TRAFFICKING IN HUMAN BEINGS

Unaccompanied minors at risk: preventing child trafficking
From the crime prevention perspective, the fact that children are unaccompanied and the fact that they are off the authorities’ radar are major risk factors. Unaccompanied minors run a significantly increased risk of being trafficked for sexual exploitation, labour exploitation, or criminal exploitation.
ACKNOWLEDGEMENTS

This report, which has been produced by the EUCPN Secretariat with a view to addressing a question raised by the Board of the EUCPN, could not have been written without the generous input of the experts—from academia, policy and practice—who attended two expert meetings organised by the Secretariat (October – November 2019), the European Crime Prevention Conference (Brussels, February 2020), or met with the author on other occasions.

We are especially grateful to:

- Myrtille Bakunde, Guardianship Service (MENA region), Belgian Federal Public Service for Justice
- Sally Beeckmans, NPO PAG-ASA, association for victims of human trafficking
- Sofie d’Hulster, NPO HUMAIN
- Prof Dr Anna Di Ronco, Centre for Criminology, University of Essex
- Ciprian Ghituleasa, Romanian National Agency Against Trafficking in Persons (ANITP)
- Anniina Jokinen, the European Institute for Crime Prevention and Control affiliated with the United Nations (HEUNI)
- Merit Korbe, Barnahus Estonia, Social Security Agency
- Oleksandr Krylenko, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Organization for Security and Co-operation in Europe (OSCE)
- Prof Dr Zbigniew Lasocik, Human Trafficking Studies Center (HTSC), University of Warsaw
- Endrit Mujaj, Task Force against Trafficking in Human Beings, Council of the Baltic Sea States (CBSS)
- Dr Natalia Ollus, the European Institute for Crime Prevention and Control affiliated with the United Nations (HEUNI)
- Eline Toren, Nidos Foundation
- Federica Toscano, Missing Children Europe
- Zuzana Vatralova, IOM Slovakia
- Dr Łukasz Wieczorek, Human Trafficking Studies Center (HTSC), University of Warsaw

Their contribution to this report is invaluable. Needless to say, any inaccuracies in it are entirely our own.
CONTENTS

Acknowledgements ................................................................. 3

Contents .................................................................................. 4

Executive summary ................................................................. 6

Introduction ............................................................................... 9

Unaccompanied minors going missing ....................................... 10

1 Unaccompanied minors .......................................................... 10
2 Unaccompanied minors in migration ........................................ 11
3. Trafficking in human beings and migrant smuggling .................. 13
4. Child trafficking within the EU .............................................. 15

Legal framework and definitions .............................................. 16

1. United Nations ........................................................................... 16
1.1. The UN Convention against Transnational Organized Crime and the Palermo Protocol 16
1.2. UN Convention on the Rights of the Child .................................. 17
2. Council of Europe ........................................................................ 18
2.1. Convention on Action against Trafficking in Human Beings & GRETA .................. 18
2.2. Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse 18
3. European Union ............................................................................ 18
3.1. EU Charter of Fundamental Rights & Treaty on the Functioning of the EU ............ 18
3.2. Directive on Combating and Preventing Trafficking in Human Beings and Protecting Its Victims .................................................. 18
EU-wide measures and actions 20
1. Strategy towards the Eradication of Trafficking in Human Beings (2012-2016) and follow-up 20
2. Europol and the EU Policy Cycle 22
3. Action Plan on Unaccompanied Minors 2010-2014 22
4. 116000: EU-wide hotline for missing children 23

Existing resources 24
1. FRA Handbook on children deprived of parental care found in a country other than their own 24
2. EIGE report on Gender-specific measures in anti-trafficking action 25
3. Missing Children Europe 25
   3.1 Best practices and key challenges on interagency cooperation to safeguard unaccompanied children from going missing 25
   3.2 INTERACT: Practical guidance on preventing and responding to trafficking and disappearances of children in migration 26
4. OSCE Special representative and coordinator for CTHB 26
   4.1 From reception to recognition: identifying and protecting human trafficking victims in migration flows & Uniform guidelines 26
   4.2 Child trafficking and child protection: ensuring that child protection mechanisms protect the rights and meet the needs of child victims of human trafficking 27

Recommendations 28
1. The best interests of the child 28
2. Interagency and cross-border cooperation and information exchange 29
3. Training and standard operating procedures 30
4. A tailored, child-friendly approach 31
5. Addressing the offender and demand side 32

Factsheet 36

Endnotes 38

Bibliography 41
It is estimated that over the past few years, tens of thousands of unaccompanied minors went missing in the European Union. From the crime prevention perspective, the fact that children are unaccompanied and the fact that they are off the authorities’ radar are major risk factors for child trafficking.

In the EU context, an unaccompanied minor (UAM) is a minor who arrives on the territory of the EU Member States unaccompanied by an adult responsible for them or a minor who is left unaccompanied after they have entered the Member States’ territory. It is, thus, connected to migration.

The so-called refugee and migration crisis of 2015 caused a sharp increase in the number of unaccompanied minors, with which it was hard to keep up. Poor conditions in reception centres, lack of adequate guardianship, tedious asylum procedures with an uncertain outcome, pursuit of different destinations and pressure from smugglers or traffickers all led to UAMs disappearing into the woodwork and moving on. The upshot is that the number of missing unaccompanied minors has skyrocketed in recent years, with as many as 30,000 reported missing in the period between 2014-2017.

Most have also reached Europe relying on migrant smugglers, whom they often have to pay in kind. This has given rise to a hybrid smuggling-trafficking phenomenon. The initial buyer of the smuggling service (the migrant or refugee) becomes the trafficking victim; the smuggler and trafficker are the same person or crime group. More importantly, the operation has a single, unified purpose.

