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Innocenti Insight

CHILD TRAFFICKING IN EUROPE

A BROAD VISION TO PUT CHILDREN FIRST

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KEY FINDINGS

CHILD TRAFFICKING PATTERNS AND FLOWS

- Child trafficking occurs in virtually all countries in Europe. There is no clear-cut distinction between countries of origin and destination in Europe; in more than half of the countries trafficking routes lead in both directions, into and out of the country. Thus countries have multiple responsibilities: to prevent trafficking, identify affected and at-risk children, and provide assistance and protection to victims.
- Children are trafficked across borders, but they are also trafficked within countries. Internal trafficking is reported to occur in every second European country.
- Trafficking in children has been perceived mainly in connection with sexual exploitation, but the reality is much more complex. Children in Europe are also trafficked for exploitation through labour, domestic servitude, begging, criminal activities and other exploitative purposes.

POSITIVE DEVELOPMENTS

- Most European countries have created specialized national bodies or structures to plan, coordinate and implement government policies on human trafficking.
- Thirty-seven countries in Europe have institutions that have been assigned a leading role in national anti-trafficking policy development and implementation.
- About two-thirds of the countries covered by this research have adopted National Action Plans to counter trafficking in human beings.
- Despite differences in their national definitions, the vast majority of European countries have adopted a definition of trafficking in human beings that is framed by the 'Palermo Protocol', which has been ratified by 42 European countries and the European Community.
- All European countries have ratified the Convention on the Rights of the Child and ILO Convention No. 182 on the 'Worst Forms of Child Labour'.
- A strong regional and sub-regional normative framework exists to combat trafficking. All countries covered by this study have jointly adopted the OSCE Action Plan to Combat Trafficking in Human Beings and its Addendum on Child Trafficking. In 2005, the Council of Europe adopted a Convention on Action against Trafficking in Human Beings and the same year the European Commission presented its Communication entitled 'Fighting Trafficking in Human Beings'. In recent years, the European Union adopted the 'EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings' as well as two significant Framework Decisions.

CHALLENGES

Data

- With regard to children affected by trafficking, there is a dramatic absence of harmonized and systematic data collection, analysis and dissemination at all levels – international, regional and national. Few reliable estimates exist of the magnitude of the phenomenon. The data available are rarely disaggregated by age, gender, national origin or forms of exploitation. Where disaggregated data exist, they enhance understanding of child trafficking and provide important evidence that informs national policies and responses.

International standards and national legislation

- Many international and regional legal standards have been adopted to prevent and combat trafficking in children. However, some countries have not yet ratified them, and effective implementation of those standards remains a challenge, compromising the effectiveness of child protection efforts.
- Most international standards focus on the adult population. There is a tendency to address child trafficking as a sub-issue of trafficking in human beings rather than to address it in a manner that promotes the safeguard of child rights.
- National legislation varies widely between countries. It considers child trafficking from many different perspectives, including human rights, criminal law and child protection.
- Definitions of trafficking in human beings also vary significantly in national law. As a result, trafficking in human beings has different meanings in different European countries and falls under the responsibility of varying entities. This is a major obstacle to effectively addressing human trafficking in international cooperation.
- Legal protection for trafficked children in Europe is still insufficient; in many countries children are not yet protected by law from criminal prosecution for offences committed in the context of the trafficking process.

Policy responses

- Very few countries have developed specific National Action Plans on child trafficking, even though a range of different action plans exists to protect children from exploitation and abuse. There is an urgent need to promote synergy between the various plans, to ensure that child trafficking is included in National Action Plans on children and to identify current gaps so that children can be effectively protected.
- It is essential to allocate sufficient resources to existing commitments and action plans, and to take measures to ensure their implementation and monitor their progress.
- Due to the large number of actors involved – governments, non-governmental organizations (NGOs) and UN organizations – and the diversity of their mandates and approaches, the coordination of anti-trafficking activities at national and international levels remains a challenge.

PREVAILING CONCEPTS AND APPROACHES

- Different legal and policy frameworks have been developed to address child trafficking in Europe, mostly in the broader context of organized crime, sexual exploitation and migration. Very often these frameworks have failed to envisage the human rights implications for trafficked children.
- Insufficient attention has been paid in particular to the prevention of child trafficking, the identification of root causes and risk groups, and the rights of child victims. Protection measures tend to focus on short-term assistance to victims; the broader violations of children's social, economic, cultural, civil and political rights are rarely considered. Thus many vulnerable children are left unprotected.
- Children's experiences, recommendations and actions to prevent trafficking are often overlooked when developing programmes and initiatives designed to combat trafficking and to assist those children who have been trafficked. The consideration of children's views and best interests should be given primary consideration in all responses.
- A more comprehensive approach to child trafficking is required. It is essential to strengthen national and community-based child protection systems that prevent and respond to violence, exploitation and abuse, and that empower children and young people. Such an approach will consider the human rights of children as a central concern and promote child participation at every stage, with a view to more effectively preventing all forms of exploitation and abuse of children.

INTRODUCTION

The UNICEF Innocenti Research Centre Insight entitled *Child Trafficking in Europe: A broad vision to put children first* examines how the European region is responding to child trafficking. It assesses the legal, policy and implementation frameworks in place to address this phenomenon, which affects the lives of untold numbers of children and families in the region and beyond.

Children are trafficked within and across borders in Europe. They are trafficked into hazardous labour, sexual exploitation, domestic servitude, begging, criminal activities – including petty crime – and other exploitative situations. Many children suffer profound and sometimes permanent damage. Child trafficking is a serious violation of human rights that threatens children’s survival and development. It denies children their fundamental rights, including the right to education, health and protection from exploitation and abuse. This report adheres to the international definition of trafficking in human beings and child trafficking, as provided by the UN Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, Especially Women and Children (*the ‘Palermo Protocol’*).

This study covers 51 countries/entities in Western and Eastern Europe and Central Asia (*see Annex, page 47*). It investigates the complexity of child trafficking from its origin to destination and maps trafficking patterns as well as targeted law and policy responses in the wide European region.

The report addresses child trafficking in the framework of the Convention on the Rights of the Child, and focuses on prevention, protection and empowerment. It promotes a child-centred approach that encourages child participation and ensures that children’s views are taken into account for more effective prevention of all forms of child exploitation and abuse.

What emerges in the study is a sense of the complexity and dynamics of child trafficking and an understanding that no country or region is immune. The study highlights a number of concrete measures taken by European governments that show that increasing attention is being paid to the special situation and vulnerability of children affected by trafficking.

At the same time, the study makes clear that although potentially influential international standards have been adopted, the extent to which such instruments and initiatives have actually been implemented across Europe or used to frame policies and actions is varied, inconsistent and uncoordinated. Some countries have not yet ratified important legal instruments, thus compromising the effectiveness of child protection. Trafficking in human beings is often considered in the broader context of controlling irregular migration, organized crime and sexual exploitation, and insufficient attention is paid specifically to preventing child trafficking and ensuring the rights of affected children.

The Insight illustrates that a child-centred strategy to address child trafficking is long overdue. This strategy must place children’s rights at the centre of international, regional and national policies and initiatives. It must focus on the prevention of exploitation and abuse of children, as well as on the protection and empowerment of all vulnerable children and child victims. The strategy has to acknowledge children’s evolving capacity for engagement and their right to be heard and to have their views taken into account in all matters concerning them.

Child Trafficking in Europe is part of a broader UNICEF IRC research initiative on child trafficking. It follows an earlier analysis of the situation in Africa, including a review of law and policy responses. UNICEF IRC research on child trafficking is also focusing on South Asia. Future research will enhance a global perspective on child trafficking. It will investigate the links to other complex child protection issues, such as the rights of children who move or migrate on their own.

The UNICEF IRC Insight also builds on studies completed by the UNICEF Regional Office for Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS).¹ In fact, UNICEF IRC research findings substantiate many conclusions from that region, and confirm their relevance and validity for the wider European region, including within the European Union and other Western European countries.

The study was developed with support from the UNICEF National Committees of Germany, Japan and Switzerland and the Governments of Italy and Sweden.

II SCOPE AND METHODOLOGY

Geographical scope

This regional study includes data collected from 51 countries/entities in Western and Eastern Europe and Central Asia.² They are grouped into three geographical areas as follows:³

- European Union and other Western European countries: 29 countries;⁴
- South Eastern Europe: 10 countries plus the UN-administered province of Kosovo; and
- Commonwealth of Independent States (CIS): 11 countries.

Methodology

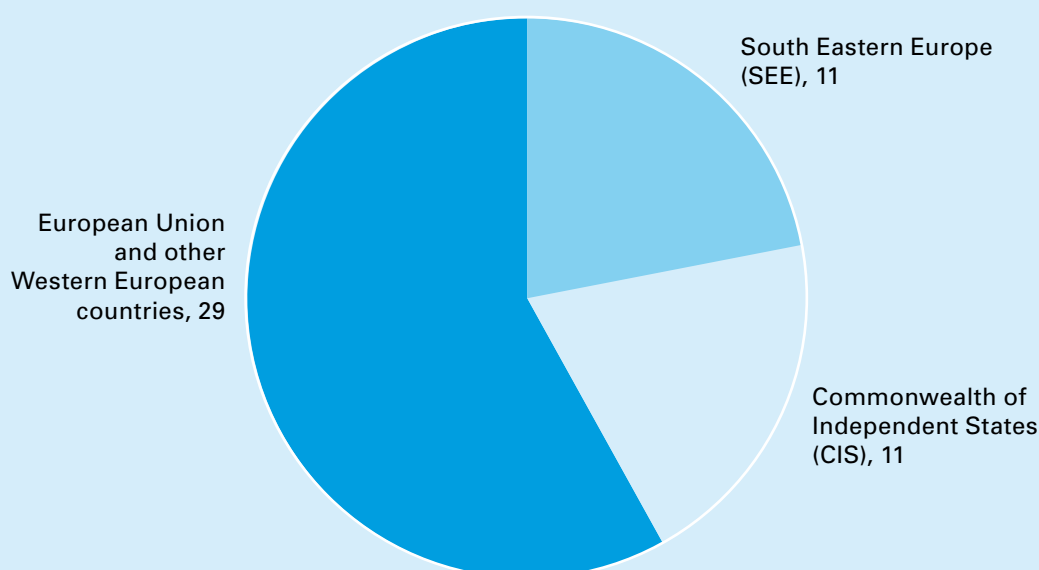
The findings in this report are based on a literature review and primary data collected with the support of partners working on the issue of child trafficking

in countries of Europe and Central Asia. Systematic data collection was done from October 2003 to September 2005. Since then, there have been periodic updates, depending on the availability of data and contributions from focal points. A collect, share, review approach was adopted, and data were checked and cross-checked with partners to increase their reliability.

The study has some methodological constraints and limitations. One of these is the overall reliance on secondary data that may already be biased, as opposed to primary data. A second is that since the paramount objective of this study is to provide the best possible overview of the wide European region, an in-depth analysis of individual countries is precluded. Validation of all data collected has therefore not been possible – to the extent desirable – because of the number and variety of countries covered.

Figure 1

COUNTRIES/ENTITIES COVERED BY THIS STUDY, BY SUBREGION



Source: UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

Hence, a third constraint is the descriptive rather than evaluative nature of this report. The Insight lists and discusses what exists in terms of law and policy but does not proceed to determine whether these laws and policies are robust or effective. Readers should be mindful of these constraints when making use of the report. Additional country-specific research is needed for a comprehensive evaluation of laws, policies and practices, and their national implementation and impact on children.

Step 1: Data collection

A desk review of major international and national documents on trafficking in human beings and child trafficking in Europe was conducted.⁵ This material was used to establish a baseline of publicly available information. Qualitative and quantitative data, divided by source, were entered into a database and subsequently analysed to identify trafficking flows

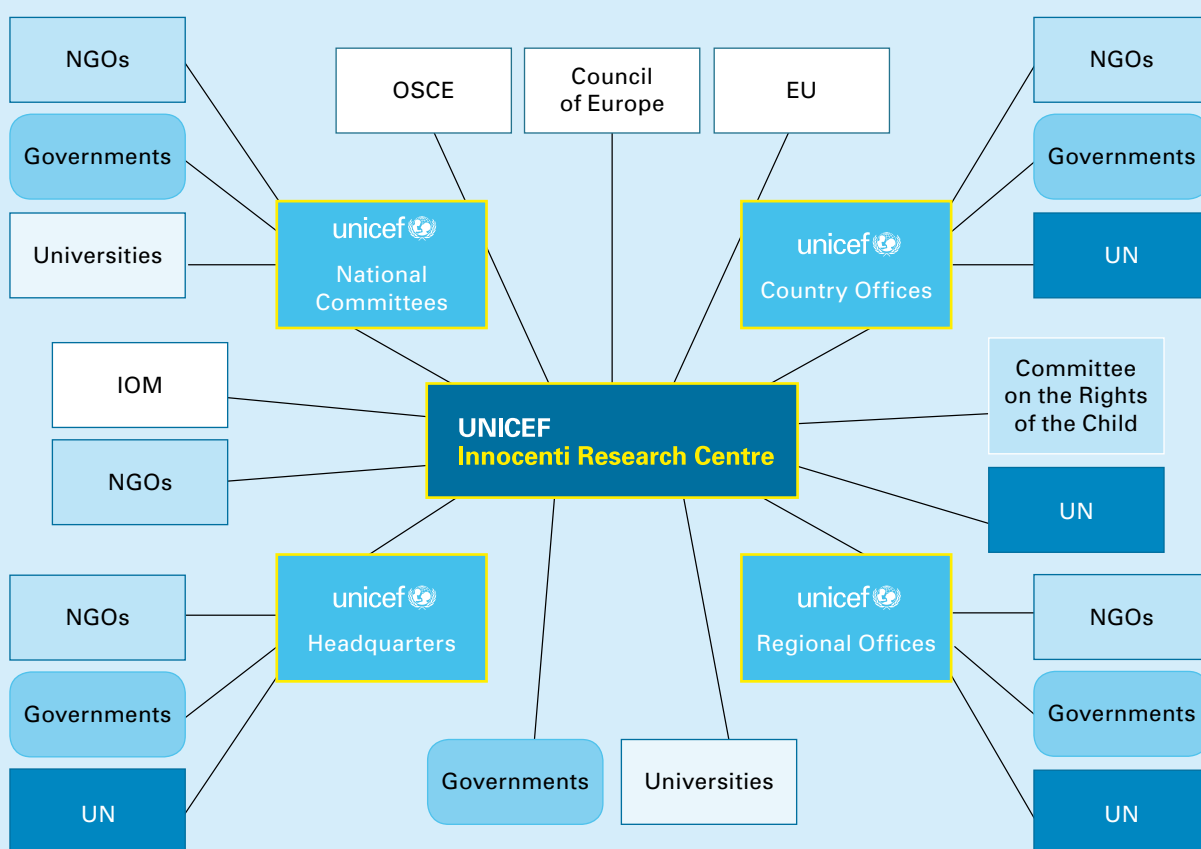
and patterns, major actors, legislation, policies and programmes. The use of multiple sources of information permitted researchers to cross-check facts and identify discrepancies.

Step 2: Information sharing

A country information paper was produced for each of the 51 countries/entities, presenting the data collected. The data focused on trafficking patterns, legislation and policy responses. The information papers were sent to country focal points – experts on child trafficking who were chosen from a variety of agencies and organizations to ensure a diversity of perspectives. Forty-two per cent of the focal points were UNICEF officers; 28 per cent government officials; 20 per cent members of NGOs; and the remaining 10 per cent academics, members of other international organizations, or independent experts.

Figure 2

UNICEF IRC RESEARCH NETWORK ON CHILD TRAFFICKING IN EUROPE



Source: UNICEF IRC, Child Trafficking Research Project.

Step 3: Review

The focal points reviewed the information presented in the country information papers and responded to a questionnaire to update or edit the information and provide critical comments. In addition, they collected and contributed material in their respective national languages.

Some focal points reported difficulties in obtaining information at the national level. Others found their efforts eased by collaborating with a network of partners. The entire review process revealed that, in some countries, national structures that respond to child trafficking are extremely complex, with numerous staff with specific areas of expertise who are often assigned to different ministries. Despite the challenges, all focal points responded to the questionnaire, demonstrating a commitment to the data-collection process and at the same time affirming the need to take action against child trafficking.⁶

UNICEF IRC convened an expert workshop in March 2005 to discuss the preliminary results of the analysis, identify knowledge gaps and plan follow-up activities. The workshop also provided an opportunity to reflect on ways to improve both international and inter-institutional collaboration around the issue of child trafficking in Europe. Workshop participants included experts from UN organizations at the regional and headquarters levels, international and intergovernmental organizations, international NGOs, research institutes, UNICEF country offices and National Committees. The preliminary results of this report have been presented in conferences, meetings and seminars organized by the Organization for Security and Co-operation in Europe (OSCE), the Council of Europe, the North Atlantic Treaty Organization (NATO), the Council of the Baltic Sea States, and at UN workshops on violence against children. Participants have included researchers, practitioners, policymakers and government representatives at all levels. Valuable feedback was received in the follow-up to such occasions and has been included in the analysis.

Cooperation and networking

Some UNICEF focal points reported that they had used the country information paper and questionnaire to establish contact with national counterparts, which had facilitated discussions about national legal and policy responses to child trafficking. In some countries, this exercise contributed to assessments of existing provisions and services and helped to identify gaps to be targeted in future programming. The positive attitudes of focal points and their partners demonstrated the vital importance of continued cooperation and networking at all levels. Cooperation is critical for the coordination of the multiple stakeholders that address the complexity of child trafficking. Assessing the degree to which existing cooperation is effective, or has been sustained beyond the research process, is, however, beyond the scope of this study.

III

UNAVAILABLE AND UNRELIABLE STATISTICS: THE CHALLENGES OF DATA COLLECTION

Throughout Europe – at national, regional and international levels – there is a dramatic absence of mechanisms for systematic, harmonized and disaggregated collection, analysis and dissemination of quantitative and qualitative data. Few European governments provide official statistics on children who have been identified as victims of trafficking into, within or out of their territory. Existing numbers vary from a few cases to several hundred, but data seldom provide details about the age, gender and national origin of identified victims or the ways in which they were exploited. The availability and use of data disaggregated according to these and other factors enhances the understanding of child trafficking and provides important evidence that can inform national responses.

While concrete data at the regional level are unavailable, different estimates are in circulation for the region. At the global level, the International Labour Organization (ILO) estimated in 2002 that 1.2 million children are trafficked for the purpose of labour or sexual exploitation each year.⁷ The *Trafficking in Persons Report*, issued by the United States Department of State, estimates in its reports over the period 2004 to 2006, that every year 600,000 to 800,000 people are trafficked across international borders worldwide. Eighty per cent are estimated to be women and girls, and up to 50 per cent are thought to be under 18 years of age.⁸ With the exception of ILO, however, few sources provide information about the methodology used to calculate these estimates. Therefore, the validity of most existing estimates and the true scale and scope of child trafficking in Europe and globally remain unknown.

Why accurate data are so difficult to collect: Identifying children who have been trafficked

- As a crime and human rights violation, child trafficking is inherently a hidden, underground phenomenon and is thus difficult to identify. If trafficking occurs across borders, it may involve illegal border crossing, the use of forged documents and illegal stays in foreign countries.
- The places where trafficked persons are exploited are rarely under legal control or accessible to social workers (e.g., domestic labour or sexual exploitation in private residences). This makes it extremely difficult to reach or identify victims.
- Child trafficking is highly dynamic. It usually involves the movement of persons within one country or across international borders or both. It can occur over the short term (for the duration of a tourist visa, for example), over many years, or repeatedly. The forms and degrees of exploitation are changing, as are the strategies used by traffickers. These multiple dynamics create further challenges for the identification of victims of trafficking and data collection.
- The definition of child trafficking can be confusing to apply in practice. It may be difficult to differentiate between a child victim of trafficking and a child who is a victim of other forms of exploitation and abuse. This is particularly the case when exploitation and abuse take place in the context of movement or migration, and when the information available on the child's situation and background is incomplete. In the absence of a uniform system for the identification of children who are victims of various forms of exploitation and abuse, trafficked children are often misidentified as migrant children (accompanied or unaccompanied), irregular migrants, asylum-seekers, victims of sexual exploitation and abuse, juvenile delinquents or children living or working on the streets. These groups may also be misidentified as trafficked children. The ways in which children are identified and recorded in national statistics do not, therefore, reflect the real scope of child trafficking.
- Trafficked children may be hesitant to be identified as victims, or may find that identification will not serve their best interests and may have negative consequences. Children may fear being identified as victims of trafficking for a variety

of reasons, including threats from traffickers against them or their family members, fear of stigmatization or legal consequences, and the need to earn money to pay back debts or meet financial or other expectations at home. Children may also assume that their own views will not be given sufficient recognition once they have been identified by law enforcement or service providers.

