



Brussels, October 1, 2007

Dear Ms Giammarinaro,

Save the Children welcomes the draft recommendations of the European Commission on victim identification and assistance, given that they provide a focus at EU level on trafficked person's rights, as opposed simply to the need to combat trafficking activities.

In our previous submissions following the expert consultation in June, we urged the Commission to set high standards reflecting existing best practices at Member States. The current draft recommendations are very general in nature which obviously limits their use in this regard. However, SC understands that they should be viewed as a first step in the right direction.

In the future, periodic updating of the EU Recommendations would provide an opportunity to go beyond a statement of general principles and a general description of procedures, and to establish more detailed standards in relation to the range of elements which constitute identification and assistance.

In the interim, SC urges the Commission, in parallel to these Recommendations, to establish a process for regular regional exchange of best practices and information, involving all relevant actors, including NGOs.

As regards specific aspects of the Recommendations, please note:

- We welcome the fact that there are distinct provisions and indeed specific chapters on children, and in particular, the fact that the draft echoes the call in our earlier comments for proactive efforts as regards identification of child victims.
- We recommend that it clearly be stated that the provisions on child victims complement the general provisions in the recommendations, many of which apply to children also.
- SC believes it important specifically to reference the Convention on the Rights of the Child and its key provisions as the guiding principles for State actions as regards trafficked children.
- The Recommendations should clearly state that the requirement that the best interests be a primary consideration in all actions concerning children implies that Member States have a duty to determine a durable solution which is in the best interests of the trafficked child, having regard to their long term interest. This might lead to repatriation, or it may lead to residence in the country of destination or a third country. Family tracing and thorough investigation of all the circumstances of each individual case are key.

SC comments on draft Commission Recommendations
On standards and best practices
On national mechanisms for identification
And assistance of victims of trafficking in human beings

- We recommend a better definition of the role of States and Civil Society, and a clear statement as to the definition of the responsibilities of the State and what a referral mechanism should contain.
- We would propose that the Recommendation clarify the circumstances in which consent of the trafficked person is required before referral takes place.
- We recommend the inclusion of a glossary to provide definitions of key terms, including, for example, trafficking, national referral mechanisms and reflection periods.

We attach some additional comments to the proposed text in the attached document. We are happy to provide further information or background should this prove helpful.

Save the Children Europe Group

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