Children from within the EU, too, may be unaccompanied and vulnerable to trafficking. This is the case when they are—for all intents and purposes—abandoned by their parents, or when their parents or guardians are the traffickers. Intra-EU trafficking, even within a single Member State, is on the rise. One example is children from Roma communities, who are at an elevated risk of being trafficked for forced begging.

International conventions, protocols and declarations are important instruments in the fight against child trafficking in the EU. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP) is the origin of the internationally accepted definition of child trafficking: Child trafficking is the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation. The UN Convention on the Rights of the Child and its Optional Protocol on the Sale of Children reiterate the global community’s commitment to eradicate child trafficking.

The Council of Europe Conventions on Action against Trafficking in Human Beings and Protection of Children against Sexual Exploitation and Sexual Abuse are more far-reaching. The former established a Group of Experts (GRETA) to monitor progress in the implementation of anti-trafficking measures at the national level, while the latter also put awareness-raising, capacity training of children, helplines and corporate liability on the international agenda.

The European Union’s own legal instruments against child trafficking include the Fundamental Rights Charter,
It is estimated that over the past few years, tens of thousands of unaccompanied minors went missing in the European Union. From the crime prevention perspective, the fact that children are unaccompanied and the fact that they are off the authorities’ radar are major risk factors for child trafficking.

Certain EU-wide actions and measures have been taken in recent years. Even though as operational strategies, both the EU Action Plan on Unaccompanied Minors (2010-2014) and the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016) were somewhat overshadowed by the migration crisis, their definition of key actions for the protection of unaccompanied children from migration and in the fight against trafficking in human beings, remains relevant.

By making trafficking in human beings one of the priorities in the EU Policy Cycle, the EU bolsters operational interagency and cross-border cooperation in the fight against child trafficking. The Framework Directive of 2002 laid the foundation for a free-for-the-caller EU-wide missing children hotline.

There are a number of existing resources that anyone working to prevent unaccompanied minors from going missing and to prevent child trafficking would do well to consult. The FRA Handbook on Children Deprived of Parental Care is relevant for intra-EU child trafficking. In addition, EIGE’s Report on Gender-Specific Measures in Anti-Trafficking Action has a chapter devoted to girl-child victims of trafficking.

Missing Children Europe has produced several worthwhile resources on the issue of the disappearance of children in migration. The most recent one is based on simulated cases worked on by over fifty organisation from six Member States. This approach has proven highly effective in identifying gaps in international and interagency cooperation. The organisation has published a handbook, based on the results, for cross-border and interagency cooperation.

1. In the assistance, support and protection of child-trafficking victims, the aim should always be to find a durable solution based on an individual assessment of the best interests of the child. In order to assess the best interests, the child itself should be heard and a legal guardian should be appointed at once. During the best interest assessment, a child should be given a residence permit. Unnecessarily moving the child should be avoided, while continuity in care and assistance should be guaranteed.

2. Adequate identification of trafficking victims, care and protection of unaccompanied minors and response to missing children is dependent on cross-border, interagency cooperation and information exchange. National Referral Mechanisms should allow state actors and civil society to coordinate their efforts so as to provide effective ways to refer child trafficking victims to services. All actors involved should know which information to share with whom, as this is essential for effective case management. GDPR does not hinder the sharing of personal data on children at risk or child victims of trafficking.

In cross-border cases, national focal points should act as the single point of contact in a country to whom all inquiries about child trafficking or missing children are addressed. The national focal point liaises with other national focal points in order to bring the right actors in contact with each other, to...
discuss which information should be shared, and to learn about procedures in the other country.

3. The importance of training for frontline professionals is being emphasised by all organisations who fight against child trafficking. It is advisable not to rely on a single stakeholder for efficient victim identification and referral, but to invest instead in regular training sessions tailored to different stakeholders. In addition, to take some weight off the shoulders of individual caseworkers, standard operating procedures that guide the decision-making should be in place.

4. When dealing with children, especially those who have undergone traumatic experiences, such as refugees and trafficking victims, it is important to approach them in a child-friendly fashion. An approach such as that adopted at the Barnahus children’s houses is recommended. These are child-friendly one-stop shops that bring all the services, including interviews, to the child, instead of the other way around. The child should also be given tailored and comprehensible information on their rights and prospects for the future.

5. An integrated approach to preventing unaccompanied minors from going missing and falling victim to child trafficking should also take into account the offender (the traffickers) and demand side (the buyers of services and goods produced through trafficking). A good grasp of the business model of trafficking helps identify ways to prevent child exploitation and trafficking. Measures may include awareness-raising, offering effective and discreet ways to report potential child exploitation and intervening where crime and legal economic infrastructure meet (administrative approach).
INTRODUCTION

It is estimated that over the past few years, tens of thousands of unaccompanied minors went missing in the European Union. This is a problem on many different levels: fundamental rights, child protection, managing of migration flows and asylum. From the crime prevention perspective, the fact that children are unaccompanied and the fact that they are off the authorities’ radar are major risk factors. Unaccompanied minors run a significantly increased risk of being trafficked for sexual exploitation, labour exploitation, or criminal exploitation.

The Board of the European Crime Prevention Network has put this issue on the agenda of the European crime prevention community by tasking the Network’s Secretariat to survey current knowledge and initiatives regarding the prevention of unaccompanied minors going missing and the prevention of child trafficking.

This report is a digest of existing resources on this topic recently produced by non-governmental and (inter) governmental organisations, as well as insights during two expert meetings held in Brussels in October and November 2019.