Challenges of data recording and analysis

- Existing statistics seldom provide a complete picture of the nature and extent of child trafficking. Statistics are often limited to cases of cross-border trafficking of women for sexual exploitation. National data are rarely disaggregated by age, gender, national origin and forms of exploitation.
 - Even when statistics are disaggregated, challenges in age determination may still obscure the number of children among identified victims of trafficking. The poor state of birth registration in some countries can lead to doubts about the age of trafficked persons. Where age determination is required, the benefit of the doubt is not necessarily granted, and a child may thus be wrongfully identified as an adult. In addition, a child may be recruited, trafficked and exploited before turning 18 but may be identified and assisted only after turning 18. Most statistics will report these cases as adults. Statistics should ideally reflect the age at recruitment and identification, in order to provide a more comprehensive picture of the circumstances under which recruitment and exploitation took place and the gaps in child protection that allowed them to happen.
 - Statistics from law enforcement authorities and service providers are not always integrated at the national level. Various actors may use different checklists and indicators for identifying trafficking victims and recording data. This makes it impossible to determine the true number of children identified as victims of trafficking in a country and to compare the statistics of various national actors.
 - Centralized regional or international mechanisms for systematic data collection do not exist. The international comparison of existing national statistics is almost impossible due to the use of varying national definitions of human trafficking and child trafficking. Cross-country comparisons are further hampered by the lack of standardized indicators for identification and guidelines for data collection and the varying quality of national statistics. This not only poses challenges for international cooperation between countries, but also has major implications for the identification of trafficked children.
- It is difficult, if not impossible, to compare statistics from different years in order to assess the changing dynamics of trafficking over time. For instance, an increase in the number of children identified and assisted as victims of trafficking may indicate several different things. It may signify an increase in trafficking, or more effective identification and better assistance provided to child victims, or both. Increased political will to address child trafficking can also lead to a greater number of victims being identified. More effective assistance frameworks can encourage self-identification by trafficking victims. When the number of identified victims of trafficking decreases, the same factors have to be taken into account. These dynamics are also relevant for the comparison of statistics between countries. Increases in the number of identified victims of trafficking should therefore not necessarily be seen as a negative or stigmatizing factor. Such increases may indicate that a country is making efforts to identify victims and collect data, which is the first step towards a better understanding of the phenomenon and how to confront it.
 - In spite of the challenges, existing efforts at the national and regional levels indicate that mechanisms for systematic data collection, including disaggregated data, can provide important information that enhances the knowledge and understanding of child trafficking. Data collection, analysis and dissemination are a central component of effective policymaking in the prevention of child trafficking.

IV

TRAFFICKING PATTERNS AND ROUTES

Cross-border trafficking

Trafficking in children occurs in nearly every European country, even if there are significant differences across subregions and countries in perceptions of the phenomenon and in the quantity and quality of information available. While there is much data on trafficking in human beings in South Eastern Europe and the Western CIS, there is far less documentation available on the European Union and other Western European countries, and even less information on Central Asia. Equally important is the fact that it is extremely difficult to quantify how many children are affected, given the challenges in identifying children who have been trafficked and the lack of reliable data-collection systems.

An analysis of the flows and patterns of cross-border trafficking indicates that European countries are important destination countries in the trafficking chain, but are also countries of origin and transit.

Reported trafficking routes indicate that trafficking of adults and children takes place within Europe and also between Europe and other regions of the world.

There is no clear-cut distinction between European countries of origin and destination. The study found that two thirds of countries are countries of origin, and more than three quarters are countries of destination. In more than half of the countries, trafficking routes lead in both directions – into and out of the country. As countries of origin, transit and destination, European countries have multiple responsibilities to prevent trafficking, to identify affected and at-risk populations, and to assist and protect them.

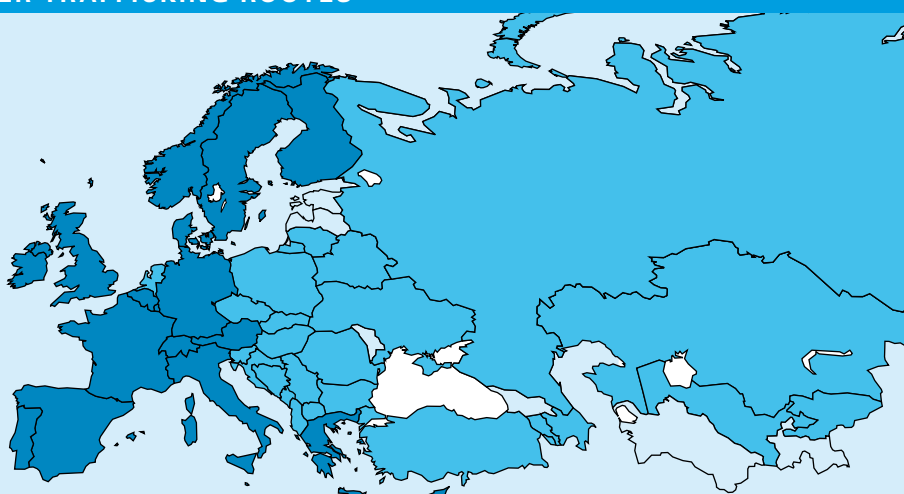
Internal trafficking

Internal trafficking, which does not involve the crossing of international borders, is reported to occur in

Figure 3

REPORTED CROSS-BORDER TRAFFICKING ROUTES

- Reported destination countries
- Reported origin countries
- Reported to be countries of origin and destination



This map does not reflect a position by UNICEF on the legal status of any country or territory or the delimitation of any frontiers. Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

about half of the countries in Europe. In nearly all these countries, children are reported to be trafficked within their own borders.

The information on internal trafficking in South Eastern Europe and CIS is available from studies and reports on trafficking. In the European Union and other Western European countries, the issue of internal trafficking has not yet entered the debate and awareness of the phenomenon is limited. Information on internal child trafficking in these countries is provided mostly from national statistics where disaggregated data are available and mechanisms for systematic data collection are in place.⁹ For the identification of internal child trafficking it is critical that the factor of border crossing is not the only dimension used to identify persons who have been trafficked.

Reports of internal human trafficking in Western European countries, including trafficking in children, invite a reassessment of the traditional understanding of the root causes of trafficking. One such assumption is that people are trafficked from economically less developed to more affluent countries. Although socio-economic factors may increase a person's vulnerability to trafficking, personal and family backgrounds may also play a role. For example, research undertaken in the Netherlands suggests that personal factors, such as low self-esteem or family dysfunction, heighten a child's vulnerability to trafficking (*see Box 2, page 10*).

There is a major limitation to the discussion of internal trafficking in Europe: So far only the trafficking of nationals within their own country is under investigation. For non-nationals, there is still a knowledge gap with regard to internal trafficking, i.e. recruitment, transport and exploitation within the same country. Migrant children and children seeking asylum are particularly vulnerable to this practice (*see Box 5, page 14*).

Box 1

COUNTRIES OF ORIGIN, TRANSIT AND DESTINATION

Origin

Country of origin is the country where a person is first recruited or abducted for trafficking. In many cases the country of origin is the home country of the trafficked person. However, it may also be the country of residence or the country to which someone has migrated before being recruited by traffickers.

Transit

Transit country is the country through which the trafficking route leads (for geographic or logistic reasons) before reaching the destination country. Exploitation and abuse can occur during all stages of the trafficking process – in origin, transit and destination countries.

Destination

Country of destination is the country to which a trafficked person is brought for the purpose of exploitation. This is not always the final point of the trafficking process since a person may be transferred or recruited by another trafficker during any stage of the process.

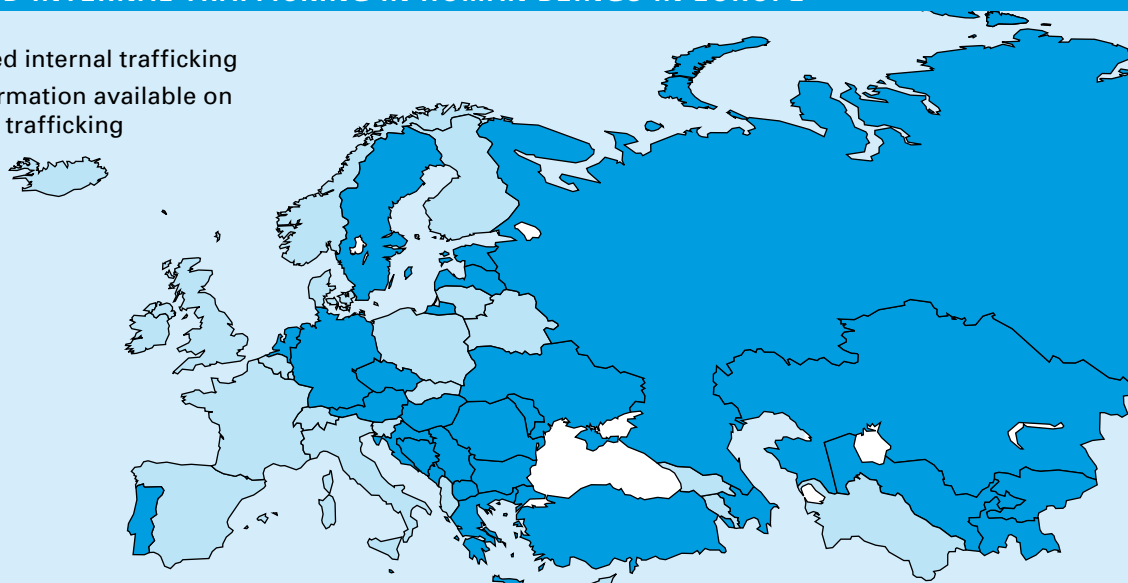
Internal trafficking

Internal trafficking occurs within a country's own borders. The victims of internal trafficking include nationals of the country in which they are being trafficked, migrants with or without legal status who reside in the country, refugees, asylum seekers and stateless persons. When internal trafficking occurs, a country is considered both a country of origin and destination.

Figure 4

REPORTED INTERNAL TRAFFICKING IN HUMAN BEINGS IN EUROPE

- Reported internal trafficking
- No information available on internal trafficking



This map does not reflect a position by UNICEF on the legal status of any country or territory or the delimitation of any frontiers. Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

Box 2

INTERNAL CHILD TRAFFICKING IN THE NETHERLANDS: THE 'LOVER BOY' PHENOMENON¹⁰

'Lover boys' are pimps who recruit girls by pretending to be in love with them while hiding their true aim of sexual exploitation.¹¹ Since the mid-1990s, the practice has received much public attention in the Netherlands, although it is neither new nor typically Dutch.

Exploitation begins when a lover boy targets a girl, seduces her and makes her believe that they are having a serious relationship. Gradually the lover boy drives his victim, often a girl under 18 years old, into extreme social isolation and dependence and, eventually, into sexual exploitation. Lover boys also use girls for other exploitative purposes, such as stealing, smuggling drugs, money laundering or obtaining loans. Within the Netherlands, the lover boy phenomenon is considered a form of trafficking if a girl is taken

away from her social environment and moved to another place to be exploited. In some cases, this movement occurs across borders into neighbouring countries.

Lover boys are reported to be mostly Dutch citizens, typically 20 to 30 years old, and often from immigrant families. Underage boys, often with criminal backgrounds, have also been reported to use this technique. Recruitment of the child victims often takes place in schools, with the majority of victims being Dutch girls, some with immigrant backgrounds. Non-nationals – asylum seekers and migrants with or without legal residence – have also been reported as victims. Girls who have low self-esteem or come from dysfunctional families are particularly vulnerable to this form of exploitation.

Box 3

CHILD TRAFFICKING DATA IN GERMANY: SHEDDING LIGHT ON A HIDDEN ISSUE¹²

The German Federal Criminal Office has published statistics on trafficking in human beings for sexual exploitation since 1999. Data on victims are disaggregated by age and nationality; additional data are available on the modus operandi of traffickers, trafficking routes, and some aspects of assistance and repatriation. Initially these statistics considered only foreign victims of trafficking who had been identified in Germany. Since 2003, however, the statistics have included data about German nationals – adults and children – who have been trafficked. The statistics are primarily intended to support national law enforcement in addressing human trafficking but are also an invaluable source of information for researchers, practitioners and policymakers. The statistical reports note that there are a number of biases and limitations of the data and analysis. This reveals that systematic data collection on trafficking and the comparability of data over several years are major challenges, even at the national level.¹³ Annual reports are published online in German and English.

Key statistics on internal child trafficking for sexual exploitation 2003–2006:

Registered child victims of trafficking

The number of children (aged 14–17) identified as victims of trafficking for sexual exploitation in Germany increased from 60 children in 2003 to 79 children in 2004. After 2004, there was a decrease in the registered numbers of child victims of trafficking, which may be related to the fact that statistics included only cases concerning court proceedings that had concluded during the year. Data registration methods have been revised since 2005, to include child trafficking victims aged 0–14. The registered number of child victims of trafficking was 51 children in 2005, and 62 children in 2006. Three children under age 14 were identified in 2005.

Internal child trafficking: Children of German nationality

Among all children registered as victims of trafficking in Germany, the number of children of German nationality increased between 2003 and 2004, and then remained stable until 2006. But the percentage of German children among all registered child victims of trafficking increased during this period: 14 children in 2003 (23 per cent), 26 children in 2004 (33 per cent), 28 children in 2005 (55 per cent) and 28 children in 2006 (45 per cent).

Nationalities of registered child victims of trafficking

Children of German nationality are by far the largest group among the identified nationalities of child victims of trafficking. The other predominant nationalities of registered children – though in much lower numbers than German children – are Bulgarian, Polish, Romanian, Slovakian and Ukrainian.

Child vs. adult victims of trafficking

Among registered German victims of trafficking, the percentage of children is considerably higher than the percentage of child trafficking victims of other nationalities: Among German nationals over the period 2003–2006, the percentages ranged from a low of 11 per cent (2003) to a high of 24 per cent (2005). Among other nationalities, only 4 per cent to 6 per cent of trafficking victims were children.

Nationalities of perpetrators

Most of those involved in trafficking of German nationals were found to be of German nationality. The information available on the recruitment of German victims indicates that pretended love affairs and financial dependency play a role in the recruitment process. (*Also see Box 2, page 10.*)

Forms of exploitation

Children are trafficked for various forms of exploitation. The international definition of child trafficking does not specifically define exploitation but lists some examples: "Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."¹⁴ The Convention on the Rights of the Child applies a broader concept of child trafficking as it calls upon States to "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 35).

Reports indicate that children who are trafficked in Europe are exploited in a number of ways. Focal points throughout Central Asia and Europe stated that sexual exploitation is the most frequently reported form of exploitation of trafficked children.¹⁵ It is impossible to evaluate whether this is the case, because sexual exploitation is the most prevalent form of exploitation in child trafficking or simply because it is the most visible and therefore the most frequently reported form, with more interest shown by the media, researchers and others.

Sexual exploitation of children, including for the production of pornographic material, generates strong and passionate reactions, including in the media. Other forms of exploitation, such as labour in agriculture, domestic service and sweatshops, are hidden, more difficult to detect, and may attract less interest from the media and researchers.

Organized begging is another form of exploitation that trafficked children are reportedly exposed to in Europe. From available reports, however, it is clear that not all children who are involved in begging have been trafficked.

Trafficking for the removal of organs is explicitly included in the 'Palermo Protocol' definition. In Europe, this form of trafficking has been documented for adults, while the information regarding child victims is anecdotal and could not be confirmed in the context of this study.¹⁶ More research is needed to investigate the potential risks to children.

It is important to note that the higher visibility of certain forms of exploitation, coupled with the general lack of reliable data, creates huge challenges for the generation of knowledge. The information available does not allow conclusions to be drawn on the actual prevalence of different forms of exploitation of trafficked children. This, in turn, creates difficulties for

those designing policies and programmes for prevention, identification of at-risk groups, and assistance and protection measures for those who have been trafficked.

Which children are vulnerable?

Studies and reports on child trafficking in Europe, by UNICEF, ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) and others, identify some particular vulnerabilities and risk factors for trafficking but also point to a great diversity in the profile of identified victims of trafficking. This makes generalizations difficult and calls for detailed country assessments of risk factors, taking into account a broad range of social and economic questions and the capacity of the national child protection system to respond to challenges facing children in homes, institutions, situations of migration and at work.

Existing studies indicate that teenagers aged 13 to 18 are a major at-risk group for trafficking in Eastern Europe. Idealized perceptions of a better lifestyle abroad and stories of success from people who have been abroad encourage risk-taking among youth. Moreover, limited opportunities for legal migration place young people at a high risk of exploitation. Research conducted by UNICEF in Moldova, for example, revealed that although children knew about the dangers of trafficking, they were nonetheless ready to migrate using insecure channels.¹⁷

Research in South Eastern Europe confirms that poverty, alcoholism, family dysfunction, drug abuse, sexual abuse and domestic violence are among the factors contributing to children's vulnerability.¹⁸ Children living in institutions or on the streets and children who drop out of school may also be in danger of being trafficked.¹⁹ A lack of access to employment and livelihood opportunities often exacerbates the situation. Case studies in South Eastern Europe show, however, that children from loving and caring families who do not consider themselves economically 'poor' can also become victims of trafficking.²⁰

Box 4

CHILD TRAFFICKING AND ADOPTION: DISTINCT BUT RELATED PHENOMENA

There is a lack of research on how trafficking and adoption are interrelated. What is reported – often by the media – suggests that human trafficking and adoption are linked in cases where pregnant women are trafficked for the sale and adoption of their newborn babies. Some of these women may be under age 18.

Adoption of a child may constitute a case of child trafficking if the key elements of the international definition of child trafficking are fulfilled, i.e., a child is moved from one place to another for the purpose of exploitation, and this process is organized by one or more traffickers, from recruitment to exploitation. While children are often moved for adoption, within a country or across borders, the element of exploitation in the adoption process is more complex.

Scarce reliable information exists on the adoption of children for the purpose of exploitation according to the forms of exploitation specified in the international definition of child trafficking, i.e., sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Studies indicate, however, that statistics on adopted children who leave one country do not always coincide with the numbers of children who actually reach their destination country.²¹ Thus, there are cases of children who remain unrecorded in the context of international adoption, and nothing is known about their fate or the intentions of the persons who adopted them.

It can be argued that a child can be exploited as someone who is available for adoption. This form of exploitation becomes more evident when the adoption or the way in which it is conducted does not give due consideration to the child's best interests. This may be the case particularly when adoption takes place in breach of national law and relevant international standards, and includes commercial transactions. A child can thus be used in an exploitative way in illegal adoption processes to create monetary gain for those organizing the adoption.

Even though trafficking and adoption may be to some extent interrelated, they are two distinct phenomena. There is a need to better understand the connection between the two issues, but making the distinction may be difficult in some cases. More likely than child trafficking, the sale of children and illegal transfer of children may be related to adoption. Other risks of illicit processes in the context of adoption include corruption of officials, forging of documents or illegal trade in children's identity papers.

From a human rights perspective, it is critical to ensure the protection of the rights of all those concerned. This includes women who are trafficked to sell their newborns as well as babies or older children sold for adoption.

International adoption is a subsidiary option, which is expected to be considered only after all national alternative care solutions have been pursued. The guiding principles in any decision about adoption are the best interests of the child and the child's right to have his or her views heard and taken into account according to the age and maturity of the child. It is essential to ensure that the human rights of children are safeguarded in the adoption process according to the rights afforded under the Convention on the Rights of the Child and the standards provided by the Hague Convention on Intercountry Adoption, which promotes ethical and transparent processes undertaken in the best interests of the child.²²

While the 'Palermo Protocol' does not explicitly mention adoption, in many European countries national legislation on child trafficking does make reference to illegal adoption. This is the case particularly when national law addresses child trafficking and the sale of children together, and illegal adoption may be dealt with in this broader context (*see chapter 3, page 6*). These laws are often linked to the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.²³ The Optional Protocol addresses the sale of children for exploitative purposes, including adoption. In addition, some national languages and legal terms do not differentiate between trafficking and the sale of persons.

IMMEDIATE ACTION IS REQUIRED ON DISAPPEARING CHILDREN²⁴

In recent years, there have been several reports across Europe of unaccompanied foreign minors disappearing from immigration reception centres and residential care, often without a trace. These disappearances have become an emerging issue of concern among social workers, practitioners and the media. Immediate action is required to prevent such disappearances and protect children at risk. A number of concrete steps can be taken to help explain these alarming disappearances and determine the most effective ways to assist and protect all vulnerable children.

