Plan to Combat Trafficking in Human Beings, and establishes, under the aegis of the Permanent Council, an OSCE mechanism to provide assistance to participating States to combat trafficking in human beings, consisting of a Special Representative appointed by the Chairman-in Office, and a special unit in the Secretariat,

Recalling the 1990 Conference on the Human Dimension of the CSCE in Copenhagen, which *inter alia* declared that: “The participating States decide to accord particular attention to the recognition of the rights of the child, his civil rights and his individual freedoms, his economic, social and cultural rights, and his right to special protection against all forms of violence and exploitation”,

Recalling the principles of protection and respect for human rights as reflected in the 1989 United Nations Convention on the Rights of the Child, and its related 2000 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the 2000 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption,

Mindful of the primary responsibility of participating States in combating trafficking based on an integrated and co-ordinated approach which includes prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices,

Reaffirming that the general principles of, *inter alia*, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children,

Dedicated to further strengthening the efforts by the OSCE to combat trafficking in human beings, and to continue an active implementation of the Action Plan to Combat Trafficking in Human Beings, as well as to continue the Organization's support to the participating States, on their request, in carrying out their respective national activities in this field,

Taking into account in particular the recommendations in the OSCE Action Plan to Combat Trafficking in Human Beings that the OSCE shall give special attention to the issue of trafficking in children, and also recognizing the vulnerability of unaccompanied and separated children,

Mindful that participating States are committed to protect children from all forms of violence, including sexual exploitation of children, and stressing the importance of respecting their special needs for protection and assistance, and the opportunity for the child to be heard,

Stressing that measures to combat trafficking in children should have a gender perspective and be non-discriminatory,

Underlining that the best interests of the child shall be the primary consideration in decisions taken with regard to trafficked children, including through ensuring representation, as appropriate, for child victims,

Aware of the need for an effective child assistance and protection framework as well as awareness-raising to counter the demand that fosters all forms of exploitation of persons, especially women and children, and which makes children more vulnerable to being trafficked,

1. Decides to enhance OSCE efforts aimed at preventing children from being trafficked, protecting and assisting child victims of trafficking, and prosecuting those who traffic in children, taking into account the OSCE Action Plan to Combat Trafficking in Human Beings;
2. Encourages participating States to strengthen relevant governmental structures for children. Also encourages participating States to intensify actions, as appropriate, in line with the relevant recommendations for participating States in the OSCE Action Plan on Combating Trafficking in Human Beings to counter factors which contribute to making children particularly vulnerable to trafficking in human beings including: discrimination, based, *inter alia*, on race, sex, religion or belief, national or social origin, birth or other status; exploitation, as defined in the OSCE Action Plan on Combating Trafficking in Human Beings; poverty; lack of education and displacement;
3. Agrees to strengthen countering demand, including combating child sex tourism. In this context, also invites the participating States to consider, *inter alia*, elaboration of legal measures aimed at prosecution of their citizens for the sexual exploitation of children, including if such exploitation has taken place in another country;
4. Task the Permanent Council through the Informal Working Group on Gender Equality and anti-Trafficking, with support provided, *inter alia*, by the Special Representative on Combating Trafficking in Human Beings, and other relevant OSCE structures to elaborate an addendum to the OSCE Action Plan to Combat Trafficking in Human Beings, contributing to its implementation, on addressing the special needs of child victims of trafficking for

protection and assistance, including a summary of best practices, by 31 July for further appropriate action;

5. Invites the Informal Working Group to start this work based on commitments made by participating States under existing international conventions to which they are Parties, in order to address appropriately the need to provide special protection measures for children, taking into account the best interests and welfare of the child.