Chapter one describes the phenomena of child trafficking and unaccompanied minors going missing and how they relate to migration and migrant smuggling, without disregarding intra-EU trafficking. The report goes on to outline the most important international conventions, protocols and declarations for the fight against child trafficking in the EU (chapter two) and the most important EU-wide, cross-border actions to prevent child trafficking and to safeguard UAMs from going missing (chapter three).

Chapter four offers the reader an overview of existing resources of the past few years, including research reports, handbooks, and recommendations. The fifth and final chapter highlights and explains some of the most pressing recommendations regarding the prevention of child trafficking, covering the following five categories, from determining the child’s best interest and child-friendly approaches, over cross-border and interagency cooperation, right through to addressing the offender and demand side.
Unaccompanied minors (hereinafter: UAM) going missing is a complex phenomenon. UAMs, who are a heterogeneous group, may go missing for different reasons. The purpose of this chapter is to explain key terms and describe the different criminal phenomena addressed in this publication.

Hence, as a technical term in the EU context, UAM always refers to third-country nationals or stateless persons. This is also the problem with this definition: it excludes EU children, or, at least, children born in the EU, who are not in the presence of a legal guardian, and who are, therefore, at an increased risk of being exploited and trafficked.

Such groups may include children born on European soil who are not being cared for by adults (hence unaccompanied) and who are not properly registered with authorities (hence missing). The latter may be the case with minority groups who are sometimes mistrustful of the authorities, such as the Roma people. Another phenomenon is that of the so-called Euro-orphans. These are children, mostly in Central and Eastern Europe, whose parents left to work in Western Europe. It is estimated that Euro-orphans number in the tens of thousands. Most of them are left in the care of other family members, usually grandparents. The UN Committee on the Rights of the Child calls them ‘separated children’, as opposed to UAMs. It has also been reported, however, that in certain cases they are basically left on their own, i.e. unaccompanied.

Perhaps the most important group of children not subsumed under the EU definition of UAMs, are those children who are presumably cared for by parents or another guardian, but whose parents or guardians are, in fact, their exploiters or traffickers. Such cases involve...
children being trafficked by their parents or guardians for forced criminality or begging, labour exploitation, or sexual exploitation.\(^5\) For all intents and purposes, such children are deprived of proper parental care and are considered UAMs in this publication.

2 Unaccompanied minors in migration

In 2015, the Syrian civil war and turmoil in the Middle East and Africa caused an increased influx of refugees in Europe. Europe saw an unprecedented rise in asylum applications, in what became known as the European refugee crisis. Tens of thousands of refugees risked their very lives to reach Europe through all routes possible, including via the Mediterranean, an often fatal undertaking. Smuggling networks were activated. The number of asylum applications remained high in 2016, fell in 2017 and 2018, yet not below pre-crisis levels and rose again slightly in 2019.\(^6\) Illegal border crossings in the same years displayed a similar trend (see Figure 3 below).\(^7\)

UAMs account for a significant share of asylum applicants and irregular migrants. This presents a serious challenge. Ever since the onset of the refugee crisis, it has been hard to keep up with the influx of UAMs. Once in Europe, UAMs often find themselves in a precarious situation, in which they often disappear from the radar, e.g. by leaving a reception centre. The reason why UAM migrants do so, is because they see it as the only option available to them. Poor conditions in reception centres, lack of adequate guardianship, tedious asylum procedures with uncertain outcome, pursuit of different destinations (e.g. for family reunification), and pressure from smugglers or traffickers (e.g. because of debt) all encourage UAMs to disappear into the woodwork and move on.

---

**Figure 1.** Number of UAMs seeking asylum in the EU (source: Eurostat).

**Figure 2.** Sex and age of UAM asylum applicants in the EU, 2015-2019 (source: Eurostat).
Once they leave, they become much more vulnerable to trafficking and exploitation. A 2015 research report prepared for the European Commission highlights the risk and resilience factors for trafficking in human beings (hereinafter THB). The analysis allowed the researchers to identify six risk profiles. Each of them is characterised by a specific configuration of risk and resilience factors that make them particularly vulnerable to THB. Two out of those six risk profiles pertain to UAMs. The first are “child victims of war, crisis and (natural) disaster”, meaning “unaccompanied child asylum seekers”. The second risk profile concerns “children subject of a migration project planned by their families”. Europol has found that children particularly at risk of being trafficked are orphans, children originating from countries affected by the socio-economic crisis and children displaced due to conflict.

In many respects, the so-called refugee crisis stumped prior national and European efforts in the protection of UAMs in migration. These include the Action Plan on Unaccompanied Minors 2010-2014 and the UAM provisions in the Stockholm Programme. In February 2018, the EU Agency for Fundamental Rights (FRA) characterised the situation of UAM migrants in the EU as a persistent challenge. Despite the decline in UAM arrivals, “their level of protection barely improved.” The agency’s 2018 annual migration and asylum review echoed this concern: despite lower arrival numbers, “progress has been slow in terms of addressing gaps regarding guardianship of unaccompanied children and providing a sufficient number of accommodation spots appropriate for their specific needs.”

In the years 2014 to 2017, “more than 30,000 migrant and refugee children are estimated to have gone missing after their arrival in Europe. The majority disappeared before having filed an asylum application or during the asylum procedure.”