Undertake reliable quantitative and qualitative research

There has been little research carried out to examine the situation of vulnerable children – migrants, minorities, marginalized children and others – who pass through residential care and immigration facilities. In some countries, it is impossible to find reliable data on the number of children who go missing, not to mention any analysis as to why they leave and what risks await them once they are on their own. The UNICEF *Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe*²⁵ notes that the absence of meaningful data makes it difficult to assess whether children who ‘disappear’ are subsequently exploited by traffickers and, if so, what kind of interventions and protection measures can prevent such abuse.

Respond with registration and tracing in a timely and professional manner

In some cases, the identification of vulnerable and trafficked children is made more difficult because they have not been registered. States must ensure registration of all births as well as a proper and timely response to cases of missing children, both nationals and non-nationals. Taking care to respect privacy and protect data, the relevant agencies should work with partners to facilitate registration and tracing. The Red Cross national societies in different countries offer their cooperation to trace children who migrate across borders and confirm the location of children believed to have disappeared.²⁶

Respect the principles of non-discrimination and the best interests of the child

Studies have found that the quality and supervision of care provided to migrant children is often of a lower standard than that provided to national children or is inadequate. General Comment No. 6 on the ‘Treatment of Unaccompanied and Separated Children Outside their Country of Origin’,²⁷ issued by the UN Committee on the Rights of the Child, stresses that States should not discriminate against migrant children and should furthermore ensure their right to maintain their cultural identity and values, which includes maintaining and developing their native language.

The Convention on the Rights of the Child protects not just children who are citizens of a State party, but all children – including asylum-seeking, refugee and migrant children – irrespective of their nationality, immigration status or statelessness. In seeking to fulfil these obligations, States may draw upon standards compiled in the *Statement of Good Practice* produced by the Separated Children in Europe Programme.²⁸

The best interests of the child should be the primary consideration in all actions and decisions concerning the child. Children may leave care because they fear being returned to their family or country of origin. Their views on such matters must therefore be sought and fully considered. Furthermore, it is important when making decisions regarding the potential return of a child to his or her country of origin to carry out thorough risk and security assessments in order to determine whether return is in the child’s best interests.

Provide appropriate guardianship and care

As soon as a separated or unaccompanied child is identified, an independent professional guardian should be appointed to advise the child and ensure that all decisions taken are in the child’s best interests. The guardian should be able to assess the quality of care provided to the child and to identify any special needs that require urgent attention.

Improve and harmonize provisions of child welfare and asylum systems

Some children take risks to migrate across borders because they believe they may receive better protection in other countries. In fact, child welfare and asylum systems vary widely across Europe, as does the application of regional agreements. One example is the Dublin II Regulation²⁹ of the European Union that identifies which Member State is responsible for examining an asylum application. Some Member States apply provisions in the child's best interests, supporting family reunion or allowing for a humanitarian stay. Other Member States ignore such provisions and deport children, at times violating their right to family unity. Relevant actors should not only improve support for minors, but also for those who turn 18 and 'age out' of these systems. Children may otherwise fall prey to traffickers when they leave residential care or are returned to their countries of origin.

Recognize the imperative for alternatives to detention

Many European countries face the dilemma of how to protect vulnerable and trafficked children without limiting their freedom of movement. Good practices regarding alternatives to detention must be developed and exchanged. Children should not be deprived of their liberty unlawfully or arbitrarily. Protection goals are no excuse for detention measures. Additionally, as emphasized in General Comment No. 6, children should not be penalized for immigration violations and other offences related to their having been trafficked. Instead, as victims of a serious human rights violation, they should receive assistance.

Listen and respond to children's concerns and wishes

To better understand the views of children, adults need to listen to their concerns and empower them to express their wishes. This may be facilitated by the appointment of a guardian, as mentioned above, as well as by the implementation of anonymous complaint mechanisms that may be used by those in residential care.

Create opportunities for the future

Finally, any serious attempt to break the cycle of vulnerability, abuse and trafficking will require advocating for measures that will create stability for children and opportunities for their future. This means implementing a child rights-based response that will provide separated and unaccompanied children with a clear and permanent residency status in countries of destination when this is found to be in their best interests. Such status should bring with it rights to education, vocational training and work, on a par with the rights of national children.

V

LEGISLATION ON CHILD TRAFFICKING

A number of international and regional standards exist to address child trafficking and protect children's rights. These include treaties, conventions, parliamentary recommendations and resolutions, agreements, guidelines and other instruments. Some are legally binding upon States parties; others create political obligations.³⁰

International law

International legal standards on trafficking in human beings are complementary. In order to ensure the full protection of children's rights, all relevant treaties must be ratified and implemented effectively.

Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC)³¹ is the most comprehensive legal instrument for the protection of the rights of the child and has long been in force in all European countries.³² Although provisions protecting children's rights exist in other international instruments,³³ the Convention is unique in that it views children as active holders of their own rights. The Committee on the Rights of the Child emphasizes that "States must see their role as fulfilling clear legal obligations to each and every child. Implementation of the human rights of children must not be seen as a charitable process, bestowing favours on children."³⁴ The breadth of the Convention, the importance it places on the agency of the child, and its near universal ratification makes it indispensable to all efforts against trafficking and exploitation.

Article 3 provides that "in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

Moreover, the Convention recognizes children's agency by reaffirming their right to be consulted on matters that affect them, to express their opinions and to seek, impart and receive information. Article 12 requires States to assure the child "who is capable of forming his or her own views the right to express

those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

The Convention obliges States to protect children from all forms of abuse and exploitation. Articles 9 and 10 state that children must not be separated from their parents against their will, except where it is in the child's best interests. Article 11 requires States to combat the illicit transfer of children. Article 35 specifically addresses child trafficking and affirms that "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."

For children who do not live with their parents, articles 20 and 21 state the best interests of the child to be paramount, and note the desirability of continuing the child's ethnic, religious, cultural and linguistic background. Article 21 provides that in cases where national solutions are not suitable and international adoption is necessary in the best interests of the child, it must not involve "improper financial gain." Article 32 recognizes the child's right "to be protected from economic exploitation."

The Convention also establishes the right of every child to identity and to acquire a nationality, to the highest attainable standard of health and education, and to protection from violence, abuse and exploitation. These and other rights recognized by the CRC apply to all children regardless of their residency status.

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography³⁵ was adopted by the UN General Assembly on 25 May 2000 and entered into force on 18 January 2002. It calls on States parties to prohibit the sale of children, child prostitution and child pornography.³⁶ The sale of children is defined in article 2(a) as "any act or transaction whereby a child is transferred by any

person or group of persons to another for remuneration or any other consideration." Article 2(b) defines child prostitution as "the use of a child in sexual activities for remuneration or any other form of consideration." Article 2(c) specifies that child pornography means "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes."

The Optional Protocol requires States, at a minimum, to criminalize the sale of children, child prostitution and pornography whether committed domestically or transnationally (article 3). In the context of the 'sale of children,' the scope of the Optional Protocol goes beyond the purpose of sexual exploitation. It mentions specifically "offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation of the child;...transfer of organs of the child for profit;...engagement of the child in forced labour; ...improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption." (Article 3.)

'Palermo Protocol'

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, also known as the 'Palermo Protocol', is the first legal instrument to provide an internationally agreed on definition of trafficking in human beings and child trafficking.³⁷

Adopted in 2000, the Palermo Protocol defines trafficking in human beings as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." (Article 3 (a).)

On child trafficking, the Palermo Protocol is clear that no violence, deception or coercion is required; it is sufficient to know that a person under 18 years of age has been recruited and moved for the purpose of exploitation for that person to be considered a victim of trafficking. Article 3(c) states: "The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article."

This definition implies the understanding that a child cannot consent to being trafficked and a child's 'consent' is not recognized as a justification for any form of child exploitation or abuse.

The Palermo Protocol is intended "to prevent and combat trafficking in persons, especially women and children" through "a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims."³⁸ One of its stated purposes is to "protect and assist the victims...of trafficking, with full respect for their human rights."³⁹ Articles 9(a) and 9(b) require States parties to establish comprehensive policies that specifically prevent children from revictimization.

The Palermo Protocol focuses much more on aspects of criminal law than on the protection of victims.⁴⁰ It emphasizes border control and security of documents, while vague language is used on the types of measures that States must "endeavour to undertake" to assist trafficked persons.⁴¹ In order to protect the human rights of trafficked children, the Palermo Protocol should be applied along with other international standards, in particular the Convention on the Rights of the Child and its Optional Protocols.⁴²

The CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography contains more explicit measures to protect the rights and interests of child victims. Its provisions are mandatory. Both protocols complement one another, each approaching the issue of child trafficking and child exploitation from a different perspective. Ratification and implementation of both instruments is therefore essential to provide broad protection for children who have been trafficked or sold into exploitation.

As of 8 November 2007, 37 countries had ratified the CRC Optional Protocol, and 42 European countries and the European Community had ratified the Palermo Protocol. Only 35 European countries have ratified both the Palermo Protocol and the CRC Optional Protocol. Both protocols have been ratified in more than half of the countries in the subregion European Union and other Western European countries and in eight countries in CIS. In South Eastern Europe, nine countries have ratified both Protocols.

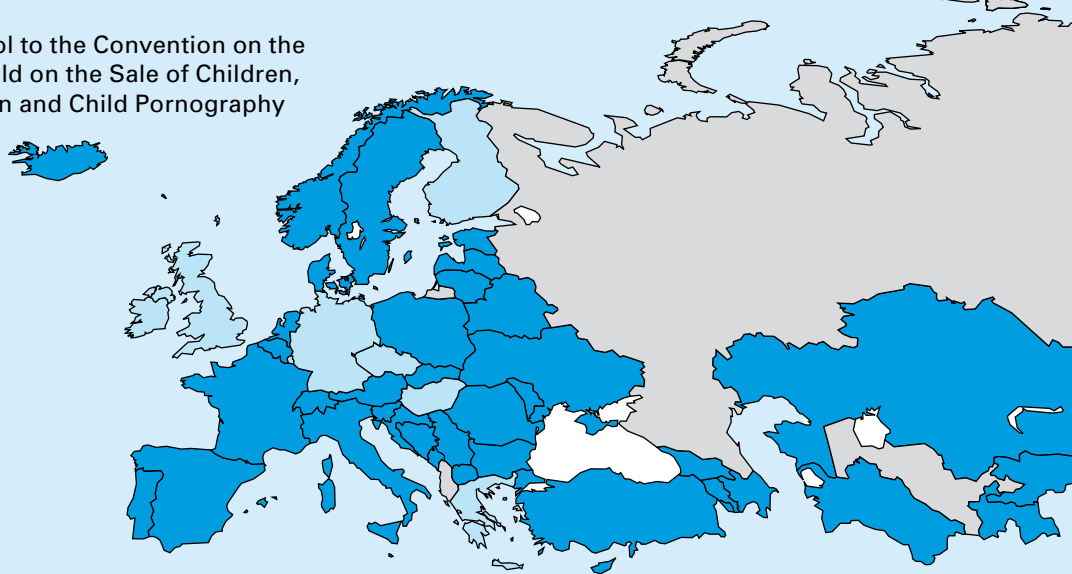
The process of ratification varies from one subregion to another. In the European Union and other Western European countries, it is more usual to sign international legal instruments soon after their adoption, with some years often passing before conclusion of the national process of ratification. In South Eastern Europe and CIS, the signature is more often delayed but the ratification process is completed quickly.

Figure 5

STATUS OF RATIFICATION OF THE CRC OPTIONAL PROTOCOL AND THE 'PALERMO PROTOCOL'

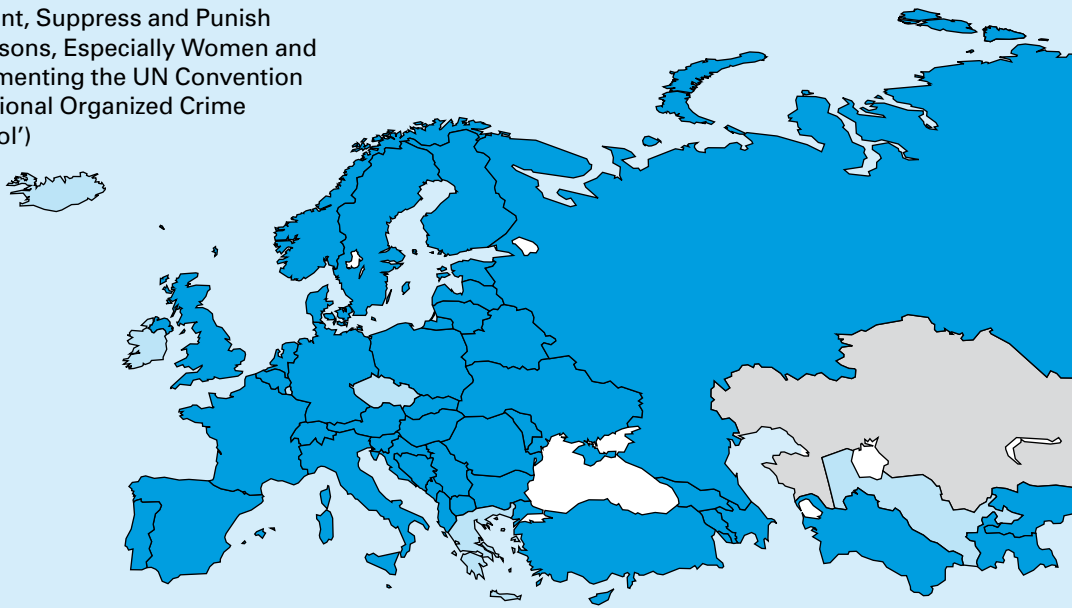
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

- Ratification
- Signature
- No signature



Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime ('Palermo Protocol')

- Ratification
- Signature
- No signature



These maps do not reflect a position by UNICEF on the legal status of any country or territory or the delimitation of any frontiers. Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of 8 November 2007.

International Labour Organization conventions

The ILO has adopted over 180 conventions since its inception in 1919. Specifically with respect to child labour, the organization enacted the Minimum Age Convention No. 138⁴³ in 1973, and the 'Worst Forms of Child Labour' Convention No. 182⁴⁴ in 1999.⁴⁵ The first of these two conventions is intended to abolish child labour, striking out previous ILO conventions, each of which was applicable only to a limited economic sector. It states that each party "undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to

raise progressively the minimum age for admission to employment or work" to an adequate level (article 1). That age "shall not be less than the age of completion of compulsory schooling and...shall not be less than 15 years" (article 2.3).

Convention No. 182 reinforces the intent to abolish child labour. Nonetheless it recognizes that "child labour is to a great extent caused by poverty" and "the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education" (Preamble).

In the short term, the ILO Convention seeks to ensure that States parties “shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency” (article 1). In this context, the Convention emphasizes the importance of free basic education and, where possible, appropriate vocational training, both as a preventive measure and as a means of reintegration (article 7).

‘Worst forms of child labour’ includes among other things (a) “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour,...”; (b) “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”; (c) “the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs...”; (d) “work which...is likely to harm the health, safety or morals of children” (article 3). The ILO Convention No. 182 is framed by the Convention on the Rights of the Child and defines a child as all persons under the age of 18 (article 2).

Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption

The most important document governing the international adoption of children is the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (‘Hague Adoption Convention’).⁴⁶ It recognizes the subsidiarity of intercountry adoption and is designed: “a) to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law”; b) “to establish a system of cooperation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children”; and c) “to secure the recognition in Contracting States of adoptions made in accordance with the Convention” (article 1). Moreover, it prohibits “improper financial or other gain” from an activity related to an intercountry adoption, noting that “only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid” (article 32.2).

European initiatives

In addition to important international legal standards, a strong regional and subregional framework exists to prevent trafficking, most notably the 2005 Council of Europe Convention on Action against Trafficking in Human Beings.

Council of Europe Convention on Action against Trafficking in Human Beings

The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers on 3 May 2005.⁴⁷ The Convention is open for signature and ratification by Member States of the Council of Europe, non-Member States that participated in its development (Canada, the Holy See, Japan, Mexico and the United States), as well as the European Community. It is open for accession by other States. The Convention received its 10th ratification in October 2007, which will trigger its entry into force on 1 February 2008.

Divided into 10 chapters, the Convention covers a broad range of measures, including: a) prevention and cooperation; b) measures to protect and promote the rights of victims; c) substantive criminal law; d) investigation, prosecution and procedural law; and e) international cooperation and cooperation with civil society. The Convention contains law enforcement as well as victim protection provisions, and applies to all forms of trafficking, “whether national or transnational, whether or not connected with organized crime.”⁴⁸

Special provisions for children are included throughout. The Preamble recognizes that “all actions or initiatives against trafficking in human beings must be non-discriminatory, take gender equality into account as well as a child-rights approach.”⁴⁹ Article 5 calls upon States parties to “take specific measures to reduce children’s vulnerability to trafficking, notably by creating a protective environment for them”. While this provision is very broad, the Explanatory Report offers some background information about the concept of the ‘protective environment’ and guidance about the measures to be undertaken.⁵⁰ The Council of Europe Convention represents an important step forward to prevent and address child trafficking, and European States should promote its ratification.

An important feature of the Convention is a monitoring mechanism that will be established when the Convention enters into force. This mechanism will include a “group of experts against trafficking in human beings” (GRETA), who will be mandated to monitor implementation of the Convention and produce regular reports that evaluate the measures taken by the parties. Also responsible for monitoring is “the Committee of Parties,” a political body made up of representatives of parties to the Convention from the Council of Europe Committee of Ministers as well as non-council members. This Committee can recommend that a party adopt certain measures on the basis of the reports and conclusions submitted by GRETA in order to promote the full and effective implementation of the Convention.

PROMOTING CHILD RIGHTS IN THE COUNCIL OF EUROPE CONVENTION

In April 2003, the Council of Europe established the Ad hoc committee on action against trafficking in human beings to prepare the convention on human trafficking. An extensive negotiation process took place over the next two years, during which UNICEF and other child rights organizations, along with the Council of Europe's Parliamentary Assembly, sought to ensure that the convention included at least minimum provisions for the protection of the rights of child victims and other vulnerable children.

Initially, it was proposed that a separate article on children be included in the convention. UNICEF promoted instead the incorporation of children's rights into existing articles. The UNICEF *Guidelines on the Protection of the Rights of Child Victims of Trafficking*⁵¹ became an invaluable resource in the negotiations. The draft convention contained more protections for children than any other international legal instrument on trafficking and, at times, opened the door for better provisions for adult victims.

However, many of the suggested provisions to protect child trafficking victims were not approved for the final text of the Council of Europe Convention on Action against Trafficking in Human Beings.⁵² The Parliamentary Assembly recommended, for example, that each party adopt measures "to deliver personal documents to every travelling child," which could contribute to the prevention of child trafficking, and that all child victims of trafficking be provided with a legal guardian. But the final text of the convention guarantees this right only to children who are unaccompanied and identified as victims of trafficking (article 10.4). Even for unaccompanied children, the convention does not provide for the appointment of a lawyer with the relevant experience, despite this recommendation from the Parliamentary Assembly.⁵³

In addition, the convention does not include the proposal of the Parliamentary Assembly for each party to facilitate family reunion throughout the period of legal residence of unaccompanied children – that is, in circumstances where residence permits have been issued to children in accordance with article 14 of the convention. The recommendation was important, as family reunion can, in some circumstances, greatly reduce the vulnerability of children who find themselves alone in a foreign country. In addition, article 6 of the convention does not incorporate a provision mandating that where children are repatriated or returned, the return be undertaken in a child-sensitive manner in accordance with the age and vulnerability of the child.

In the final text of the convention, medical or other assistance, authorization to access the labour market, vocational training and education, are made available only to those victims who are lawfully resident within a State's territory (articles 12(3) and 12(4)). Evidence suggests, however, that children without legal residence status tend to be at a greater risk of abuse and exploitation, and that young people have a great need for vocational training and education. In addition, the fact that the convention does not extend assistance, whether medical, psychological or otherwise, to the family members of victims where necessary, may in certain cases increase the vulnerability of children.⁵⁴

Some important recommendations by the Parliamentary Assembly were adopted. One proposal concerns a recovery and reflection period for victims of trafficking of at least 30 days, during which the parties would authorize the persons concerned to stay in their territory. Article 13 states: "Such a period shall be sufficient for the person concerned to recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities. During this period it shall not be possible to enforce any expulsion order against him or her. This provision is without prejudice to the activities carried out by the competent authorities in all phases of the relevant national proceedings, and in particular when investigating and prosecuting the offences concerned. During this period, the Parties shall authorise the persons concerned to stay in their territory" (article 13).

