

28th November 2007

Barnardos submission regarding the national action plan to prevent and combat human trafficking



Barnardos believes that child trafficking is a child protection issue. As such, the principles underpinning the *Child Care Act 1991*, and the provisions of that Act are there to guide the response of the State to situations where there exists a risk that a child may have been trafficked either into or within Ireland. Immigration priorities cannot be allowed to take precedence over child protection and welfare concerns.

A key challenge for any State attempting to prevent and combat human trafficking is to identify victims of trafficking. In this regard, the provision of training in identification of victims of trafficking is key. A 24 hour social work service needs be made available to authorities working at points of entry into the State who identify children who may be victims of trafficking.

Barnardos has serious concerns about the standards of State care provided to separated children. Correspondence, from the HSE to the Department of Health and Children in 2005 released under the *Freedom of Information Act* to the Irish Times stated that the HSE, which is responsible for separated children seeking asylum, believed that that the majority of separated children coming into care have been trafficked into the country (Irish Refugee Council website). Although in the care of the State, the standard of residential care provided to these children is different and lesser than that provided to Irish born children. The majority are accommodated in large groups in private, profit-making, hostel-type accommodation, staffed largely by unqualified and unvetted staff. They do not receive the levels of safety, support and supervision provided to Irish children in residential care. Unlike Irish children in State care, separated children live in a largely unsupervised world. Barnardos recommends that the provision of residential care to separated children be required to comply with the *National Standards for Children's Residential Centres*, and that accommodation for this vulnerable population is routinely inspected by the ISSI/HIQA.

Barnardos would like to express grave concern for the separated children who go missing from State care on a weekly basis. In the period 2001-2005, 328 children went missing from care, with an average of one child a week now going missing. The fact that we simply do not know where the majority of these children are or what has happened to them does not provide supporting evidence that the Irish State is doing its best to prevent the trafficking of children within its borders. Some of these missing children have been later found in brothels. For example in 2005, a 16-year-old girl from East Africa came to the attention of Gardaí in Co. Louth after she had been held captive in a house and abused. She had been taken from her village at the age of 12 and sexually abused for the purposes of prostitution in different countries before being trafficked into Ireland. She said she had been trafficked through at least two airports before arriving in Ireland (*The Irish Times*, 12/09/05). A second example concerns a 17 year-old West African girl who came to the attention of Gardaí in Sligo where she had been working as a prostitute. Further investigation revealed that she was a child who had been trafficked to the

country specifically for the purpose of exploitation by an organised prostitution ring (*Sligo Champion* 26/04/2006). The provision of adequate care and protection to these children is a key step in helping prevent children going missing and in reducing their vulnerability to traffickers.

Furthermore, we know very little about the outcomes for separated children who have been 'reunited with family'. Barnardos believes that it is essential to ensure that these children have been safely placed. It is recommended that the safety and well-being of these children is monitored by the HSE following placement, in the form of home visits by a social worker and, where applicable, a public health nurse. There is a need for more information on the outcomes for all children who have been 'reunited with family'.

Article 12 of the United Nation's *Convention on the Rights of the Child* (UNCRC) requires States who have ratified the Convention to facilitate children's expression of their views in all matters affecting them while considering their age and level of understanding. Article 12(2) details the need for specific independent representation in judicial or administrative proceedings affecting children. Furthermore, the *Concluding Observations of the Committee on the Rights of the Child* (2006) suggests that Ireland should

Ensure that children are provided with the opportunity to be heard in any judicial and administrative proceedings affecting them, and that due weight is given to those views in accordance with the age and maturity of the child, including the use of independent representations (Guardian ad Litem) provided for under the Child Care Act 1991, in particular in cases where children are separated from their parents.

The Guardian is an independent representative appointed by the court to represent the child's personal and legal interests in the proceedings. Barnardos ask that the National Action Plan consider the need for the extension of the Guardian ad Litem service to all separated children so that their needs and rights can be considered in court decisions which impact upon their lives. Barnardos are of the view that the appointment of a Guardian ad Litem to each separated child is key to the protection of this extremely vulnerable group of children.

Listening to the experiences and perspectives of victims and survivors of child trafficking will inform State authorities as to how best to respond to and protect these vulnerable children.

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