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>BE</td>
<td>156</td>
<td>166</td>
<td>448</td>
<td>570</td>
<td>1340</td>
</tr>
<tr>
<td>BG</td>
<td>496</td>
<td>794</td>
<td>857</td>
<td>853</td>
<td>3000</td>
</tr>
<tr>
<td>DE</td>
<td>146</td>
<td>1873</td>
<td>1402</td>
<td>507</td>
<td>3928</td>
</tr>
<tr>
<td>EE</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>FI</td>
<td>6</td>
<td>53</td>
<td>97</td>
<td>32</td>
<td>188</td>
</tr>
<tr>
<td>HU</td>
<td>1072</td>
<td>2563</td>
<td>1408</td>
<td>N/A</td>
<td>5043</td>
</tr>
<tr>
<td>IT</td>
<td>3707</td>
<td>6135</td>
<td>6561</td>
<td>2440</td>
<td>18843</td>
</tr>
<tr>
<td>LU</td>
<td>6</td>
<td>12</td>
<td>21</td>
<td>7</td>
<td>46</td>
</tr>
<tr>
<td>LV</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>LT</td>
<td>50</td>
<td>22</td>
<td>22</td>
<td>10</td>
<td>104</td>
</tr>
<tr>
<td>SK</td>
<td>19</td>
<td>20</td>
<td>18</td>
<td>20</td>
<td>77</td>
</tr>
<tr>
<td>SI</td>
<td>62</td>
<td>34</td>
<td>228</td>
<td>193</td>
<td>517</td>
</tr>
<tr>
<td>PT</td>
<td>8</td>
<td>30</td>
<td>14</td>
<td>8</td>
<td>60</td>
</tr>
<tr>
<td>NO</td>
<td>32</td>
<td>55</td>
<td>149</td>
<td>122</td>
<td>358</td>
</tr>
<tr>
<td>Total</td>
<td>5762</td>
<td>11760</td>
<td>11227</td>
<td>4770</td>
<td>33519</td>
</tr>
</tbody>
</table>

Table 1. Number of UAMs disappearing from care facilities and/or following a return decision in selected EU Member States and Norway (Source: EMN 2018).
As a result, the problem of UAMs going missing has risen steeply in recent years. According to Missing Children Europe, up to one in five UAMs disappear from reception centres less than a day after arrival and in 2015, only 27.1% of the missing UAMs were found by the authorities. This number rose significantly in 2018, but remains alarming nonetheless. In January 2016, Europol reported in the press that an estimated 10,000 UAMs were missing in Europe at that time. Data collected by the European Migration Network (EMN) indicated that this trend was sustained in the following years. The organisation estimates that in the years 2014 to 2017, “more than 30,000 migrant and refugee children are estimated to have gone missing after their arrival in Europe. The majority disappeared before having filed an asylum application or during the asylum procedure.” Note, however, that this estimate is based on data from just 13 EU Member States and Norway and excludes data from other significant countries of first arrival such as Greece (see Table 1). On the other hand, children reported missing in one country but registered elsewhere, possibly under a different name, might be included.

These high numbers persist despite the critical press coverage of the phenomenon and ample efforts on the part of civil society to raise awareness of this issue. Briefly after Europol put the number of missing children at 10,000, OpenDemocracy held the EU accountable for it, stating that “until the EU recognises the specific needs of child migrants and makes it a priority to swiftly reunite them with family members, many will likely continue to abscond from the reception system.” Others criticised Southern European states, who took in most migrants and refugees, for their delayed processing of asylum requests and poor registration, which caused a significant gap between the number of arrivals and the number of registered UAMs. Europol, which does not collect its own data on UAM migrants, has regretted this “backlog in registration”. The situation in other countries, including Germany, Belgium, the Netherlands, and Denmark, has been condemned as well.

3. Trafficking in human beings and migrant smuggling

While both THB and migrant smuggling can be considered forms of irregular migration, international law draws a distinction between them based on differences in purpose, the relation between perpetrator and victim and the consent of the victim. Migrant smuggling is an offence against territorial borders, public administration, and a range of other national public interests. THB, on the other hand, is an offence against personal and sexual freedom and integrity. However, the distinction is not clear-cut and, to some extent, unsustainable. What, for instance, with persons forced to leave their home countries because of persecution, poverty, hunger, war, or climate change? Do they really consent to being smuggled? Indeed, migration pressures make it increasingly difficult to distinguish between migrant smuggling and THB.

The OSCE puts it as follows: “The crime of human smuggling and the crime of trafficking in persons should be approached as two concentric circles, with intertwined modalities and modus operandi, as it has become increasingly evident that the migration and refugee crisis creates a perfect market for the trafficking of migrants within both transit and destination countries.” The organisation furthermore states that it is often overlooked that in many instances, the smugglers and subsequent traffickers are (part of) the same criminal network. Bearing in mind that more than 90% out of migrants use smuggling services, we need to realise that migrants are extremely vulnerable to THB.

Migration pressures make it increasingly difficult to distinguish between migrant smuggling and trafficking in human beings

The crossover between migrant smuggling and THB appears particularly threatening in the context of missing UAMs and child exploitation. In order to be able to move about but remain off the radar, UAMs often depend on smuggling services. With not enough financial resources to simply pay for such services, part of the deal is often that the debt is repaid in kind, e.g. through forced labour.
(including domestic servitude), sex work, or forced criminality. In other cases, the smugglers who brought the children into Europe exploit the child’s dissatisfaction with care facilities and/or asylum procedures, talk it into leaving and then proceed to traffic the child in order to settle the bill. Many have also been subjected to exploitation along the way, before entering the EU, as a way of paying up front for the transfer to Europe. Either way, there clearly is a hybrid smuggling-trafficking phenomenon. The initial buyer of the smuggling service (the migrant or refugee) becomes the trafficking victim; the smuggler and trafficker are the same person or crime group. More importantly, the operation has a single, unified purpose. Either the smuggling is done to supply forced labourers or sex workers, or the exploitation occurs to settle a bill.