One of the purposes of this time period is to allow victims to recover and escape the influence of traffickers. Victim recovery implies, for example, allowing time to heal wounds and recover from physical assault, and to recover "minimum psychological stability." Paragraph 3 of article 13, however, allows parties not to observe this period "if grounds of public order prevent it or if it is found that victim status is being claimed improperly." The purpose of this provision is to guarantee that victims status will not be used illegitimately. A major concern, however, is that the commentary on the Council of Europe convention on trafficking⁵⁵ provides no guidance as to the meaning of "grounds of public order" or to the meaning of "minimum psychological stability," leaving room for individual interpretation by governments. The adopted wording may leave room to promote shorter reflection periods, which would be particularly troubling in the case of children who might not have regained psychological stability within the short term.

European Union initiatives

Within the European Union, various directives and council framework decisions on trafficking and related issues have been adopted. They include the Council Framework Decision on Combating Trafficking in Human Beings (2002) and the Council Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography (2004). In addition, the 2005 European Commission's Communication entitled 'Fighting Trafficking in Human Beings – An integrated approach and proposals for an action plan' includes specific provisions on children. In 2006, the European Commission expressed a strong commitment to children's rights in the internal and external policies of the European Union in the 'Communication Towards an EU Strategy on the Rights of the Child'.

'Brussels Declaration'

One of the earliest documents to make specific recommendations to governments for dealing with trafficking in human beings is the Brussels Declaration on Preventing and Combating Trafficking in Human Beings,⁵⁶ adopted in September 2002. The Declaration notes that the "root causes of trafficking, not least including unemployment, poverty, gender inequalities, [and] social and cultural attitudes, must continue to be at the forefront of the long-term efforts to fight human trafficking effectively."

The Brussels Declaration outlines broad recommendations on prevention and victim assistance as well as international cooperation and coordination. It addresses

the root causes of trafficking, research, training, awareness-raising, immediate victim assistance and victim reintegration. The Declaration includes specific recommendations to:

- "Strengthen the legal and social position of women and children and specifically address all forms of gender discrimination."
- Support programmes for the "strengthening of efforts to tackle poverty, particularly amongst the most vulnerable sectors of the populations," including women and girls;
- Grant victims of trafficking access to a full range of support measures including "access to shelter accommodation, physical, sexual and psychological health care and support and independent health, legal and social counselling;" and
- Support the reintegration process by instituting programmes aimed at empowering victims "through the provision of entrepreneurial support or vocational training or job opportunities."

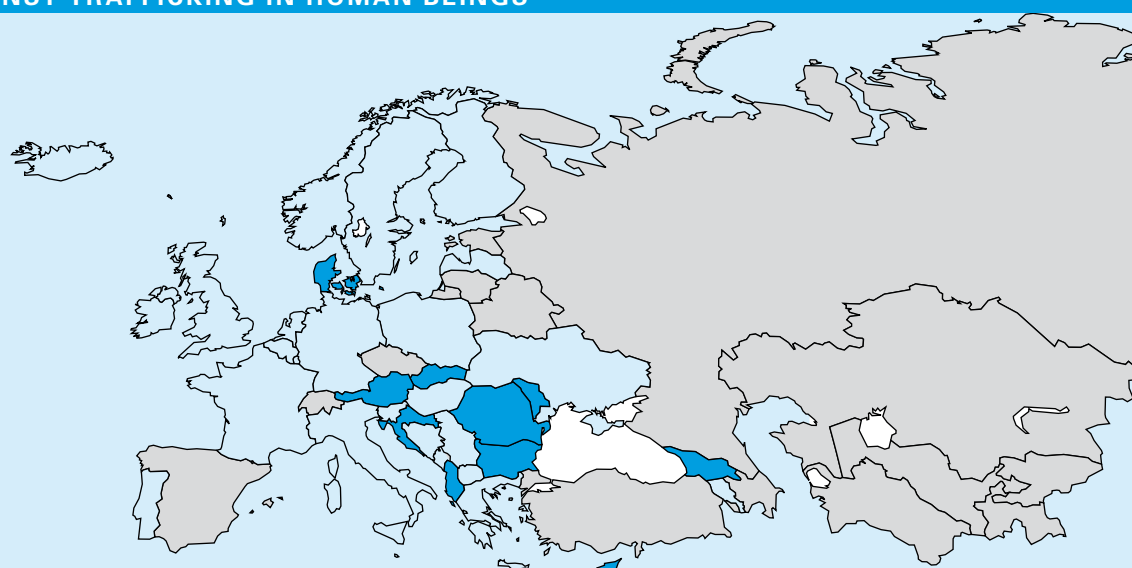
Still, the majority of recommendations in the Brussels Declaration deal with the trafficking of adults. While it recognizes the special vulnerability and needs of children who have been trafficked, only one paragraph is specifically dedicated to children.

There is little focus on child-specific protection and prevention strategies. Instead, the recommendations focus on measures in the area of passport and visa regulations, such as the inclusion of biometrics in travel documents and the requirement that carrier

Figure 6

STATUS OF RATIFICATION OF THE COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS

- Ratification
- Signature
- No signature



This map does not reflect a position by UNICEF on the legal status of any country or territory or the delimitation of any frontiers. Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of 8 November 2007.

agents retain the identity and travel documents of unaccompanied minors (Recommendation 12).

Numerous other European Union instruments contain provisions designed to strengthen and harmonize the criminal justice systems of European States.

Box 7

EU COUNCIL FRAMEWORK DECISION ON COMBATING TRAFFICKING IN HUMAN BEINGS: CHALLENGES OF ASSESSING IMPLEMENTATION

The Council Framework Decision on combating trafficking in human beings of 19 July 2002 is legally binding upon European Union Member States, and obliges them to submit the relevant text of new or revised national laws to the European Commission. A report issued by the European Commission in May 2006, based on these submissions, concluded that the level of implementation of the Framework Decision in Member States' national law varies. The report states that only a few Member States submitted information on the provisions of article 7 for the protection of trafficked children,⁶³ making it difficult to evaluate the EU-wide implementation of this particular article.⁶⁴

Data collected for this UNICEF IRC study confirm that implementation of article 7 varies widely and that information is difficult to obtain.

Member States confirming that national legislation ensures that child victims of trafficking "should be considered as particularly vulnerable victims"⁶⁵

Yes	11
No	11
No information available	3

Member States confirming that the national assistance framework ensures that child victims "benefit from specific treatment best suited to their circumstances"⁶⁶

Yes	13
No	6
No information available	6

Member States confirming that child victims of trafficking are protected "from the effects of giving evidence in open court"⁶⁷

Yes	17
No	2
No information available	6

The 2002 European Union Council Framework Decision on combating trafficking in human beings⁵⁷ focuses on harmonizing the criminal laws and policies of Member States and on increasing police and judicial cooperation. The Framework Decision notes that child victims of trafficking are entitled to special assistance. However, its provisions are restricted to special protection measures in legal proceedings. No other protection or prevention measures are addressed by the Decision.

The Council Framework Decision on combating the sexual exploitation of children and child pornography⁵⁸ may be relevant for addressing cases of child trafficking connected to sexual exploitation. It adopts an approach similar to the Council Framework Decision on combating trafficking in human beings, focusing on aspects of criminal justice. The measures are broad in nature and restricted mainly to the context of legal proceedings. Only 1 out of 13 articles addresses protection and assistance to victims.⁵⁹

The 2004 Council Directive on residence permits issued to third-country nationals who are victims of trafficking in human beings defines the conditions for granting short-term residence permits to victims who are willing to cooperate with the competent authorities to prosecute traffickers.⁶⁰ In 2004, the European Parliament approved the Directive with certain amendments, including provisions to ensure that unaccompanied minors are accommodated, in order of preference: with adult relatives; with a foster family; in institutions that specialize in accommodating minors; or in other forms of accommodation suitable for minors.

The 2001 Council Framework Decision on the standing of victims in criminal proceedings is designed to protect and defend the rights of victims,⁶¹ irrespective of the State in which they are located. This Framework Decision also contains provisions on providing victim assistance before and after criminal proceedings. Under this instrument, victims have several rights, including: to participate in the proceedings as a victim and to have access to legal advice and, where warranted, legal aid free of charge; to have legal costs refunded; to a suitable level of protection for crime victims and their families, particularly as regards their safety and protection of their privacy; and the right to compensation.⁶²

As mentioned earlier, the European Commission has issued two recent communications that create a broader framework for dealing with child trafficking and a strong commitment to safeguarding children's rights in the European Union and beyond.

The EU Communication entitled 'Fighting trafficking in human beings – An integrated approach and proposals for an action plan' was adopted in 2005. It establishes that policy against trafficking in human beings shall be guided by "a clear commitment of EU institutions and Member States to follow a *human rights centred approach* and to promote it in their external relations and development policies." The Communication acknowledges the Convention on the Rights of the Child as the most important international child rights instrument and reiterates key provisions of the Convention and the European Union Charter of Fundamental Rights. Particular emphasis is given to the child's best interests as a primary consideration in all actions relating to children. The Communication further stresses that the "UN Trafficking Protocol must be read in the light of the CRC, taking into account also other international instruments, such as the Optional Protocol on the sale of children, child prostitution and child pornography."⁶⁸ In addition, attention is given to issues of cooperation and co-ordination and to mechanisms for systematic data collection on trafficking in human beings.

In 2006, the Communication entitled 'Towards an EU Strategy on the Rights of the Child' laid the ground for the development of "a comprehensive EU strategy to effectively promote and safeguard the rights of the child in the European Union's internal and external policies and to support Member States' efforts in this field." The Communication refers to the EU Strategic Objectives for 2005–2009, which state that a "particular priority must be effective protection of the rights of children, both against economic exploitation and all forms of abuse, with the Union acting as a beacon to the rest of the world."⁶⁹ The Communication further acknowledges that it is "vital that children's rights be recognised as a self-standing set of concerns and not simply subsumed into wider efforts to mainstream human rights in general.... Also, the almost universal acceptance by States of obligations in the field of children's rights provides a particularly robust basis for engagement between the European Commission and non-EU countries."⁷⁰

National legislation and legal definitions

At the national level, virtually all countries in Europe have adopted laws to criminalize trafficking in human beings.⁷¹ National legislation varies widely between countries, however. Relevant legal provisions can be found in constitutional laws, criminal codes and criminal procedure codes. At a minimum, they include an article defining 'trafficking in human beings' as a criminal offence.

In some cases, comprehensive anti-trafficking acts have been adopted and include detailed provisions on victim assistance, witness protection and special procedures for affected children.

National laws specifically addressing child trafficking are as diverse as those pertaining to trafficking in adults. Most European countries have defined aggravating circumstances if the crime is committed against a child – special circumstances that increase the severity of the crime and the respective punishment. Some countries address child trafficking through specific articles on trafficking introduced into the general child protection act. Further research is needed to assess how effectively these different approaches embrace the complexity of child trafficking and the special vulnerability of children, and protect the human rights of child victims.

Definitions of trafficking in human beings

Definitions of trafficking in human beings also vary significantly in national law, and, as a result, trafficking in human beings has different meanings in different European countries.

The vast majority of European countries have adopted a definition of trafficking in human beings framed by the Palermo Protocol. As Figure 7 (page 24) indicates, however, the exact scope of 'exploitation' varies. National definitions frequently include trafficking in connection with sexual exploitation and labour exploitation. Most countries further extend their definitions to include the removal of organs, slavery and practices similar to slavery. About three quarters of the countries in this study mention servitude and one third mention illegal adoption.

A comparison between the national legal definition of trafficking in human beings and the status of ratification of the Palermo Protocol is telling. It indicates that some countries have ratified the Palermo Protocol but have not incorporated its full definition of trafficking in human beings into national law. Other countries have yet to ratify the Protocol but do have a comprehensive definition in place.⁷²

Some countries in Europe provide a broader and more inclusive definition of human trafficking by extending the national definition to also include "other forms of exploitation." This is the case in Albania and the Czech Republic, for instance. Another example is Italy, where the law refers to "all forms of exploitation." This broad definition ensures that all victims of trafficking can be identified and assisted under national law.

Definitions of child trafficking

The definition of child trafficking in international standards differs from the overall definition of trafficking in human beings in two critical ways. First, the Palermo Protocol defines trafficking in children as “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation.” No violence, deception, coercion or other fraudulent means are required for a child to be considered a victim of trafficking.⁷³ Second, the concept of exploitation in child trafficking is broader than for trafficking of adults. As mentioned earlier, according to the Convention on the Rights of the Child, “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 35). In both the Convention on the Rights of the Child and the Palermo Protocol, “child” means any person under 18 years of age.

In Europe, different legal approaches are adopted when addressing trafficking in children. Less than half of the countries/entities have included a distinct legal definition of child trafficking in national law (23 out of 51). The remaining number rely on the

broader definition of trafficking in human beings when considering – implicitly or explicitly – the trafficking of children. Where specific definitions of child trafficking exist, they are just as varied as definitions of human trafficking.

Whether or not a separate legal definition of child trafficking exists, 41 European countries/entities have incorporated the provision that child trafficking is a crime even if no illicit means are used to recruit, transport, transfer, harbour or receive a child for the purpose of exploitation. This complies with article 3(c) of the Palermo Protocol. It is interesting to note that among these countries, six have the provision in place without having ratified the Palermo Protocol.⁷⁴

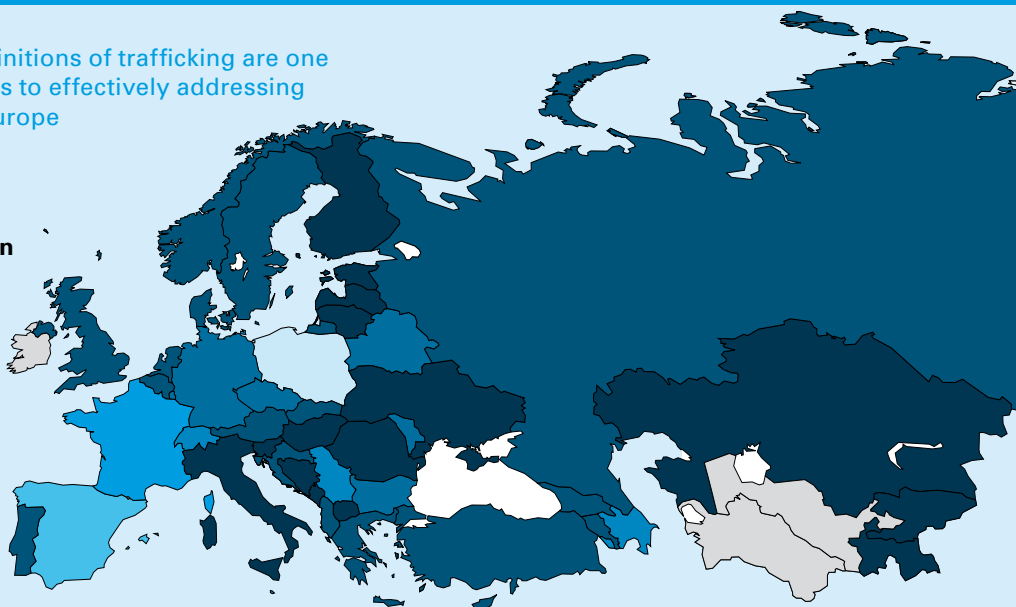
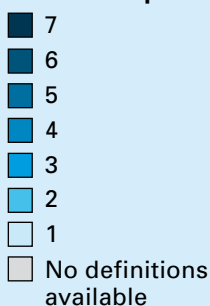
Equally noteworthy are the variations in the definition of a child across Europe. Although the Convention on the Rights of the Child is widely ratified and envisages the child as any person under 18 years, different age classifications remain within and among countries. For instance, there are wide variances in the age at which a young person can gain access to employment, the age of criminal liability, legal mobility, sexual consent and other related issues.

Figure 7

DEFINITIONS OF TRAFFICKING IN HUMAN BEINGS IN NATIONAL LEGISLATION⁷⁵

Varying national definitions of trafficking are one of the largest barriers to effectively addressing child trafficking in Europe

Forms of exploitation

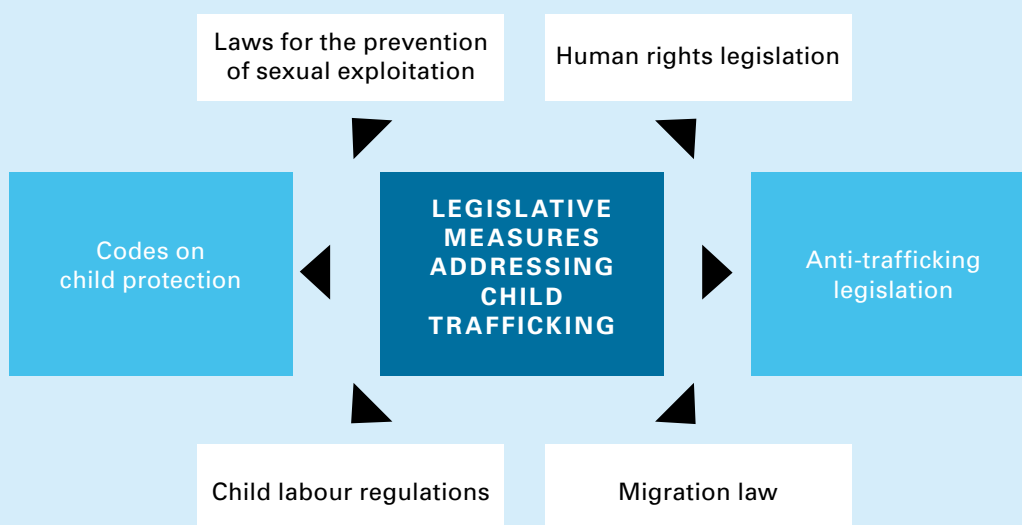


The forms of exploitation identified are those specified in the international definition provided by the ‘Palermo Protocol’: exploitation of the prostitution of others, other forms of sexual exploitation, labour exploitation, slavery or practices similar to slavery, servitude and removal of organs. In one third of the countries, illegal adoption is also included as a form of exploitation in national definitions of trafficking.

This map does not reflect a position by UNICEF on the legal status of any country or territory or the delimitation of any frontiers. Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

Figure 8

NATIONAL LEGAL FRAMEWORK DIVERSITY



The lack of a consistent legal definition of child trafficking shared by all European countries is a considerable obstacle to effectively addressing child trafficking. This not only poses challenges for international cooperation between countries, but also has major implications for the identification of trafficked children and their effective protection.

Many trafficked children are not identified as victims, especially in those countries that adopt a narrow definition of trafficking. Even when children are identified as victims of trafficking, their cases are still not always recognized as such. Cases that are brought to court may be tried under other, related legislation, such as laws on sexual exploitation and abuse, migration and asylum, or labour regulations (see Figure 8 above). When trafficking cases are not tried under the appropriate forms of legislation, these cases are not reflected in criminal statistics on trafficking, and victims may be denied the legal protection and assistance to which they are entitled under relevant international standards.

Given the diversity of definitions, it is clearly impossible to compare the national statistics on trafficking in human beings and child trafficking across European countries.

In consequence, and far too often, victims of trafficking, both children and adults, are treated as illegal migrants or as individuals who are criminally complicit in their own exploitation. The UNICEF IRC study reveals that in more than half of the European countries, trafficked children are not yet sufficiently protected by law from criminal prosecution for offences committed while still in exploitative situations.

Providing legal recognition of persons who are trafficked is necessary so that they can be eligible for assistance and protected from further victimization. This includes deportation and criminal prosecution or sanctions for offences they committed as victims of trafficking. It is vital to officially recognize cases of trafficking in human beings in court and process them accordingly.

Figure 9

PROTECTION OF CHILDREN FROM CRIMINAL PROSECUTION FOR OFFENCES COMMITTED WHILE IN EXPLOITATIVE SITUATIONS

Countries/entities where provisions are in place to guarantee that children are protected from criminal prosecution for offences related to their situation as victims of trafficking	14
Countries/entities where no provisions are in place to guarantee that children are protected from criminal prosecution for offences related to their situation as victims of trafficking	29
Information not available	8
Total	51

Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

Box 8

THE SCOPE AND APPLICATION OF LEGAL DEFINITIONS

A strong legal definition of child trafficking in national law is essential to grant legal status and protection to child victims and to enable the prosecution of offenders. The 'Palermo Protocol' and other international standards provide a solid foundation from which to develop national legal definitions.

Child trafficking, as defined by the Palermo Protocol, includes three key elements. First, there is the action involved in trafficking (i.e. recruitment, transport, transfer, harbouring or receipt of a child). Second, there is the purpose of trafficking, which is exploitation and abuse. Third, there are the forms of exploitation used to exploit the child (e.g. forced prostitution, forced labour and services and slavery). In many countries, each of these individual elements is a criminal offence by itself, and is addressed by different pieces of legislation.

