

*Speech of the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence  
against Children mr. C.E. Dettmeijer-Vermeulen.*

*On the occasion of the meeting of the Santa Marta Group, 26<sup>th</sup> of October 2016, The Vatican.*

*- Concept -*

*(may diverge from the spoken text)*

### **‘The Autonomy and Vulnerability of Children’**

Ladies and Gentlemen, good evening,

The United Nations Convention on the Rights of the Child can, without exaggeration, be called a milestone in the thought of children’s rights.

This Convention’s most important principle is the recognition of the autonomy of the child. Instead of helpless creatures, children are human beings. Young people endowed with reason, conscience, and the ability to make choices and indicate preferences.

At the same time, as I have written in one of my latest reports, children are inherently vulnerable to human trafficking. That vulnerability is ingrained into ‘being a child’ and the dependency that follows with that ‘status’.

Dependency on the parents or caretakers – for care, maintenance and other primary and secondary necessities for life.

Dependency on the teachers – for a good education and safety at school.

Dependency on adults in general – for various issues that a minor understandably does not have to worry about yet.

It is these type of dependencies that give minors a different status within the human trafficking discourse; unlike adults, children do not need to be coerced in order to speak of human trafficking. Furthermore, consent with their exploitation, the final aim of human traffickers, is irrelevant.

Some critique this status aparte. Assuming the choices of children are invaluable would be incompatible with the principle of autonomy. Ignoring coercion and consent would supposedly keep the stereotype of the child as a helpless creature in tact. I think that this critique is based on a false premise: I believe that there is no conflict between the autonomy of the child and presuming its inherent vulnerability in the context of human trafficking.

Let me illustrate this with two cases that were brought before the Dutch courts recently.

Mohammed was brought over to the Netherlands by his uncles when he was 14 years old. For seven years, he was forced to work at a well-known market in Amsterdam.

Six days per week, without pay.

Instead of going to school.

Without a status to legally stay in the Netherlands.

Meanwhile, the uncles have been charged with human trafficking; their mere position of power over their nephew in combination with the uncles' criminal intent was enough for a conviction.

Imagine that Mohammed would not have had any problem with the work he had to do. Would that change the criminal liability of the uncles? Is it not about the uncles' intentions in bringing Mohammed to the Netherlands, and the fact that they specifically chose their nephew, a minor?

Another example. In recent years, the Netherlands is seeing more and more cases brought to the judges in which children have been forced to commit criminal offences by their family members. Theft, burglary, pick-pocketing. Criminal exploitation. Rarely, victims identify themselves as such; children do not see themselves as victims, but perceive stealing as an entirely normal activity that is necessary to bring in money for the family. There has never been a child that went to the police by him or herself. Does the freedom and ability of children matter in these instances? Are we letting a child down by overlooking his or her free will? I don't think so. It is more about changing a perspective: from the autonomy of the child to the evil intentions of the perpetrators. Perpetrators who deliberately seek out children, to make easy money. What I want to say is this: in these instances, the autonomy of children can be recognized, without passing off a child's autonomy. There is no conflict here.

In my latest report, which is also available in English on my website as *Vulnerability Up Close*, I outline the vulnerability of seven groups of children. These are very different groups; from Roma children to Syrian Child Brides and LGBT-teens. After conducting this research, three things stand out for me.

Firstly, child trafficking, child labour and child vulnerability are often looked at as being isolated from human trafficking. Silos exist. These need to be taken down, as silo thinking impairs the fight against human trafficking where children are the victim.

Secondly, we encounter problems, like forced arranged marriages between Syrian refugee girls and older men, and Roma children that are part of the roam of bandits, that could benefit from being looked at from a human trafficking perspective. This perspective may provide extra tools to tackle these problems.

Lastly, every child has the right to be regarded as a full human being. A child's autonomy must be recognized to the fullest. But so does a child's vulnerability. The one doesn't rule out the other.

Thank you very much.