Whereas the EU Policy Cycle sees THB and migrant smuggling (in the Policy Cycle: facilitating illegal migration) as two distinct phenomena, Europol has paid heed to this hybrid phenomenon. In a 2018 report on child trafficking in the EU, the Agency indicated that it had observed “links between criminal networks operating migrant smuggling and those involved in human trafficking.” It listed several indications and manifestations of this cross-over. As much as 20% of smuggling networks was reportedly also active in THB. Many smuggling networks are also linked to other crimes, including document fraud, property crime, trafficking of drugs and stolen goods. More importantly, Europol observed that during the refugee crisis, some crime groups involved in THB or drugs trafficking expanded into, or shifted towards, migrant smuggling, recruiting vulnerable people such as UAMs for criminal exploitation.
4. Child trafficking within the EU

The latest comprehensive statistics show that in the years 2015-2016, 1,310 (31 %) child-trafficking victims with EU citizenship were registered, compared to 643 (16 %) with non-EU citizenship and 253 (55 %) who are of unknown citizenship or stateless. Of course, one should be careful in drawing conclusions from this data, as victim identification may be skewed and the proportions may have changed significantly under the impulse of changing circumstances. In 2018, however, the EU Anti-Trafficking Coordinator made similar observations. Its data, contributed by the Member States, suggest that intra-EU trafficking, even within a single Member State, is on the rise. Children from Eastern Europe and Roma communities are at an elevated risk of falling victim to trafficking. Kinship and family relations are used to facilitate the trafficking. Other reported trends are the trafficking of pregnant women to sell their new-borns and child marriage. This type of trafficking of children within the EU, which is not linked to migration, should not be forgotten.

The problem of the trafficking of Roma children (and women) is long-standing and well-documented. Roma children are trafficked mainly for forced begging, forced criminality (pickpocketing, burglary) and sexual exploitation. Their vulnerability stems mainly from mobility, poverty, close-knit communities and criminalised environments. Of course, these risk factors may also affect other children.

Intra-EU trafficking, even within a single Member State, is on the rise. This type of trafficking of children within the EU, which is not linked to migration, should not be forgotten.

Another vulnerable group are children from within the EU who are practically unaccompanied. As with migrants and refugees, children from the EU who are insufficiently cared for by parents or guardians, are vulnerable. One particular group are children whose the parents work abroad. These children are also referred to as Euro-orphans, orphans of labour migration or home-alone children. They are often cared for by family members, yet sometimes they are all alone. Like unaccompanied migrant children and Roma children, these children left behind are at an increased risk of being trafficked.

Finally, all children are vulnerable and all may fall victim to child trafficking. Generally speaking, the trafficking of children within country borders is often linked to child sexual exploitation and either the cause or consequence of children going missing. Children in care appear particularly vulnerable and many such cases of child trafficking are misidentified as child sexual abuse.
1. United Nations

1.1. The UN Convention against Transnational Organized Crime and the Palermo Protocol

The United Nations Convention against Transnational Organized Crime (UNTOC) was adopted by the General Assembly in 2000 in Palermo, which is why it is also referred to as the Palermo Convention. It entered into force on 29 Sept. 2003 and now has 147 signatories, among which all EU Member States and the EU. It is an important international legal instrument in the fight against organised crime, aiming primarily at promoting “cooperation to prevent and combat transnational organized crime more efficiently” (art. 1). It sets a number of standards such as the criminalisation of participation in organised crime groups (hereinafter OCG; art. 5), criminalisation of, and measures against, the laundering of proceeds of crime (art. 6 & 7), joint investigations (art. 19), witness and victim protection (art. 24 & 25), etc. The Convention is applicable to THB insofar as the offences are committed by (members of) an organised crime group. It does not, however, contain any articles that pertain to THB specifically.

UNTOC is supplemented by three optional protocols (the so-called Palermo Protocols), one of which is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter UN TIP Protocol). It entered into force on 25 Dec. 2003 and currently has 117 signatories, including the EU Member States and the EU. The objective of this Protocol is threefold: to prevent THB, to protect victims of trafficking and to promote international cooperation in the fight against THB. The Protocol’s importance lies in the fact that it is the first to provide a comprehensive definition of THB. Art. 3a states: “Trafficking in persons shall mean 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 of 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.”
The United Nations Convention on the Rights of the Child (UNCRC) was ratified on 20 Nov. 1989 and went into force on 2 Sept. 1990. It currently has 140 signatories, including the EU Member States (but notably excluding the US).  

UNCRC contains a number of stipulations regarding child trafficking and exploitation. Art. 32 states that children have the right “to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education.” Art. 33 establishes that states should take measures “to prevent the use of children in the illicit production and trafficking of [narcotic and psychotropic] substances.” Art. 34 states that children should be protected “from all forms of sexual exploitation”. Art. 35 tasks states with doing the necessary “to prevent the abduction of, the sale of or traffic in children for any purpose or in any form”. And Art. 36 states that children should be protected “against all other forms of exploitation prejudicial to any aspects of the child’s welfare”. As such, articles 32 to 36 of the UNCRC address all types of child trafficking, identifying the most common ones.

UNCRC is supplemented by three optional protocols, one of which is the Protocol on the Sale of Children, Child Prostitution and Child Pornography (commonly UN OPSC). It entered into force on 18 Jan. 2002 and currently has 121 signatories, including all EU Member States.