Yet child trafficking is a legal concept that is separate from its individual elements. A 'comprehensive definition' of child trafficking, according to international standards, brings together these different elements and ensures that the complex 'concept' of child trafficking is defined in national legislation. This seeks to guarantee the full protection of the human rights of children in all trafficking cases and during each stage of the trafficking process.

Comprehensive laws and definitions are not sufficient, however, to prevent child trafficking. Even when the law is sufficiently comprehensive to capture the complexity of child trafficking, legislation needs to be complemented by other measures. Critical in this regard is the strengthening of the general child protection system. Only a well functioning child protection system can

ensure that the specific situation of each child is addressed and that the child's human rights are protected in the broadest possible way, beyond the criminal aspects of trafficking and the criminal justice system.

It is also necessary to promote awareness-raising about the risks of trafficking and of relevant international standards and national legislation and mechanisms designed to prevent this human rights violation and assist and protect affected children.

Equally important is training to enhance the awareness and knowledge of professionals (including law enforcement officers, prosecutors and judges) on the dynamics and complexity of child trafficking. This is the only way to ensure that affected children are properly identified and referred to appropriate services. It is equally important to ensure the effective protection of child victims of trafficking from criminal prosecution for offences they committed while still in exploitative situations.

Differentiating between cases of human trafficking and cases of exploitation in the context of prostitution, undocumented labour or labour migration can pose an enormous challenge. Law enforcement officers, in particular, need to be aware of the fact that both nationals and non-nationals identified in a situation of exploitation may be victims of trafficking, and that trafficking can occur within national borders. In the case of undocumented migrants and asylum seekers, immigration and asylum courts should not only have the awareness and the power, but also the legal obligation, to refer identified or presumed trafficking cases to the criminal justice system.

VI

POLICY RESPONSES TO CHILD TRAFFICKING

A comprehensive national response to child trafficking requires cooperation and coordination between government ministries and other national institutions, NGOs and civil society. This is essential to ensure that national policies are integrated and complementary, and that resources are used effectively. A number of policy tools and structures are in place in European countries to facilitate and institutionalize cooperation and coordination. These include specialized national bodies and action plans at the national and regional levels.

National Action Plans on trafficking in human beings

National Action Plans are an important policy tool for the prevention of human trafficking and the protection of victims. In Europe, about two thirds of the countries covered by this research have adopted National Action Plans to counter trafficking in human beings. However, the quality of these National Action Plans and the degree to which they are implemented and funded differ throughout Europe.⁷⁵

When complex policy issues, such as policies to prevent and respond to human trafficking, involve multiple national and international actors, National Action Plans are a useful tool to coordinate a multisectoral approach. Action plans also increase the transparency of national policies and the monitoring of their implementation. To be an effective policy instrument, a National Action Plan must provide a concrete and realistic description of the activities to be undertaken and objectives to be pursued. It must identify responsible stakeholders, set a time frame for implementation, and include a budget that provides sufficient financial resources to each of the actors involved in the implementation process.

The more comprehensive National Action Plans on human trafficking in Europe specify activities on data collection and research; prevention; awareness-raising; victim identification, referral, assistance and protection; durable solutions for victims, including return, where applicable, and integration or reintegration;

legal reform; law enforcement; training; and other activities. Integrating and coordinating the efforts of other partners, including NGOs, international organizations and UN agencies, is also vital. Most action plans are used nationally, defining activities to be implemented throughout the State. But their scope can also be extended to international cooperation at the bilateral, regional or multilateral level.

Once adopted by the government or parliament, the implementation of a National Action Plan should be closely monitored to increase its effectiveness. There is no unified approach on how to follow up and monitor action plan implementation in European countries. In some countries, such as Bulgaria, the development of an action plan on trafficking is included in national anti-trafficking legislation and its implementation within a defined time frame is legally binding.

Where National Action Plans are not in place, countries may pursue other strategies for policy planning, coordination and cooperation. In Switzerland, for instance, the main coordinating body on national anti-trafficking policies has developed a comprehensive strategy for national implementation. In other countries, memoranda of understanding or other mechanisms that institutionalize cooperation between government and service providers are in place. Where such agreements also ensure long-term financial support from the government to service providers, they clearly contribute to more sustainable policies.

Regional trends

National Action Plans on trafficking in human beings are widespread in Eastern European countries. In the European Union and other Western European countries, only 17 of 29 countries have an action plan in place. Nine countries in CIS have action plans, while in South Eastern Europe, all 11 countries/entities have adopted National Action Plans on trafficking in human beings.

The data collected for this study suggest that sub-regional cooperation creates incentives for the development of action plans: Countries that participate in a regional anti-trafficking cooperation agreement

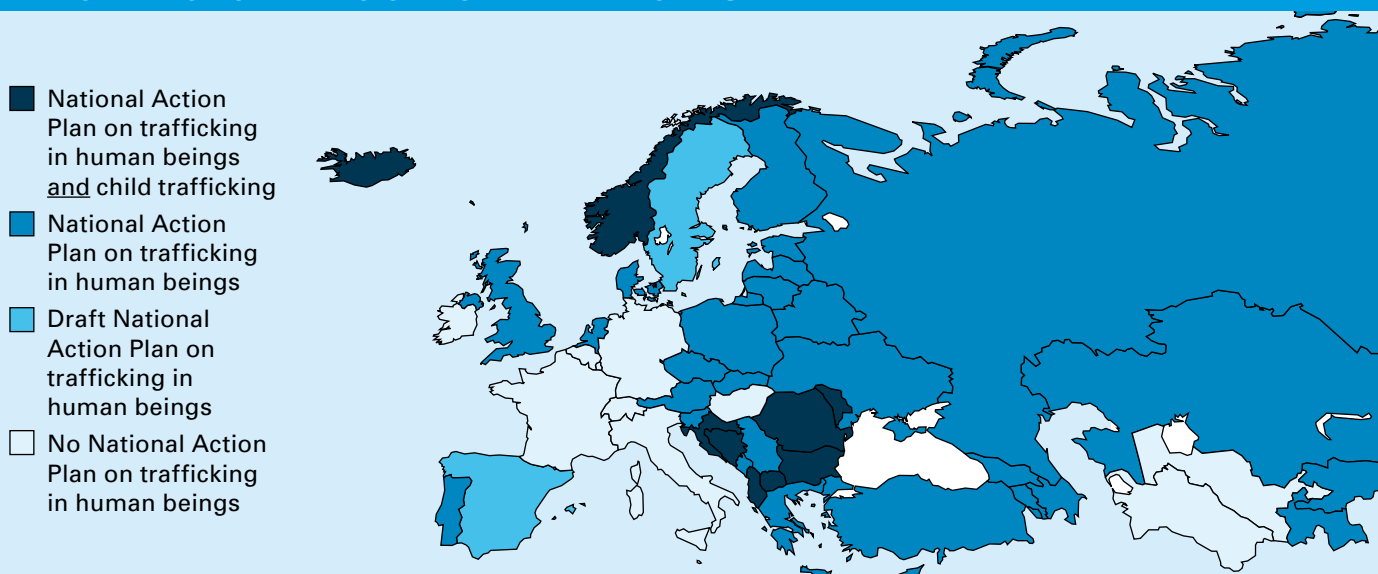
are clearly more likely to develop National Action Plans on trafficking in human beings. Only very few countries have developed such National Action Plans independently of regional cooperation.⁷⁶

- In South Eastern Europe, all participating countries and entities of the Stability Pact Task Force

on Trafficking in Human Beings (SPTF) for South Eastern Europe have developed action plans on trafficking in human beings: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro, Romania, Serbia, including the UN-administered province of Kosovo, and the former Yugoslav Republic of Macedonia.

Figure 10

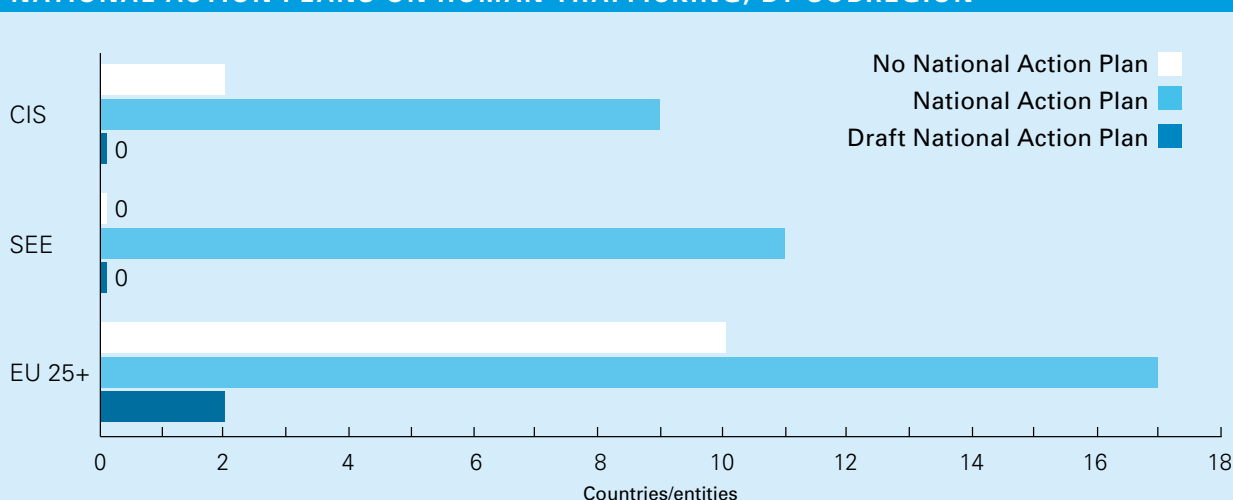
NATIONAL ACTION PLANS ON HUMAN TRAFFICKING⁷⁷



This map does not reflect a position by UNICEF on the legal status of any country or territory or the delimitation of any frontiers. **Source:** Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

Figure 11

NATIONAL ACTION PLANS ON HUMAN TRAFFICKING, BY SUBREGION



Note: EU 25+ refers to the subregion comprised of the European Union and other Western European countries. **Source:** Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

Three SPTF partners for cooperation – Greece, Slovenia and Turkey – have also developed National Action Plans.

- In the Baltic Sea region, the majority of participating countries of the Council of the Baltic Sea States (9 of 11 countries) have adopted a National Action Plan on trafficking in human beings or child trafficking, or both: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Poland and the Russian Federation, while Sweden is in the process of drafting a National Action Plan.

National Action Plans on child trafficking

Only nine countries in Europe have developed National Action Plans that address child trafficking specifically and comprehensively. Most of these plans were developed by countries of South Eastern Europe under the cooperation agreement of the SPTF. These plans were formulated in addition to the general action plans on human trafficking.

Those countries that do not have a specific National Action Plan on child trafficking often have a range of action plans in place to protect children from exploitation, including sexual and labour exploitation, violence and abuse. The following types of action plans have been identified by this study:

- Action plan on trafficking in human beings and/or child trafficking
- Action plan on (commercial) sexual exploitation of children, some making reference to trafficking of children for sexual exploitation
- Action plan against the abuse, neglect and exploitation of children
- Action plan on the elimination of the worst forms of child labour
- Action plan on children living or working on the streets
- General action plan on children.

It is important to assess and evaluate existing plans so as to determine gaps. Existing measures and activities need to be coordinated, integrated and fully implemented so that all children are protected – those who have been trafficked and those who are at risk of being trafficked. While the effects of different action plans have not been assessed by this study, it is worth noting that a general action plan on children might best ensure the broadest possible protection. National Action Plans on children, as prescribed in the General measures of implementation of the

Convention on the Rights of the Child, refer to a full spectrum of child protection concerns. Comprehensive plans include measures for the empowerment of children and the prevention of all forms of violence, exploitation and abuse, and reaffirm the close links between a range of different child protection issues.

National bodies addressing trafficking in human beings and child trafficking

Of the 51 countries/entities in this study, all but 3 have created specialized national bodies or structures to plan, coordinate and implement governmental policies on human trafficking. These include anti-trafficking coordinators, interministerial groups, national working groups and national rapporteurs on trafficking in human beings.

In spite of these significant developments, national institutions with a specific responsibility to address child trafficking are rare in Europe. Countries of South Eastern Europe, in the regional cooperation agreement, have developed distinct national working groups that pay particular attention to child trafficking. In some countries, existing independent national human rights or child rights institutions, such as an ombudsperson for children's rights, may also include in their general mandate activities related to the prevention of child trafficking and the protection of affected children, including research on this phenomenon.

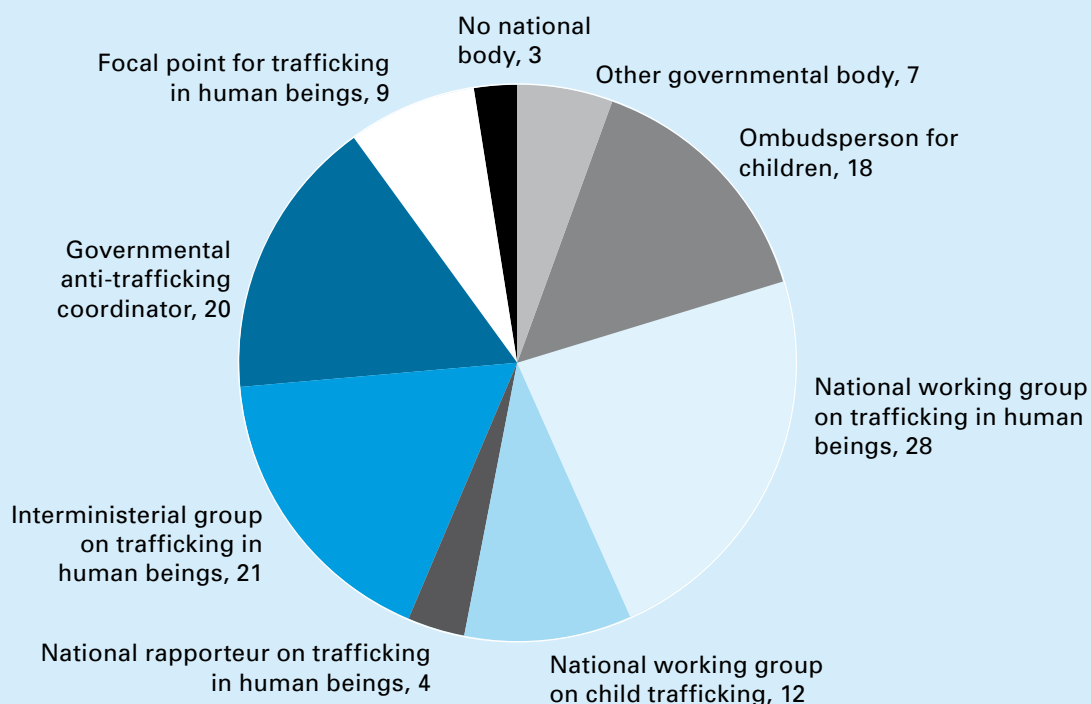
As Figure 12 (page 31) shows, the most common types of national bodies dealing with trafficking in human beings in Europe are national working groups (in 28 countries/entities), interministerial groups (in 21 countries/entities) and governmental coordinators (in 20 countries/entities).

Twenty countries/entities in Europe have three or more different national bodies in place that deal with human trafficking. The maximum number of national bodies reported for the same country is five (see Figure 13, page 31).

Coordination is critical when developing and implementing national anti-trafficking policies, especially when multiple bodies share this responsibility. Fourteen of the 20 countries with three or more national bodies have appointed a governmental anti-trafficking coordinator who manages the coordination of the different bodies involved. In other countries, one institution has been assigned the leading role in national anti-trafficking policy development and implementation.

Figure 12

TYPES OF NATIONAL BODIES ADDRESSING TRAFFICKING IN HUMAN BEINGS AND CHILD TRAFFICKING



Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

Figure 13

NUMBER OF NATIONAL BODIES ADDRESSING TRAFFICKING IN HUMAN BEINGS AND CHILD TRAFFICKING

Number of national bodies	Number of countries/entities
No national body	3
1 national body	14
2 national bodies	14
3 national bodies	8
4 national bodies	7
5 national bodies	5
Total	51

Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

Leading institutions on national anti-trafficking policies

A leading institution defines a government’s strategy to address human trafficking both at the national level and in cooperation with other countries.

In 37 European countries, the government has assigned an institution to take the leading role on national anti-trafficking policy development and implementation. However, the placement of these leading institutions within government ministries varies significantly throughout Europe: In 14 countries, the leading role lies with the Ministry of the Interior;⁷⁸ in 8 countries with the Ministry of Justice; in 6 countries with the Ministry of Social Affairs;⁷⁹ in 4 countries with the Ministry of Foreign Affairs; and in 2 countries with the Prime Minister’s Office. One country has assigned the leading role to the Ministry of Health (see Figure 14, below).

Some countries have assigned two institutions to take the lead in anti-trafficking policies, thereby ensuring that the issue is addressed from different perspectives. Norway has chosen this approach and appointed the Ministry for Children and Family Affairs as the leading institution to specifically handle the issue of child trafficking.⁸⁰

The UNICEF IRC research identified subregional trends concerning the establishment and placement of leading institutions. In South Eastern Europe, all countries/entities have assigned a leading institution, in CIS, 8 of 11 countries have done so, whereas in the European Union and other Western European countries, only 18 out of 29 countries have identified a leading institution with the responsibility to develop and coordinate policies on trafficking in human beings.

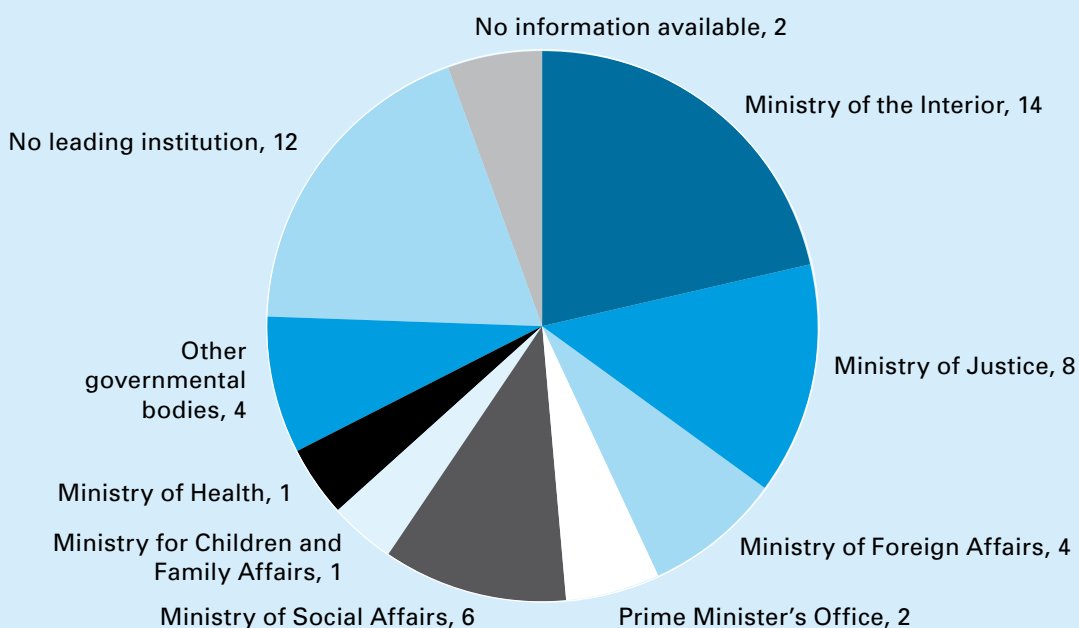
In fact, in one out of four European countries, governments have not assigned an institution to take the leading role in national anti-trafficking policy development and implementation. Most of these countries are European Union Member States or other Western European countries.

While the Ministry of the Interior and Ministry of Foreign Affairs have been assigned the leading role in all three subregions, the Ministry of Justice and the Ministry of Social Affairs play a more prominent role in the subregion of the European Union and other Western European countries than in other subregions (see Figure 15, page 33).

Figures 16-18 (page 34) illustrate the variation in the placement of leading institutions within and across the three subregions.

Figure 14

LEADING INSTITUTIONS FOR THE DEVELOPMENT AND IMPLEMENTATION OF ANTI-TRAFFICKING POLICIES IN EUROPE

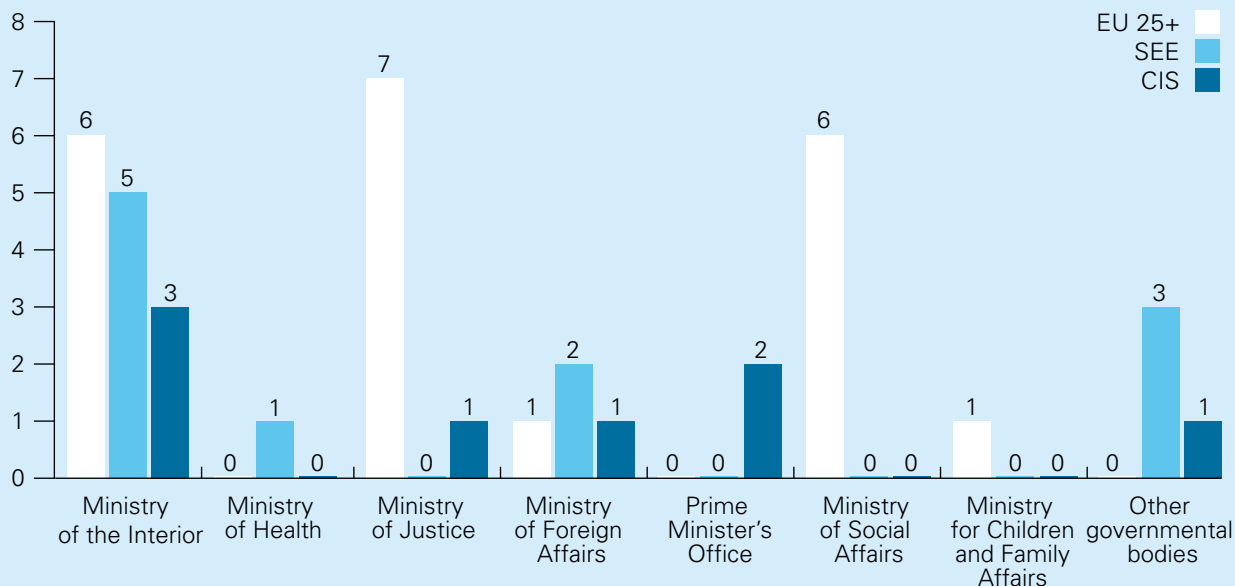


Note: Out of 51 countries/entities, 37 have leading institutions; 3 countries (Finland, Norway and Spain) have assigned a leading role to two different institutions.

Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

Figure 15

INSTITUTIONAL AFFILIATION OF LEADING INSTITUTIONS IN THE EUROPEAN SUBREGIONS



Note: EU 25+ refers to the subregion comprised of the European Union and other Western European countries. Of the 29 countries in the region, 3 countries (Finland, Norway and Spain) have each assigned two leading institutions.

Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

Box 9

COORDINATED RESPONSE TO CHILD TRAFFICKING IN ALBANIA: ALL TOGETHER AGAINST CHILD TRAFFICKING⁸¹

In Albania, the coalition All Together against Child Trafficking (Se Bashku Kunder Trafikimit te Femi-jeve – BKTF) demonstrates how non-governmental organizations (NGOs) can, in close cooperation with the government, play a vital role in the development of a systematic and coordinated response to child trafficking and service delivery. The coalition's mandate is to protect children in Albania from trafficking by safeguarding their human rights in accordance with the Convention on the Rights of the Child.

The coalition is comprised of 13 NGO members that operate throughout Albania concentrating on four areas of intervention: prevention, protection, assisted voluntary return and integration. BKTF coordinates activities implemented jointly by government institutions and NGOs to ensure that a continuum of services is provided to trafficked children and children at risk. Formed in 2002, the coalition has an elected Executive Committee and Advisory Board, which includes representatives

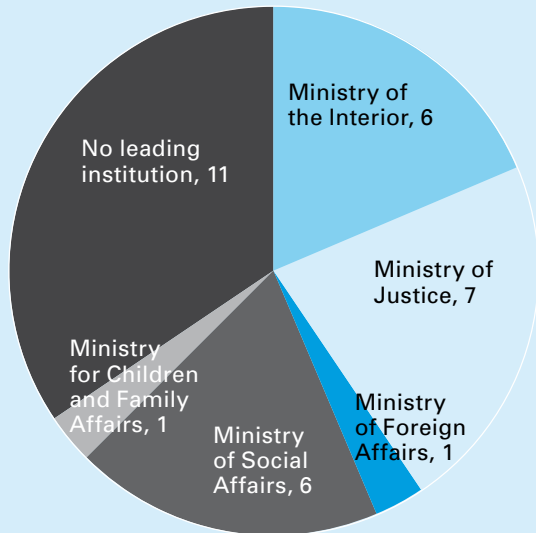
from the Ministries of the Interior, Labour, Social Affairs and Equal Opportunities, as well as representatives from UNICEF, International Organization for Migration, and the Organization for Security and Co-operation in Europe and other organizations.

Informed by its field-based experience, BKTF has been a critically constructive voice in the public debate and has contributed to shaping relevant policy and legislative responses to child trafficking. In the area of policy, the coalition contributed to the development of the National Strategy to Combat Child Trafficking, and supported and lobbied for the approval of a bilateral agreement between Albania and Greece.

Coalition members also focus on the root causes of trafficking, including social exclusion and socio-economic vulnerability, and are increasingly taking on child protection issues that are closely related to the prevention of child trafficking, such as birth registration and the protection for unaccompanied minors.

Figure 16

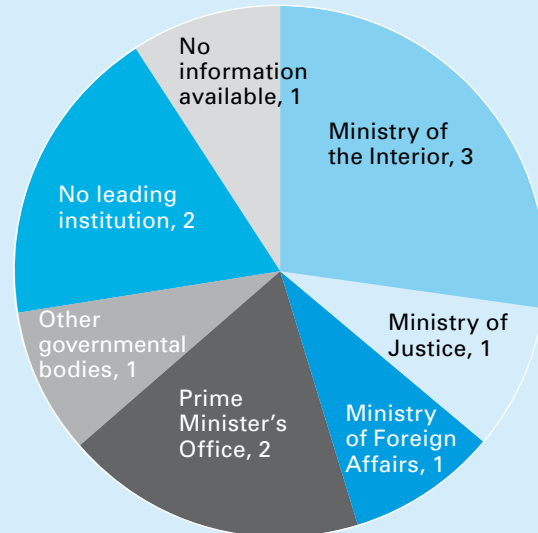
LEADING INSTITUTIONS IN THE EUROPEAN UNION AND OTHER WESTERN EUROPEAN COUNTRIES



Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

Figure 18

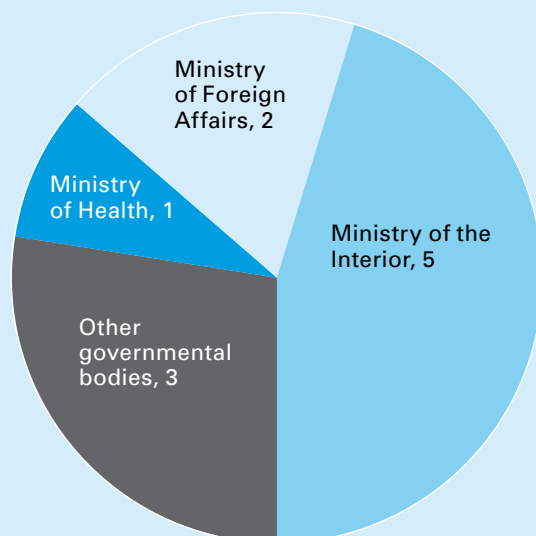
LEADING INSTITUTIONS IN THE COMMONWEALTH OF INDEPENDENT STATES



Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

Figure 17

LEADING INSTITUTIONS IN SOUTH EASTERN EUROPE



Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project. Data as of September 2005 or latest available period.

Each ministry is likely to address human trafficking differently, guided by its own perceptions of trafficking as well as its mandate and priorities. Decisions as to which governmental department is entrusted with the responsibility to deal with human trafficking, and specifically child trafficking, are therefore important.

The Ministry of the Interior may be inclined to envisage human trafficking primarily as an issue of national security, illegal or irregular migration, or organized crime. Anti-trafficking responses designed by that ministry might therefore focus mainly on issues related to migration, border control and law enforcement strategies. By comparison, the Ministry of Justice may focus on issues of prosecution, law reform, legal assistance and international judicial cooperation.

The Ministry of Social Affairs is more likely to place aspects of social welfare and victim assistance high on its agenda. Although this ministry often has a mandate that includes child rights concerns, it may be inclined to address child trafficking as a sub-issue of trafficking in human beings, rather than as a specific child rights issue.

Each of these approaches tackles one particular aspect of trafficking in human beings but, if taken in isolation, none will effectively address the full complexity of child trafficking. A bias towards one approach over another can also pose challenges for international and bilateral cooperation.

In addition to adopting varying approaches and having different priorities, national ministries also have varying degrees of political influence and budgets. This directly affects their level of authority and ability to bring about political change at national, bilateral and multilateral levels. Institutional affiliation is therefore not the only factor that influences the effectiveness of leading institutions.

No matter where a leading institution is located, mechanisms for strong inter-institutional cooperation and coordination are needed. They are critical to ensure a comprehensive human rights approach to trafficking in human beings. Such mechanisms also enhance the ability of countries and regions to promote effective cross-border cooperation to prevent and address trafficking.

International cooperation

An effective response to human trafficking cannot be restricted to the national level. It also depends on cooperation between countries of origin, transit and destination. In Europe, cooperation on the issue of trafficking in human beings is taking place bilaterally, within each of the subregions and on a broader multilateral level.

Bilateral cooperation

Bilateral agreements exist between countries of origin and destination, mainly within European subregions as well as between countries in Western Europe and Central and Eastern Europe. Very few bilateral agreements, however, include provisions for victim assistance or the prevention of trafficking. Instead, bilateral cooperation in Europe focuses on law enforcement cooperation, mutual legal assistance and the return of identified victims of trafficking to their country of origin. A notable exception and welcome development, however, is the bilateral agreement between the Council of Ministers of Albania and the Government of Greece for the protection and assistance of child victims of trafficking. Signed in February 2006, the agreement was developed in consultation with international and national organizations in both countries and is firmly rooted in children's rights.

The quality of existing bilateral agreements and the impact they have on children's rights, safety and well-being is an issue that merits further research.

Subregional cooperation

Subregional cooperation mechanisms on trafficking in human beings have been established in South Eastern Europe, the Nordic countries and the Baltic Sea region. These cooperation agreements have been of particular relevance in the development of coordinated policy responses to trafficking and multistakeholder cooperation in the region.

South Eastern Europe:

- Stability Pact Task Force on Trafficking in Human Beings (September 2000 – October 2004): Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro, Romania, Serbia (including the UN-administered province of Kosovo) and the former Yugoslav Republic of Macedonia.

Baltic Sea region:

- Council of the Baltic Sea States: Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, the Russian Federation and Sweden
- Nordic-Baltic Campaign against Trafficking in Women: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden
- Barents Euro-Arctic Council Task Force against Trafficking in Human Beings: Denmark, Finland, Iceland, Norway, the Russian Federation and Sweden

Multilateral cooperation

Intergovernmental and multilateral organizations and institutions promote regional cooperation measures to address trafficking in human beings and child trafficking. Countries in Europe and Central Asia cooperate within the framework of the OSCE, the Council of Europe and the European Union and its institutions (INTERPOL, Europol, Eurojust and others).

Specific multilateral agreements include:

- The European Union Plan on best practices, standards and procedures for combating and preventing trafficking in human beings, adopted in December 2005. It defines activities to be implemented by EU institutions and Member States and specific time frames for their implementation. Activities include issues of coordination of EU action to address trafficking internally and in relation to other regions; data collection; prevention; investigation and prosecution; reducing

Box 10

CHILD TRAFFICKING RESPONSE IN THE BALTIC SEA REGION⁸⁶

The Council of the Baltic Sea States is an inter-governmental organization whose members include 11 northern European countries and the European Commission. In 2002, the Council set up the Working Group for Cooperation on Children at Risk to address issues facing unaccompanied minors and child victims of trafficking, and to facilitate regional cross-border cooperation on child protection. Belarus, Moldova and Ukraine were invited to participate in the cooperation and agreed to do so.

The goal of this regional cooperation on 'children at risk' is to offer protection and assistance not only to trafficked children but also to all separated or unaccompanied children in the region. National contact points for unaccompanied and trafficked children have been established in the participating countries. Anti-trafficking activities are conducted by a police task force and through ministries that deal with migration.

The Council of the Baltic Sea States is focusing on the following issues:

- Promoting a child rights approach to child trafficking;
- Training and capacity-building for service providers in countries of origin and destination;
- Calling on migration authorities to take responsibility for the identification of trafficked children and the protection of their rights, and enhancing bilateral cooperation between national migration authorities on this issue;
- Establishing and improving cross-border collaboration and cooperation among non-governmental organizations.

demand; and protecting and supporting victims of trafficking, including, where appropriate, arranging for their return and reintegration.⁸²

- The OSCE Action Plan on Combating Trafficking in Human Beings and the mechanism to support its implementation adopted in December 2003 by ministerial representatives of the 55 participating States of the OSCE.⁸³ The Action Plan provides participating States with a comprehensive toolkit, which helps them implement their commitments to address trafficking in human beings. In July 2005, the OSCE Action Plan was supplemented by the Addendum Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance,⁸⁴ which supports activities for prevention, victim protection and prosecution of perpetrators. The OSCE Action Plan and Addendum contain recommendations on how participating States and relevant OSCE institutions can deal with the political, economic, legal and humanitarian aspects of trafficking.
- The OSCE Office of the Special Representative and Co-ordinator on Trafficking in Human Beings supports the development and implementation of anti-trafficking policies in OSCE participating States. In July 2004, the OSCE Special Representative launched the Alliance Against Trafficking in Persons to promote joint strategies, and to provide OSCE participating States and partners for cooperation with a mechanism for solving problems and making decisions. The Alliance is a forum for partners to discuss and develop suitable measures to address each aspect of the human trafficking chain as well as the overall phenomenon.⁸⁵
- The Council of Europe Convention on Action against Trafficking in Human Beings dedicates a full chapter to the cooperation of States parties in the prevention and combating of trafficking in human beings, victim assistance and protection, and criminal investigations. Special attention is paid to cross-border cooperation relating to endangered or missing persons, in particular missing children.

VII

CONCLUSIONS FROM A CHILD RIGHTS-BASED APPROACH: CHILDREN FIRST

The legal and policy responses to human trafficking in Europe mirror the complex nature of trafficking. Beyond the international definition, there are different perceptions of what constitutes human trafficking and what the required response should be. As a result, governmental and non-governmental actors often approach human trafficking from different perspectives, which in turn help shape national laws and policies. Each approach focuses on a different dimension of trafficking and broadly addresses:

- Trafficking as a law enforcement and criminal justice issue
- Movement in the trafficking process
- Trafficking for the purpose of sexual exploitation
- Trafficking as a labour issue.

While each of these dimensions is important, approaching trafficking from a single perspective often limits the ability to address its full complexity and dynamics and to consider the specific needs and vulnerabilities of children.

Trafficking as a law enforcement question in the context of criminal justice

Almost all international instruments and national policies concerning trafficking in human beings include provisions for law enforcement within the overall framework of criminal justice. Governments have to ensure effective prosecution of human trafficking as a crime and human rights violation. The emphasis here is on criminal law reform and prosecution, based on the belief that punishing perpetrators has a deterrent effect and, therefore, the potential to curb human trafficking. Many of these initiatives pay limited attention to protection measures.

When the primary focus is on addressing criminal behaviour, trafficking victims may not be recognized as such and failed to be given the needed protection; they may even be held accountable for offences they

committed as a result of being trafficked. Avoiding criminal liability or receiving assistance in the country of destination may also be conditional and depend on a victim's willingness to cooperate with the authorities. Children may be particularly reluctant to testify against, or even report on their abusers; they may fear threats from traffickers against themselves or their families, or may fear stigmatization or legal consequences. They may also need to earn money to pay back debts or meet family expectations.

The police and other law enforcement officials are the main actors when a government's focus is on addressing criminal activities. Officials must be trained to deal with the complex issue of trafficking and have the ability and sensitivity to approach trafficked children in a manner that safeguards their rights and identifies their best interests. In some places, however, there is a risk of collusion between the police and traffickers, which can also compromise the effectiveness of this approach.

The effectiveness of the law enforcement approach in countering child trafficking has yet to be determined. Very few cases of child trafficking end up in court, and even when they do, the number of successfully prosecuted cases is low. It is unclear whether this is due to the complexity of anti-trafficking legislation and evidentiary requirements, inefficient law enforcement, poor identification of cases, or simply a low prevalence of child trafficking.

Movement in the trafficking process

Another approach to human trafficking focuses on the element of movement in the trafficking process, in particular when movement occurs across international borders. In this context, anti-trafficking initiatives focus on tightening immigration laws and enhancing border control. Protection measures tend to focus on short-term assistance for victims prior to returning them to their country of origin. Broader

violations of children's socio-economic and political rights in origin and destination countries and during the movement itself are rarely considered, and internal trafficking is given little attention.

Tightening and enforcing immigration laws may also increase the vulnerability of children and young people who are eager to migrate, especially when they do not see options for themselves at home. Developing policies that help people migrate more safely could reduce children's vulnerability and help prevent exploitation and abuse in the context of movement or migration.⁸⁷

Trafficking for the purpose of sexual exploitation

Many efforts to address trafficking in human beings focus on the sexual exploitation of women and children. This focus has led to the perception that trafficking is always linked to sexual exploitation and has created confusion between trafficking and prostitution. In consequence, anti-prostitution measures are sometimes used as a means to address human trafficking. Such laws stigmatize victims and may put sexually exploited persons, including children and young people, at greater risk by driving sexual exploitation further underground. A focus on child trafficking for the purpose of sexual exploitation can also draw attention away from children who are trafficked for other forms of exploitation, or children who are sexually abused in the course of migration or other circumstances. Women and girls are usually the focus of initiatives and programmes, while boys who are trafficked for sexual exploitation receive less attention.

Trafficking as a labour issue

When human trafficking is viewed as a labour issue, efforts to address it tend to focus on combating the demand for cheap labour, and advocating for the enforcement of labour standards and an improvement in working conditions. Labour regulations apply only to the formal sector, however, and do not protect people working in the informal sector, which is where exploitation of trafficked persons is more likely to occur.

With regard to child labour, the focus is on protecting children from exploitation and abuse by prohibiting certain forms of child labour and regulating working conditions. Many trafficked children, however, are not adequately protected under this approach. This is particularly the case for children who are not covered by existing labour legislation, including very young children who work in the informal sector because they do not meet official minimum age requirements, or children who are trafficked for begging, domestic labour or other forms of exploitation in the informal sector. It is important to add that some children need to work in order to contribute to the family income.

In such cases, labour regulations that are too restrictive may even increase children's vulnerability by limiting legal work opportunities and pushing them into clandestine, unsafe and exploitative situations.

National labour regulations and international standards state that working conditions for adolescents need to be assessed and monitored, taking into account degrees of harmfulness and age limits, in order to create safe and regulated employment opportunities. Bilateral and regional cooperation can be an important factor in facilitating safe labour migration for families, adolescents and young people.

Children First: A child rights-based approach to trafficking

Approaches to trafficking in human beings are informed by a variety of perspectives and concepts. Each concentrates on certain aspects of human trafficking and the protection of affected persons. It is therefore important to consider the potential of each approach in order to address the complexity and dynamics of trafficking in a comprehensive manner.

Addressing trafficking in human beings generally will not, however, automatically protect children. The tendency of existing anti-trafficking approaches to focus on specific elements or types of trafficking fails to address child trafficking in the broader context of children's rights, thus leaving many children unprotected.

Children's increased vulnerability to exploitation and the particular harm suffered by trafficked children require that child trafficking and trafficking in adult persons be dealt with as separate issues. In order to safeguard the rights of children, there is a need for targeted laws, policies and programmes, and integration of child-specific provisions into existing anti-trafficking initiatives. This requires that all actors engaged in anti-trafficking initiatives are made aware of the special vulnerabilities and human rights of children.

The child rights-based approach to trafficking means placing the children at the centre of all trafficking-related interventions. The child's best interests need to be given primary consideration in all actions. These should be determined for each child, giving due consideration to his or her views.

The Convention on the Rights of the Child acknowledges children as actors and asserts children's agency by reaffirming their right to be consulted on matters that affect them, to express their opinions freely and to seek, receive and impart information.

Listening to children and learning from children's experiences are a key reference that can inform this approach, as are children's views when preventive and protective measures are being considered. NGOs and UN organizations such as UNICEF play an important role in this process, not only by providing or supplementing assistance to trafficked and exploited children, but also by promoting initiatives aimed at the prevention of child trafficking and, more broadly, the fulfilment of children's rights in all countries, including origin and destination countries.