As the name of the Protocol suggests, it deals primarily with sexual exploitation (“child pornography” and “child prostitution”). However, Art. 3 specifies that signatories should ensure the criminalisation of child trafficking for the purpose of sexual exploitation, forced labour, or organ removal. Signatories furthermore agree to make child trafficking an extraditable offence (Art. 5), to seize the proceeds of trafficking and exploitation (Art. 7), and to make sure that children are protected, that their vulnerability is duly recognised, that (undocumented) young people whose age is unsure are treated as children and that best interests are served (Art. 8).
2. Council of Europe

2.1 Convention on Action against Trafficking in Human Beings & GRETA

The Council of Europe Convention on Action against Trafficking in Human Beings (2005) is a regional treaty on the prevention of, and fight against, THB, including victim assistance. It strongly promotes effective prosecution and international cooperation. 39

The definition of THB in the Convention (Art. 4) is nearly identical to the one used in the UN TIP. Compared to the latter, however, the Council of Europe Protocol raises the standards of victim assistance and protection and engages signatories even more in cooperation and information exchange. 40 Moreover, it has established a monitoring mechanism in the form of the Group of Experts on Action against Trafficking in Human Beings (GRETA; Art. 36), which acts in such a way as to ensure the Convention’s effectiveness. GRETA meets three times annually, carries out field visits and publishes country reports on the compliance to the Convention. 41 They are a valuable source of information if you want to know what can be done better in the fight against THB and child trafficking.

2.2 Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, also known as the Lanzarote Convention, was signed in 2007. It is an ambitious treaty that engages Member States to set minimum standards and cooperate in the fight against all types of sexual offences against children, including child prostitution (Art. 19), child pornography (Art. 20-1) and the solicitation of children for sexual purposes (“grooming”; Art. 23). 42 As such, there is some overlap with child trafficking for sexual exploitation.

At the same time, the Lanzarote Convention is more far-reaching, because it requires states to raise awareness among people who work with children, train them to detect sexual abuse or exploitation and prohibit persons convicted of sexual exploitation or abuse of children to work with children (Art. 5). It also establishes awareness-raising and capacity training for children (Art. 6), tasks states to set up information and helplines (Art. 13) and requires signatories to take measures to ensure corporate liability if the offences were committed for corporate benefit (Art. 26). In a criminal investigation, interviews with a child should take place without delay, in a child-friendly environment and by someone trained for this purpose (Art. 35).

3. European Union

3.1 EU Charter of Fundamental Rights & Treaty on the Functioning of the EU

In addition to the above, the EU has its own legal instruments in the fight against THB and child trafficking. First of all, the EU Charter of Fundamental Rights reminds us that THB is an offence against the fundamental human right to be free. Thus, the 2012 Charter’s fifth article deals with the prohibition of slavery and forced labour and explicitly states that “trafficking in human beings is prohibited.” 43 The Treaty on the Functioning of the European Union, from the same year, is more to the point. Art. 79 establishes that the Union shall develop policies and adopt measures to prevent and fight against THB and child trafficking. Art. 83 furthermore states that the Parliament and Council must establish “minimum rules concerning the definition of criminal offences and sanctions” for a series of serious crime phenomena, including THB and sexual exploitation of women and children. 44

3.2 Directive on Combating and Preventing Trafficking in Human Beings and Protecting Its Victims

The latter objective has been met in the Directive on Combating and Preventing Trafficking in Human Beings and Protecting Its Victims. 45 It, too, adopts the UN definition of THB, including the provision that when the victim is under 18, the “means” become irrelevant. The EU Directive adds an explanation of “a position of vulnerability”, which it sees as “a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved” (Art. 2). The Directive also adds that inciting, aiding, or attempting to commit the offence of THB is a punishable offence (Art. 3).

Member States ought to make sure that the maximum penalty for THB is at least five years’ detention and ten years if the victim is vulnerable (such as a child), when the life of the victim was endangered, when serious violence was used, or when it was committed by an
organised crime group (Art. 4). The Directive also deals extensively with the assistance given to trafficking victims (Art. 11) and their protection in criminal investigations and proceedings (Art. 12), with specific measures for the assistance to, and protection of, child-trafficking victims (Art. 13-15) and unaccompanied child trafficking victims (Art. 16). These include the appointment of a guardian, access to free legal counselling and representation, timely and limited number of interviews by a trusted person (i.e., every time the same person) and an assessment of the child’s best interests.

Generally speaking, the Directive is quite comprehensive, as its focus is not limited to criminal law and law enforcement, but also includes victim assistance and protection in view of compensation and reintegration, gender-specific approaches and prevention.
EU-WIDE MEASURES AND ACTIONS

In recent years, the problems of UAMs going missing and child trafficking have been exacerbated by the migration crisis, but even prior to that time, they were on the EU agenda. This chapter discusses briefly the most important EU-wide, cross-border actions to prevent child trafficking and to safeguard UAMs from going missing.

1. Strategy towards the Eradication of Trafficking in Human Beings (2012-2016) and follow-up

With the EU Strategy, the European Commission aimed at translating the Directive on Combating and Preventing Trafficking in Human Beings into concrete goals and actions, thereby furthering the implementation of the Directive. It asserts that the main responsibility in the fight against THB (and child trafficking) lies with the Member States, but offers a European framework to support the Member States and created the main EU instrument in the fight against THB in the years 2012-2016.

The Strategy identified five key priorities for the EU in the fight against THB, along with proposed actions which the Commission was to implement. These priorities and actions were as follows:

• Disrupting the business model and untangling the trafficking chain;
• Provide better access to and realise the rights for victims;
• Intensify a coordinated and consolidated response, both within and outside the EU.