This also implies addressing discrimination as one of the root causes of trafficking and ensuring that approaches to address trafficking are sensitive to children of various age groups and backgrounds. Responses should take into consideration the evolving capacities of the child and ensure the child's survival and development to the maximum extent possible.

Responses to child trafficking need to go beyond viewing it simply as a sub-issue of trafficking in human beings. A comprehensive approach that places the human rights of children at its core is needed to effectively address all forms of abuse and exploitation of children, including trafficking. Such a framework is designed to safeguard children's rights at all times, prevent child exploitation and abuse and empower the child to make informed choices, recognize risky propositions and face the future with confidence – even after an exploitative experience has occurred.

Beyond specific international standards and regulations targeting trafficking in human beings and child trafficking, it is critical to ensure that governments, as the key duty bearers, implement the provisions that already exist in international law to protect the human rights of children and child crime victims.

The principle actors in preventing child trafficking do not fit a precise profile. They include children themselves and their parents and relatives, community members, social workers, law enforcement officers,

persons working with and for children, such as teachers and health professionals, and members of youth organizations. Peer groups are also important in identifying, discussing and reporting on risky situations. Strengthening peer awareness and interaction on the rights of children and young people is a significant strategy in preventing child trafficking.

The main responsibility for safeguarding children from any form of exploitation and abuse should be borne by national child protection systems or the equivalent authorities where such systems are not in place. Their capacity to identify at-risk children and to offer them relevant information and effective and child-friendly services needs to be strengthened. This includes the possibility of reporting risky situations or actual cases of exploitation and abuse; identifying places where advice can be sought (e.g., counselling services, hotlines or drop-in centres), and alternatives to situations that place children at risk of exploitation and abuse, at home or in institutions. Governments should monitor and assure the quality of their interventions. Independent monitoring mechanisms, such as Ombuds for Children, are also essential in this regard.

Prevention, protection and empowerment are the basic dimensions of successful anti-exploitation initiatives. They are interrelated and mutually reinforcing. Programmes and initiatives that employ these three dimensions have proven successful in preventing child trafficking and assisting children who have been trafficked.

Prevention

Prevention programmes seek to address the root causes of trafficking and the factors that put children at risk, including social and economic marginalization, discrimination, violence and abuse in the home, lack of access to quality education and livelihood opportunities, and armed conflict and organized criminal networks. This entails examining the overall socio-economic conditions in countries of origin, legal and structural challenges in the process of migration, as well as the particular environment, potential and risks for children. Vulnerable groups should be identified and given priority assistance. Awareness-raising campaigns and access to accurate information are other important elements of a successful prevention strategy that can empower children and young adults and engage the support of society as a whole.

Since there is no specific set of criteria that all at-risk children share, the identification of children who are vulnerable to trafficking is difficult and complex. The implementation of uniform systems to identify children who are socially excluded or have been subjected to any form of abuse and exploitation, and to

Initiatives to address child trafficking should be based on three main principles:

- **Prevent** all forms of child exploitation and abuse;
- **Protect** the human rights of all children in all situations;
- **Empower** children to recognize and protect themselves from risky propositions that may lead to exploitation; and to face the future with confidence once exploitation has occurred.

monitor their situation, is therefore a priority. Mechanisms for systematic data collection, analysis and dissemination on a wide range of child rights indicators are essential for this process.

Education plays an important role in preventing child trafficking. Measures should be taken to ensure quality education and prevent children from dropping out of school, and to provide access to professional and vocational training for children and young people. Subsequent to schooling and vocational training, adequate financial and technical resources should be allocated to promote adolescents' access to employment.

Programmes that focus on life skills education conducted both in and out of school can also strengthen children's self-protection strategies. Life skills education should address issues such as gender, risky behaviours, dealing with abusive relationships, negotiating in exploitative situations, building self-esteem and creating awareness of support networks.

A particularly vulnerable group to trafficking are children who migrate with or without their families, to seek employment or asylum, or who migrate for other reasons. Governments should be aware of their legal obligation to protect all children under their jurisdiction, independent of their immigration

status. Prevention strategies should therefore cover all children, taking into account their specific situations, needs and risks.

Successful prevention programmes will seek children's input to ensure that information about trafficking, exploitation and abuse, and the risks associated with illegal migration, is provided in a way that enables children to understand the issues at stake, make informed choices and protect themselves as fully as possible.

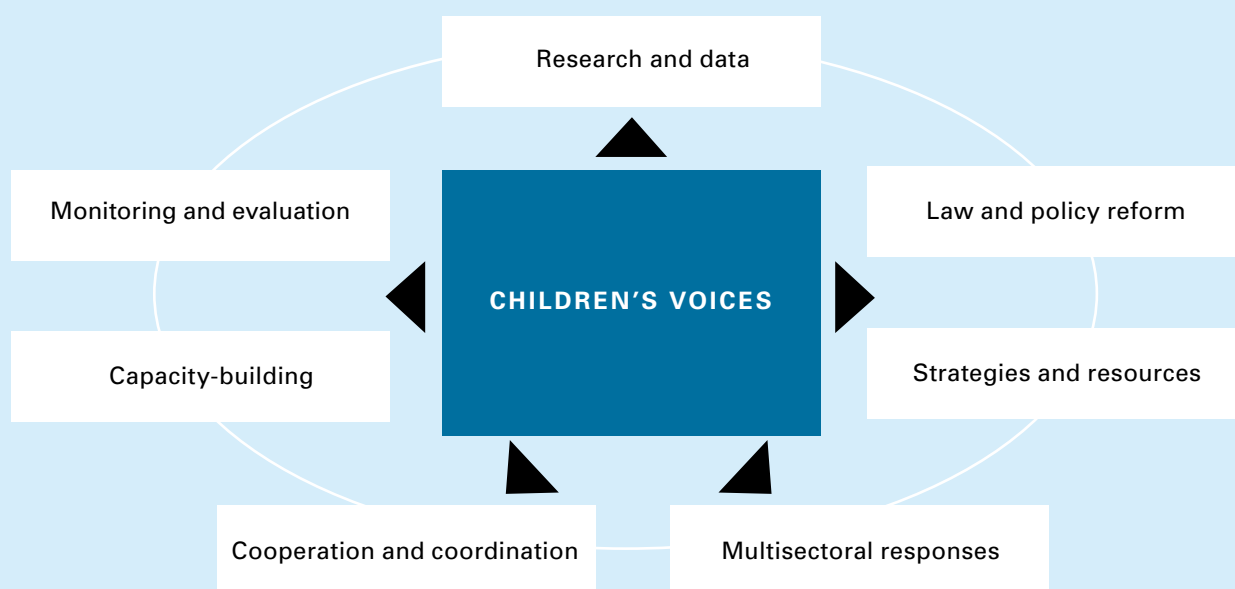
Protection

The Convention on the Rights of the Child provides a comprehensive framework for the protection of the rights of all children and calls for a multidisciplinary approach to child protection issues. With its widespread ratification and the experience gained from its process of implementation, the Convention provides a strong foundation for safeguarding the rights of children.

For children who have been trafficked, governments have a responsibility to determine a durable solution that is in the child's best interests, looking at both the child's immediate and long-term needs. Family tracing is essential, and the views of a child should be heard at all stages. A thorough investigation should be made in order to identify the best solution in each individual case.

Figure 19

PROMOTING COLLABORATION IN PREVENTING CHILD TRAFFICKING AND STRENGTHENING CHILD PARTICIPATION



Source: Data and analysis by UNICEF IRC, Child Trafficking Research Project.

Protection measures are designed to address the needs of children, taking into account their particular experiences and ages, and acknowledging the evolving capacities and distinct challenges faced by young children and adolescents. Such measures ensure the presence of a stable support network and the provision of relevant education, training and other skills that prevent children from being exploited and re-entering the cycle of exploitation, abuse and violence. Protection initiatives help child victims deal with the physical and psychological consequences of abuse. These initiatives also support the integration of child victims into society.

Such programmes provide children with skills and education, focus on their resilience and foster in them a sense of responsibility for their lives and futures. They can help lessen the risk of exploitation and limit its impact if it does occur. The paramount concern must be to help children achieve physical and psychological well-being and recover from abuse.

Children's legal safeguards need to be upheld when they are involved with official proceedings and authorities, including to avoid any risk of children's deprivation of liberty. Where children find themselves

Box 11

NATIONAL REFERRAL MECHANISMS

A useful tool that can help guide the development of protection programmes is the handbook on national referral mechanisms (NRMs) for victims of trafficking, developed in 2004 by the Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR). The handbook provides guidance on how to design and implement sustainable structures that prosecute traffickers and provide support to victims.⁸⁸

The handbook defines a national referral mechanism as "a cooperative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, coordinating their efforts in a strategic partnership with civil society." Although the structure of an NRM will vary in each country, it is likely to be most effective if founded on a formal cooperation agreement among the participants – for example, a memorandum of understanding – that sets out the specific role and duties of each participant.⁸⁹

Structurally, an NRM is usually formed around a national coordinator, often a high-level government official, and a round table made up of senior representatives of government agencies and civil society. They develop joint recommendations for national policy and procedures regarding victims of trafficking. National referral mechanisms also often include ad hoc working groups that deal with specific issues relating to victims.

The handbook provides specific guidance on how to establish and operate a national referral mechanism, build on partnerships between law enforcement and service providers, create guidelines for the identification of trafficked persons, and

establish multidisciplinary teams to develop and monitor national policies on trafficking in human beings. While the handbook focuses on adult victims of trafficking, it also acknowledges the special needs and rights of trafficked children and makes reference to the use of the UNICEF *Guidelines on the Protection of Child Victims of Trafficking* to supplement NRMs in cases of child trafficking.

National referral mechanisms can help improve national policies and procedures on a broad range of victim-related issues, such as residence and repatriation regulations, victim compensation and witness protection. They can establish National Plans of Action and set benchmarks to assess whether goals are being met. The handbook was instrumental in guiding the establishment of NRMs in countries of South Eastern Europe.

At the level of the European Union, the concept of a referral mechanism has been considered for further development, in particular by the 2005 'EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings.' The plan provides that recommendations and amendments to the OSCE/ODIHR manual be proposed from an EU perspective in view of a future revision of that manual or use as a stand-alone document.⁹⁰ In implementing this provision, the European Commission, in consultation with international and intergovernmental organizations, has developed recommendations for the identification and assistance of victims of trafficking. As an important amendment to the OSCE/ODIHR manual, the European Commission decided to include specific provisions for children. These recommendations were endorsed by a conference at the first EU Anti-Trafficking Day in Brussels on 18 October 2007.⁹¹

far from home or abroad, they must be given the necessary information and support that will allow them to make informed decisions that are guided by their own best interests. It is essential to have in place child-friendly and accessible services, including legal advice, as well as reporting mechanisms.

Working with trafficked children is a long-term process that requires well-trained and committed staff. While the legal obligation to protect the rights of all children primarily lies with governments, NGOs also play a vital role in this process. Governments have to ensure that professionals working with children who have been trafficked are qualified. They must also make a long-term commitment of sufficient resources to enable NGOs to offer sustainable support to trafficked children.

Empowerment

The empowerment of child victims of trafficking and at-risk children is a crucial element of anti-trafficking work. Yet, it is an element that often remains absent from anti-trafficking initiatives. Children are traditionally viewed as passive subjects who are unable to effectively assess reality, make decisions and act with initiative, self-reliance and responsibility. Government laws and practices consistently place a child's fate in the hands of an adult: a family member, state official or appointed guardian. Services provided to children often fail to address a child's individual experiences and challenges, and children rarely participate in decisions that affect them or benefit from child-friendly information.

If initiatives are to effectively protect children from exploitation and abuse, and assist and protect child victims, they need to respect a child's agency. This means recognizing that children have opinions, make decisions and play an active role in the development of their own skills, the negotiation of their daily lives and the levels of responsibility they shoulder. Only by promoting an understanding of children's rights, raising awareness of the risks they may face, and providing opportunities for them to gain skills and confidence to make informed decisions and assume a responsible role in society, can child trafficking be more effectively prevented.

Box 12

'VICTIM': A DOUBLE-EDGED DESIGNATION

Persons who have been trafficked are victims of a crime and human rights violation. The term 'victim', especially used in reference to trafficked children, does have strategic importance and psychological benefits. It can help shape public perceptions so that trafficked children are not seen as culprits or accomplices but rather as victims of abuse who need to be protected, including from stigmatization. The use of this term may also aid in recovery by helping children, who may feel a sense of guilt or shame about their involvement in illicit activities, realize that they were not responsible for their abuse. Furthermore, when persons who have been trafficked are officially recognized as victims, they should be protected by law and guaranteed assistance.

At the same time, the stigmatization of child victims may compromise their recovery and reintegration. Many anti-trafficking initiatives and images reinforce the perception of children as powerless victims – young, vulnerable and helpless. The image of a powerless victim can by itself be disempowering. It can undermine the agency of children and result in initiatives that do not take into account the child's potential and perspectives. When children are seen as helpless, their participation and views in decisions that affect them may not be sought, and this can reinforce their feelings of helplessness and undermine the recovery process.

VIII

RECOMMENDATIONS

This Innocenti Insight confirms the many significant and positive developments in initiatives adopted in the recent past to address child trafficking. They share a number of features that should be a part of future anti-trafficking measures. At the same time, the Innocenti study also acknowledges a number of areas where more effective measures may be undertaken to prevent the trafficking of children and support those children who have been victims of this serious human rights violation. These measures include the following:

Ensuring political support

Where there is a clear political commitment to address child trafficking, both at the national and local level, the chances of establishing and financing effective anti-trafficking measures are greater. Political support is needed, including for:

- Ratification of the most important international legal instruments by all countries;
- Effective implementation of international standards and instruments, including the harmonization of national legislation, mobilization of resources and implementation of effective programmes and interventions;
- Drawing up and financing of National Action Plans where they do not exist, or considering child trafficking within other national planning processes.

Best interests of the child

The best interests of the child should be a primary consideration in all actions concerning the child, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies (article 3.1 of the CRC). The best interests determination is a key element of assistance and protection measures for child victims of trafficking. It needs to be a primary consideration for each individual child, taking into account his or her views.

Involving children in policies and measures to address trafficking

Children have to be involved and given the opportunity to share their experiences and to influence social policies and measures to address trafficking. Children's own actions to prevent trafficking need to be supported. Being informed by the actual experiences of children, social policies will gain in effectiveness and in their potential to address the risks affecting children.

Non-discrimination

Non-discrimination, including on the basis of a child's race, colour, sex, language and national, ethnic or social origin or legal status, is one of the guiding principles of the Convention on the Rights of the Child and is a critical dimension in the development of laws, policies and programmes for children. Discrimination is also a root cause of trafficking and thus needs to be addressed effectively.

Protection of children on the move

The services available to non-national and migrant children are often less accessible and of a lower quality than those provided to national children, and do not adequately meet their needs. The call by the Convention on the Rights of the Child for the protection of the human rights of all children under the State's jurisdiction, independent of a child's national origin or legal status, should be given serious consideration.

National child protection systems

National child protection systems that are framed by children's rights should be developed and operational at the national and community levels. Child protection systems need sufficient resources to undertake a wide range of preventive and responsive measures to address child trafficking. These measures include awareness-raising, the provision of child-friendly legal, medical and psychosocial services and data collection tools to monitor the prevalence of child trafficking.

Adopting a multisectoral approach

Guided by the Convention on the Rights of the Child, a multisectoral approach to child trafficking should be promoted. Effective programmes and initiatives to address child trafficking must be comprehensive and multidisciplinary. They should include the participation of all relevant departments and members of the community, such as law enforcement agencies, social, medical and psychosocial service providers and legal counsellors. All these actors play a critical role in providing a holistic and child-friendly approach to addressing child trafficking.

Collaborating within and across countries

The most positive practices are those that benefit from cooperation and collaboration between key actors and agencies within and across countries, and where the lead responsibility has been clearly identified. Key actors include civil society organizations and children's organizations.

Including prevention measures and strategies

A strong focus on prevention can reduce the risk of children being trafficked. Prevention measures and strategies must address root causes such as social, economic and structural factors and their combined effects on children. In addition to focusing on children who have already been trafficked, this also entails a wider commitment to address the situation of children at risk.

Creating a uniform system for identifying children who have been abused or exploited

It is important to create a uniform system for the identification of children who have been subjected to abuse and exploitation, whether as a result of trafficking or otherwise. The issue of identification must be addressed not only by government authorities but also by civil society organizations working with children.

Raising awareness about child trafficking

Children can be better protected if there is increased awareness of trafficking – both of the forms it takes and the impact it has on the lives of children. Better knowledge and understanding of trafficking is needed among caregivers and those working with and for children, as well as among children themselves.

Training of professionals working with children

Professionals working with and for children should be trained to ensure respect for the rights of the child and to minimize the risk of further victimization of trafficked children who speak out about abuse and exploitation.

Providing long-term support to trafficked children

Programmes and initiatives promoting recovery and re-integration for both children and families can play a key role in providing long-term support for trafficked children, and can prevent children from being re-trafficked.

Data collection, analysis and dissemination

There is an urgent need for mechanisms for systematic data collection, analysis and dissemination on child trafficking. Data should be disaggregated, including by age, gender, national origin and different forms of exploitation, using standardized indicators that are internationally comparable and facilitate monitoring of progress in the longer term.

Monitoring and evaluating programmes

It is important to monitor and evaluate the implementation of programmes and practices to ensure that only those that are effective are further developed or are used as models for other countries or locations.

Research and learning

To continuously advance the understanding and promotion of effective solutions to address child trafficking and closely related child protection issues, knowledge gaps and emerging issues for further research need to be identified. Such research provides evidence of successful approaches and initiatives, which lays the foundation for well targeted and effective advocacy, for policies and programmes, and for the mobilization of adequate resources.

International cooperation and coordination

Provisions for child protection need to be designed and implemented in conformity with relevant international and regional instruments. Also essential are the harmonization of international and regional definitions and policies on trafficking and the establishment of focal points and other mechanisms that make cooperation effective.

A framework clearly based on the safeguarding of the rights of the child with an explicit commitment to prevention is a perspective that is supported by the Convention on the Rights of the Child, in force in 193 countries. Effective implementation of the Convention and other relevant international standards will increase the success of anti-trafficking initiatives.

Notwithstanding the many positive achievements of the past few years, the Innocenti Insight clearly illustrates that there is still considerable work to be done to ensure that policies and measures are as effective as evidence suggests they can be, if given the appropriate levels of political support and resources.

ANNEX

COUNTRIES/ENTITIES COVERED BY THIS STUDY

European Union and other Western European countries	South Eastern Europe (SEE)	Commonwealth of Independent States (CIS)
Austria	Albania	Armenia
Belgium	Bosnia and Herzegovina	Azerbaijan
Cyprus	Bulgaria	Belarus
Czech Republic	Croatia	Georgia
Denmark	Moldova	Kazakhstan
Estonia	Montenegro	Kyrgyzstan
Finland	Romania	Russian Federation
France	Serbia	Tajikistan**
Germany	(including the UN-administered province of Kosovo)	Turkmenistan
Greece	The former Yugoslav Republic of Macedonia	Ukraine
Hungary	Turkey	Uzbekistan
Iceland*		
Ireland		
Italy		
Latvia		
Liechtenstein*		
Lithuania		
Luxembourg		
Malta		
Netherlands		
Norway*		
Poland		
Portugal		
Slovakia		
Slovenia		
Spain		
Sweden		
Switzerland*		
United Kingdom		

*Non-EU countries. See the note below for additional information.

**Associate member of CIS.

Note

The 51 countries and entities covered by this report are grouped into three geographical clusters: the European Union and other non-EU members in Western Europe (Iceland, Liechtenstein, Norway and Switzerland); South Eastern Europe; and the Commonwealth of Independent States, including Turkmenistan as an associate member after it discontinued full membership of CIS in 2005.

The countries in the South Eastern Europe subregion were grouped according to regional cooperation agreements, such as the Stability Pact Task Force on Trafficking in Human Beings. Bulgaria, Moldova and Romania have participated in this and other South Eastern European regional cooperation agreements. As data collection was completed before Bulgaria and Romania joined the European Union in January 2007, these two countries are represented in the

subregion of South Eastern Europe. Moldova, a CIS member, is also for the purpose of this study considered in the analysis for the South Eastern Europe subregion.

Montenegro declared its independence from Serbia on 3 June 2006 when its Parliament adopted the decision of a national referendum held on 21 May 2006. Following Montenegro's declaration of independence, the State Union of Serbia and Montenegro was continued by Serbia. In the State Union of Serbia and Montenegro, anti-trafficking policies had been developed at the entity level (Serbia, Montenegro and the UN-administered province of Kosovo). Therefore, these three entities are reflected separately in the analysis. Issues regarding the signature and ratification of international instruments are reflected for Montenegro and Serbia (including the UN-administered province of Kosovo).

NOTES

- 1 UNICEF, International Federation Terre des Hommes: *Action to Prevent Child Trafficking in South Eastern Europe: A preliminary assessment*. Lausanne, Switzerland, June 2006. UNICEF. *Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe*. UNICEF CEE/CIS. Geneva. 2006. Available at: <www.unicef.org/ceecis/protection_4440.html>.
- 2 The analysis of ratifications of international standards was conducted for 50 countries; analysis of other law and policy issues was conducted for 51 countries/entities, as Serbia and the UN-administered province of Kosovo are considered separately. See annex and note on countries covered by the study on page 47.
- 3 For a detailed listing of the countries and subregions covered by this study, see annex, page 47.
- 4 Data refer to 25 European Union Member States, as data collection was concluded before Bulgaria and Romania joined the European Union in 2007.
- 5 This included annual reports, reports produced by non-governmental organizations, international organizations and government agencies.
- 6 The support and contributions of the focal points were given on a voluntary basis.
- 7 International Labour Office: *A Future Without Child Labour*, Report of the Director-General. Geneva, Switzerland, 2002. p. 18. This report is one of the very few sources that explain the methodology used to arrive at this estimate.
- 8 United States Department of State, Office to Monitor and Combat Trafficking in Persons: *Trafficking in Persons Report 2006*. p. 6. In the absence of information about the methodology applied, however, the validity of these estimates has been questioned in the report of the United States Government Accountability Office: *Human Trafficking: Better data, strategy and reporting needed to enhance U.S. anti-trafficking efforts abroad*. Washington, D.C., July 2006. pp. 2-3.
- 9 For example, the reports published by the National Rapporteur on trafficking in human beings in the Netherlands, and the statistics of the Federal Criminal Office (Bundeskriminalamt) in Germany.
- 10 Contribution by Maud Droogleever-Fortuyn, UNICEF National Committee for the Netherlands, to the Child Trafficking Research Workshop, UNICEF IRC. 3-4 March 2005.
- 11 Bureau NRM: *Trafficking in Human Beings: Supplementary figures*. Third Report of the Dutch National Rapporteur. The Hague. 2005.
- 12 Bundeskriminalamt: *Lagebild Menschenhandel 2003. Bundeslagebild Menschenhandel 2004. Bundeslagebild Menschenhandel 2005. Bundeslagebild Menschenhandel 2006* (German Federal Criminal Office: *Situation Reports on Trafficking in Human Beings 2003, 2004, 2005, 2006*).
- 13 There are a number of limitations and biases in the published statistics and limitations to the comparability of the statistics over time. First of all, the statistics capture only cases of trafficking for sexual exploitation that have been identified and registered by law enforcement authorities. From 2003-2004, cases of child trafficking were only registered for children in the age group 14 to 17 years. Crimes against younger children who may have been trafficked into or within Germany were registered according to the form of exploitation and abuse that occurred, e.g. sexual abuse of children, child pornography, etc. Following law reform, children under 14 years of age were included in the statistics for 2005-2006. While three children in this age group were identified in 2005, none were identified in 2006. Another major bias to the comparability of statistics is the fact that from 2003-2004, data refer to court cases that were concluded or were ongoing during the respective year. From 2005-2006, data refer only to court cases that were concluded in the course of the year. The reports suggest that this change may be an explanation for the decreasing numbers. Further biases arise from the fact that detailed data are not available for all identified victims. All biases and limitations of the specified data are clearly discussed in the annual reports. Future statistical reports are likely to reflect a more integrated approach towards the criminal definition of trafficking in human beings and enhanced cooperation between different stakeholders at the federal and state levels. See *Bundeslagebild Menschenhandel 2004. Bundeskriminalamt. 2005*, pp. 3-6. *Bundeslagebild Menschenhandel 2005. Bundeskriminalamt. July 2006*, pp. 2-4. (German Federal Criminal Office: *Federal Situation Reports on Trafficking in Human Beings 2004 and 2005*).
- 14 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), supplementing the UN Convention against Transnational Organized Crime. Article 3(a).
- 15 Based on personal assessments from focal points who relied on information from media, reports, studies and other sources.
- 16 Cases of trafficking in human beings for the purpose of organ transplantation have been documented for some European countries. Evidence suggests that the victims include mainly young adult men. Information that children are trafficked for organ transplantation in Europe is not available. See for example: 'Trafficking in Organs in Europe'. Rapporteur Vermot-Mangold, Ruth-Gaby. Council of Europe Parliamentary Assembly, document 9822. June 2003.
- 17 O'Briain, Muireann, Anke van den Borne and Theo Noten (eds.): *Joint East West Research on Trafficking in Children for Sexual Purposes in Europe: The sending countries*. ECPAT Europe Law Enforcement Group. Amsterdam. 2004. p. 28. See also UNICEF, International Federation Terre des Hommes: *Action to Prevent Child Trafficking in South Eastern Europe*. Lausanne, Switzerland. 2006. p. 34.
- 18 UNICEF, OHCHR and OSCE/ODIHR, Limanowska, Barbara: *Trafficking in Human Beings in South Eastern Europe: 2004 – Focus on Prevention in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, the UN Administered Province of Kosovo*. Published by UNDP. 2005.
- 19 See UNICEF, International Federation Terre des Hommes: *Action to Prevent Child Trafficking in South Eastern Europe*.

- 20 See UNICEF Innocenti Research Centre: *Child Trafficking in South Eastern Europe*. Young people share their experience. Forthcoming publication.
- 21 See Boëton, Bernard and Renate Schoch: 'Kinderhandel in der Schweiz'. In: Berker, Claudia and Hans-Martin Große-Oetringhaus: *Getäuscht, verkauft, missbraucht. Reportagen und Hintergründe zum weltweiten Kinderhandel*. Zürich 2003. pp. 107-109. Referenced in UNICEF Switzerland: *Kinderhandel und die Schweiz (Child Trafficking and Switzerland)*. Swiss Committee for UNICEF. 2007. p. 21.
- 22 See UNICEF IRC: 'Intercountry adoption'. *Innocenti Digest* no. 4. 1998. UNICEF: UNICEF's position on intercountry adoption. Press statement. 2004.
- 23 See for example UNICEF Switzerland: *Kinderhandel und die Schweiz (Child Trafficking and Switzerland)*. Swiss Committee for UNICEF. 2007. p. 21.
- 24 Contribution by Jyothi Kanics, Programme Manager, Separated Children in Europe Programme, Save the Children.
- 25 UNICEF: *Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe*. New York. 2006.
- 26 See <www.redcross.dk/sw32119.asp>.
- 27 Committee on the Rights of the Child: General Comment no. 6 (2005): 'Treatment of Unaccompanied and Separated Children Outside their Country of Origin'. CRC/GC/2005/6. 1 September 2005.
- 28 Separated Children in Europe Programme: *Statement of Good Practice*. 2004.
- 29 Separated Children in Europe Programme, Save the Children: *The Implementation of the Dublin II Regulation and the Best Interests of Separated Children*. March 2006.
- 30 Only international and regional instruments that are legally binding are discussed in this section.
- 31 G.A. res. 44/25, annex, 44 UN GAOR Supp. (No. 49) at 167, A/44/49 (1989). The Convention entered into force on 2 September 1990.
- 32 The Convention on the Rights of the Child is the most widely ratified human rights instrument in the world. All the European countries and almost all other countries around the world have ratified the Convention.
- 33 International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 UN GAOR supp. (No. 16) at 52, A/6316 (1966), 999 U.N.T.S. 171, which entered into force on 23 March 1976; International Covenant on Economic, Social and Cultural Rights (ICESCR), G.A. res. 2200A (XXI), 21 UNGAOR supp. (No. 16) at 49, A/6316 (1966), 993 U.N.T.S. 3, which entered into force on 3 January 1976; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), G.A. res. 34/180, 34 UN GAOR supp. (No. 46) at 193, A/34/46, which entered into force on 3 September 1981; Convention on the Elimination of All Forms of Racial Discrimination (CERD), G.A. res. 2106 (XX), annex, 20 UN GAOR supp. (No. 14) at 47, A/6014 (1966), 660 U.N.T.S. 195, which entered into force on 4 January 1969; and UN Convention on the Protection of the Rights of All Migrant Workers and Their Families (Migrant Rights Convention), G.A. res. 55/25, annex II, 55 UN GAOR supp. (No. 49) at 60, A/45/49 (vol. I) (2001).
- 34 Committee on the Rights of the Child: General Comment no. 5 (2003). 'General Measures of Implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)'. CRC/GC/2003/5. November 2003. Paragraph 12.
- 35 G.A. res. 54/263, annex II, 54 UN GAOR Supp. (No. 49) at 6, A/54/49, vol. III (2000).
- 36 Article 1 of the Convention on the Rights of the Child defines a child as "every human being below the age of eighteen years."
- 37 The Protocol supplements the United Nations Convention against Transnational Organized Crime, which applies "to the prevention, investigation and prosecution of (a) The offences established in accordance with [the Convention]; and (b) Serious crime as defined [by the Convention], where the offence is transnational in nature and involves an organized criminal group" (article 3.1). The Convention establishes four offences: i) participation in an organized criminal group; ii) money laundering; iii) corruption; and iv) obstruction of justice. An organized criminal group is defined as "a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit" (article 2 (a)). The main focus of the Convention is on mutual cooperation in law enforcement and on the wide criminalization of the prohibited conduct. Although the Convention contains some provisions relating to victim protection, they are restricted to protection during legal proceedings.
- 38 United Nations: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 'Palermo Protocol'. Preamble.
- 39 Ibid. Article 2(b).
- 40 For example, the Palermo Protocol states in article 5 that each State party "shall" adopt legislative and other measures "to establish as criminal offences the conduct set forth in article 3 [that is, the definition of trafficking in persons]." In contrast, each State party in appropriate cases and "to the extent possible" "shall" protect the privacy and identity of the victims of trafficking (article 6), and each State party "shall consider" implementing measures to provide for recovery of victims of trafficking (article 7).
- 41 United Nations: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children A/RES/55/25. 8 January 2001. Article 9.
- 42 See 'Child Sexual Exploitation and the Law: A report on the international legal framework and current national legislative and enforcement responses'. Theme Paper for the Second World Congress Against Commercial Sexual Exploitation of Children. Yokohama, Japan. December 17-20, 2001.
- 43 Adopted by the General Conference of the ILO on 26 June 1973, entered into force on 19 June 1976.
- 44 Adopted by the General Conference of the ILO on 17 June 1999, entered into force on 19 November 2000.
- 45 Other relevant conventions include the Convention concerning Forced or Compulsory Labour ('Forced Labour Convention') No. 29 of 1930, which defines forced compulsory labour as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (article 2). It requires from its parties the suppression of the use of forced or compulsory labour in all its forms within the shortest possible time. (Adopted by the General Conference of the ILO on 28 June 1930, entered into force on 1 May 1932.) More than 25 years later, the ILO adopted the Convention concerning the Abolition of Forced Labour No. 105 of 1957, which calls upon its Parties "to suppress and not to make use of any form of forced or compulsory labour" as a means of, inter alia, political coercion; mobilizing and using labour for purposes of economic development; labour discipline; as a punishment

- for participation in strikes; as a means of racial, social, national or religious discrimination (article 1). (Adopted by the General Conference of the International Labour Organization on 25 June 1957, entered into force on 17 January 1959).
- 46 Adopted within the framework of the Hague Conference on Private International Law on 29 May 1993, and entered into force on 1 May 1995.
- 47 Council of Europe: Convention on Action against Trafficking in Human Beings. Warsaw, 16 May 2005.
- 48 Ibid. Article 2.
- 49 Ibid. Preamble.
- 50 The Commentary to the Council of Europe Convention adopts the concept of 'protective environment' promoted by UNICEF. The Commentary identifies eight key components of the 'protective environment': (i) protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices; (ii) government commitment to and protection and realization of children's rights; (iii) open discussion of, and engagement with, child protection issues; (iv) drawing up and enforcing protective legislation; (v) the capacity of those dealing and in contact with children, families and communities to protect children; (vi) children's life skills, knowledge and participation; (vii) putting in place a system for monitoring and reporting abuse cases; and (viii) programmes and services to enable child victims of trafficking to recover and reintegrate. See Council of Europe: Convention on Action against Trafficking in Human Beings. Explanatory Report. 2005. Paragraph 106.
- 51 See UNICEF: *Guidelines on the Protection of Child Victims of Trafficking*. Provisional Version. New York, September 2006.
- 52 Contribution by Deborah McWhinney, UNICEF Bosnia and Herzegovina, to the Child Trafficking Research Workshop. UNICEF IRC. 3-4 March 2005.
- 53 Council of Europe Parliamentary Assembly: Opinion No. 253 (2005). Draft Council of Europe Convention on Action against Trafficking in Human Beings. 26 January 2005. Article 10(4)(d).
- 54 Here too, the Parliamentary Assembly recommended that assistance be extended to victims' family members where necessary, but this recommendation was not approved by the Ad Hoc Committee on Action Against Trafficking in Human Beings and was not adopted by the Council of Europe.
- 55 Council of Europe Committee of Ministers: Council of Europe Convention on Action against Trafficking in Human Beings. Explanatory report. CM(2005). 32 Addendum 2 final. 3 May 2005.
- 56 *Brussels Declaration on Preventing and Combating Trafficking in Human Beings*. Adopted at the European Conference on Preventing and Combating Trafficking in Human Beings – Global Challenge for the 21st Century. Brussels, 18-20 September 2002.
- 57 Council of the European Union: Council Framework Decision of 19 July 2002 (2002/629/JHA).
- 58 Council of the European Union: Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography.
- 59 Ibid. Article 9.
- 60 Council of the European Union: Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.
- 61 For the scope and application of the Framework Decision, a 'victim' is defined as "a natural person who has suffered harm, including physical or mental injury, emotional suffering or economic loss, directly caused by acts or omissions that are in violation of the criminal law of a Member State." See Council of the European Union: Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings. Article 1 (a).
- 62 Council of the European Union: Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings.
- 63 Ibid. The provisions on the protection of child victims of trafficking in article 7(2) and (3) mainly refer to the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/HJHA), article 8.
- 64 Commission of the European Communities: Report from the Commission to the Council and the European Parliament. Based on article 10 of the Council Framework Decision of 19 July 2002 on combating trafficking in human beings. COM (2006)187 final. Brussels. 2 May 2006.
- 65 Council of the European Union: Council Framework Decision of 19 July 2002(2002/629/JHA). Article 7(2). Data refer to 25 European Union Member States as data collection was concluded before Bulgaria and Romania joined the EU in 2007.
- 66 Ibid. Reference is made to Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, article 2(2). Data refer to 25 European Union Member States as data collection was concluded before Bulgaria and Romania joined the EU in 2007.
- 67 Ibid. Reference is made to Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, article 8(4). Data refer to 25 European Union Member States as data collection was concluded before Bulgaria and Romania joined the EU in 2007.
- 68 Commission of the European Communities: Communication from the Commission to the European Parliament and the Council: 'Fighting trafficking in human beings – An integrated approach and proposals for an action plan'. COM(2005) 514 final. 18 October 2005.
- 69 Commission of the European Communities: Communication from the Commission: 'Towards an EU Strategy on the Rights of the Child'. COM(2006) 367 final. 4 July 2006. See also Commission of the European Communities: 'Strategic objectives 2005-2009. Europe 2010: A Partnership for European Renewal, Prosperity, Solidarity and Security'. Communication from the President in agreement with Vice-President Wallström. COM(2005) 12, 26 January 2005.
- 70 Commission of the European Communities: Communication from the Commission: 'Towards an EU Strategy on the Rights of the Child' COM(2006) 367 final, 4 July 2006.
- 71 Except Turkmenistan and Uzbekistan.
- 72 The UNICEF IRC research identifies notable subregional trends: The vast majority of countries in South Eastern Europe and CIS have adopted comprehensive national legal definitions that cover the Palermo Protocol definition and specify five or more different forms of exploitation. In some European Union Member States and other Western European countries, however, the definition of human trafficking is limited to only a few forms of exploitation. National definitions in these countries fall short of the standard set out in the international definition of the Palermo Protocol.
- 73 See UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, article 3(c).

- 74 Czech Republic, Greece, Iceland, Ireland, Kazakhstan and Luxembourg.
- 75 As noted in the chapter on Scope and Methodology, a qualitative assessment of all child trafficking interventions is beyond the scope of this study.
- 76 Independent of regional cooperation mechanisms, five countries in CIS have developed or are developing National Action Plans (Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan and Tajikistan), while in the European Union and other Western European countries, only Austria, Cyprus, the Czech Republic, the Netherlands, Portugal, Slovakia and the United Kingdom have developed a National Action Plan independent of regional cooperation.
- 77 'National Action Plan on trafficking in human beings and child trafficking' refers to either one action plan on trafficking in human beings that includes separate chapters relating to children, or two separate action plans, one on trafficking in human beings and one on child trafficking. Note on Switzerland: the Governmental Coordination Group on Human Trafficking and Smuggling has been mandated by the government to develop an action plan for its activities. This action plan fulfils the conditions of a National Action Plan; however it is not specifically designated as a 'National Action Plan' for the country, in contrast to other National Action Plans existing in Switzerland at the federal level, such as the Action Plan on Gender Equality. The European Union and the OSCE Action Plans on trafficking in human beings and the OSCE Addendum on child trafficking are not indicated in this map. The European Union Action Plan involves all 27 Member States, and the OSCE Action Plan and Addendum involve all countries in Europe and Central Asia covered by this research as well as the United States and Canada. Many European countries have action plans on the sexual exploitation in children in place. In some countries, these action plans address also child trafficking for the purpose of sexual exploitation. Some countries use other action plans to address aspects of human trafficking, such as an action plan on women and gender equality that includes provisions on trafficking in women.
- 78 Includes Ministries of the Interior and Ministries for National Security.
- 79 Includes Ministries for Social Affairs (and Labour) and Gender Equality.
- 80 In Norway, the Ministry for Children and Family Affairs and the Ministry of Justice share the leading role on anti-trafficking policy development and implementation.
- 81 Contribution by Galit Wolfensohn, UNICEF Country Office Albania, to Child Trafficking Research Workshop. UNICEF IRC. 3-4 March 2005.
- 82 Council of the European Union: EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings. 2005/C 311/01. December 2005.
- 83 OSCE Ministerial Council: Decision no. 2/03. Combating Trafficking in Human Beings. Maastricht, 2 December 2003.
- 84 OSCE Permanent Council: Decision no. 685 on the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the special needs of child victims of trafficking for protection and assistance. 7 July 2005.
- 85 See <www.osce.org/cthb/>.
- 86 Contribution by Lars Löf, Council of the Baltic Sea States, to the Child Trafficking Research Workshop. UNICEF IRC. 3-4 March 2005.
- 87 O'Briain, Muireann, Anke van den Borne and Theo Noten (eds.): op. cit., page 31. See also European Union Experts Group on Trafficking in Human Beings: 'Report of the Experts Group on Trafficking in Human Beings'. European Commission. Directorate-General Justice, Freedom and Security. Brussels, 22 December 2004. p. 24. The report recommends that the EU and its Member States "review and modify policies that may compel people to resort to irregular and vulnerable labour migration. This process should include examining the effects, in particular on women, of repressive and/or discriminatory nationality, migration and labour migration laws."
- 88 See OSCE Secretariat. Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings. <www.osce.org/cthb/item_11_13591.html>. Accessed on 2 November 2007.
- 89 OSCE/ODIHR: National Referral Mechanisms. 2004, p. 15.
- 90 Council of the European Union: EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings. op.cit. pp. 1, 11.
- 91 See <http://ec.europa.eu/justice_home/news/events/anti_trafficking_day_07/mecanisms_manual.pdf>. Accessed on 2 November 2007.

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ACRONYMS

BKTF	Se Bashku Kunder Trafikimit te Femijeve (All Together against Child Trafficking; an NGO coalition in Albania)
CEE	Central and Eastern Europe
CIS	Commonwealth of Independent States
CRC	Convention on the Rights of the Child
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EU	European Union
GRETA	Group of experts against trafficking in human beings
ILO	International Labour Organization
IOM	International Organization for Migration
NATO	North Atlantic Treaty Organization
NGO	non-governmental organization
NRM	national referral mechanism
OHCHR	Office of the High Commissioner for Human Rights (United Nations)
OSCE	Organization for Security and Co-operation in Europe
OSCE/ODIHR	Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights
SEE	South Eastern Europe
SPTF	Stability Pact Task Force on Trafficking in Human Beings
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNICEF IRC	UNICEF Innocenti Research Centre
UNODC	United Nations Office on Drugs and Crime

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