To address these priorities, the Commission again defined a series of key actions, some of which have already been completed. Still, the priorities remain of importance and certain deliverables of the key actions remain pertinent today. These include a guidance produced in cooperation with the European Institute for Gender Equality (EIGE) on gender-specific measures for helping and supporting victims, as well as a practical guidance on inter-agency and transnational cooperation for the prevention of child trafficking and the protection of child-trafficking victims. Both will be dealt with in more detail below.
The five priorities in the fight against THB according to the EU Strategy

While the EU Strategy covered the years 2012 to 2016, the priorities give a good overview of the range of possible actions that could be taken in the fight against THB and child trafficking.

1. Identifying, protecting and assisting victims of trafficking. Proposed actions:
   > Establishment of national and transnational referral mechanisms;
   > Identification of victims;
   > Protection of child victims of trafficking;
   > Provision of information on the rights of the child.

2. Stepping up the prevention of trafficking in human beings. Proposed actions:
   > Understanding and reducing demand;
   > Promoting the establishment of a private sector platform;
   > EU-wide awareness raising activities and prevention programmes.

3. Increased prosecution of traffickers. Proposed actions:
   > Establishment of national multidisciplinary law enforcement units;
   > Ensuring proactive financial investigation;
   > Increasing cross-border police and judicial cooperation;
   > Increasing cooperation beyond borders.

4. Enhanced coordination and cooperation among key actors and policy coherence. Proposed actions:
   > Strengthening the EU Network of National Rapporteurs or equivalent mechanisms;
   > Coordinating EU external policy activities;
   > Promoting the establishment of a civil society platform;
   > Reviewing the projects funded by the EU;
   > Strengthen the fundamental rights in anti-trafficking policy and related actions;
   > Coordinating training needs in a multidisciplinary context.

5. Increased knowledge of, and effective response to, emerging concerns related to all forms of trafficking in human beings. Proposed actions:
   > Developing an EU-wide system for data collection;
   > Developing knowledge relating to the gender dimension of trafficking and vulnerable groups;
   > Understanding online recruitment;
   > Targeting trafficking for labour exploitation.
2. Europol and the EU Policy Cycle

The EU Policy Cycle, set up by the EU in 2010, is a way to streamline and stimulate coordination and cooperation (between Europol, other EU agencies and institutions and third parties) in the fight against serious international and organised crime. Every four years, a list of the most important crime threats and phenomena is defined, which are the focus of attention during the multi-annual Policy Cycle. In the 2018-2021 Policy Cycle, as before, THB is one of the priority crime areas. This includes all forms of exploitation and child trafficking. Europol differentiates four types:

- Sexual exploitation, including prostitution;
- Forced labour or services;
- Slavery, servitude and related practices;
- The removal of vital organs.

In October 2018, Europol published a situation report on child trafficking in the EU and the criminal networks involved in it. It describes in detail the different networks active in the trafficking of minors in the EU, the modus operandi and the purposes of those activities. As stated above, this document also drew attention to the links between THB and migrant smuggling which appeared during the refugee crisis and which created a hybrid phenomenon that is especially threatening to UAMs.

3. Action Plan on Unaccompanied Minors 2010-2014

In 2010, the European Commission came up with an Action Plan on Unaccompanied Minors for the years 2010-2014. Even at that time, before the migration crisis, the number of third-country children arriving in Europe not accompanied by a responsible adult was on the rise, which was seen as a growing problem. As with the EU THB Strategy, the good intentions and achievements of the Action Plan have been overshadowed by the problems ensuing from the refugee crisis.

Nonetheless, the Action Plan was, and still is, a valuable document which, if anything, gives a good overview of the range of actions that could be taken by different actors in the field. It explicitly links UAM migrants to child trafficking, as they are at a higher risk of already being the victim of, or falling victim to, trafficking. The Action Plan devotes quite a bit of attention to the need to address the root causes of migration, e.g. by poverty reduction, education, health, labour policy, human rights and democratisation, as well as post-conflict...
reconstruction. In other words, efforts in, and cooperation and partnerships with, third countries are needed to prevent the unsafe migration of children and child trafficking.

The Action Plan also emphasises the importance of effective and streamlined reception and procedures in the EU in the fight against the (further) victimisation of UAM migrants. The Action Plan states that all UAMs should be appropriately accommodated and receive tailored assistance in their best interests. It identifies serious shortcomings, such as the fact that protection provisions are often status-dependent (different for identified victims, illegal migrants, asylum applicants). Finally, it proposes a transition period so that UAMs do not suddenly miss out on assistance and accommodation when turning eighteen. All of these points are pertinent today, as experts in the field still identify these as areas of improvement in the wake of the migration crisis.

4. 116000: EU-wide hotline for missing children

The so-called Framework Directive of 2002 paved the way for unified, EU-wide hotline and helpline services, using the same phone number everywhere. In 2007, the Commission used its executive power to reserve, all over the EU, numbers of the format 116 + three digits for free (for the caller), harmonised services. Right away, the number 116000 was reserved for a 24/7 missing children hotline, which “(a) takes calls reporting missing children and passes them on to the police; (b) offers guidance to, and supports, the persons responsible for the missing child; (c) supports the investigation.”

The onus is not on the Member States to install this hotline in their country; they only have to reserve the number for such a service. This and the fact that telecom operators were not obliged to carry the costs of these services and no European funds were made available, made for a slow implementation. In 2009, the number had been assigned in nine Member States and was operational in five of them.

Thanks in no small part to the continuous efforts and support of Missing Children Europe, an umbrella organisation for national organisations for missing and exploited children, the hotline is now active in all EU countries, as well as the UK, Albania, Serbia, Switzerland and the Ukraine. Furthermore, Missing Children Europe continually monitors, collects data, and works to improve the quality of service of its member organisations. Its Figures and Trends reports offer insightful data on missing children in migration (with the reservation that children from irregular migration are less likely to be reported to a missing child hotline).
In the past few years, a number of organisations - both non-governmental and (inter)governmental - have produced highly relevant resources, including research reports, handbooks, and recommendations. Only the most important of these insights and the most pressing of these recommendations are reproduced in the other chapters of the current report. This chapters points to selected reports that anyone working on preventing that UAMs go missing and fighting child trafficking would do well to consult.

It does not deal with UAM asylum applicants, but instead focuses on children who come from within the EU, which FRA identified as a hiatus.

The reason for dedicating the guidance to this group is threefold. Firstly, the freedom of mobility of EU nationals within the EU and the absence of border controls within the Schengen area mean that trafficking victims from within the EU have less chance of being picked up by the authorities. Secondly, many protection measures have been developed under the EU asylum, return and migration acquis, meaning they are applicable to UAMs from within the EU only to a limited degree. Thirdly, the phenomenon of child trafficking within the EU is of a significant size, with a reported 1,310 children being trafficked in the EU in 2015-2016.

The guidance is based on a mapping of EU Member State practices and discussions with a group of experts. It specifically targets professionals who may come into contact with UAMs but who may not be aware of the proper course of action to take in the best interest of children or the relevant legal framework. These include law enforcement officers, social workers, health professionals, guardians, along with judges and lawyers.

1. FRA Handbook on children deprived of parental care found in a country other than their own

The European Union Agency for Fundamental Rights (FRA) has recently published a handbook on dealing with UAMs in need of protection, found in a country other than their own, with a focus on child-trafficking victims. It does not deal with UAM asylum applicants, but instead focuses on children who come from within the EU, which FRA identified as a hiatus.
The first part of the guidebook discusses the legal framework, with special attention to the Brussels IIa Regulation (2003) and the Hague Convention (1996). The former establishes a common judicial area within the EU, while the latter deals with the jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children. Together, they establish the responsibilities of the Member States where the children are found and the Member States of origin and how they should cooperate. The second part of the guidebook describes ten actions that are necessary for the protection of UAMs from within the EU, with special attention to responsibilities of different actors, including law enforcement, child protection systems, legal guardians and many others. Annex 3 lists these responsibilities in a readily-understood format.

Download this manual and other resources at fra.europa.eu.

2. EIGE report on Gender-specific measures in anti-trafficking action

The European Institute for Gender Equality released a report on Gender-Specific Measures in Anti-Trafficking Action in the framework of the follow-up to the THB Action Plan. It lays out the theoretical background of a gender-specific approach to THB and child trafficking and offers a set of gender and child-specific recommendations and indicators to support Member States in the interpretation of the legal provisions that describe the identification and protection of women and child-trafficking victims.

The rationale for a gender-specific approach to THB and child trafficking and for treating trafficking for sexual exploitation as a form of violence against women, is in the numbers. Close to three quarters of trafficking victims worldwide are women; 96% of persons trafficked for sexual exploitation are female. Furthermore, research has shown that stereotyping and victim-blaming attitudes in the criminal justice system adversely affect the victim’s credibility, identification, protection and support.

As regards the trafficking of UAMs, Chapter six, ‘Provisions regarding girl victims of trafficking for sexual exploitation’, is of particular relevance. It deals with gendered aspects of victim identification and age verification, support and assistance of girl victims and access to justice. A common theme is the need for appropriate training or the involvement of sufficiently trained actors, such as child protection services, and an approach which is girl-child-friendly.

Visit EIGE’s homepage to download this report: eige.europa.eu.

3. Missing Children Europe

3.1 Best practices and key challenges on interagency cooperation to safeguard unaccompanied children from going missing

The 2016 final report of the SUMMIT project addresses the exact same question as the current report: preventing UAMs from going missing. It was drafted in direct response to the so-called refugee crisis and is the product of research done by Missing Children Europe, the Centre for the Study of Missing Persons at the University of Portsmouth, and along with a series of other partners. It is based on interviews and surveys of missing children hotlines staffers and other actors such as law enforcement and guardians, and covers seven EU Member States: Belgium, Cyprus, Greece, Italy, the Netherlands, Spain and the UK. Besides the research results, the report presents also best practices and identifies shortcomings and challenges, and relates them to the results of EU-co-funded projects on that issue.

The scope of the report is threefold: it obviously deals with the prevention of UAMs going missing, but also with the response to UAMs being reported missing, the aftercare of missing children once found, and the training and training needs of all actors involved. The results and
recommendations are highly relevant for anyone working to prevent that UAMs go missing and remain as valid as they were in 2016.

3.2 INTERACT: Practical guidance on preventing and responding to trafficking and disappearances of children in migration

With the Interact project, Missing Children Europe and a host of partners have done more than draw attention to the need of cross-border cooperation in the response to child trafficking. They set up a simulated work environment in which different agencies (law enforcement, migration authorities, NGOs, and local authorities) from six participating Member States (Belgium, France, Greece, Italy, the UK and Sweden) worked on two fictitious yet realistic cases of UAM migrants disappearing in Europe. A total of 90 participants from 54 organisations took part. It allowed the organisers to identify shortcomings in international cooperation and cross-border information flows.

The exercise revealed that one of the principal shortcomings is the lack of clear procedures for dealing with missing children from migration. What is needed is a straightforward protocol that is shared between all actors involved, so that every one of them knows what to do in which cases. A second shortcoming is the sharing of information, often out of fear of breaching GDPR. However, if there are safeguarding concerns, GDPR allows for the fair and lawful sharing of information in order to locate and protect missing or trafficked children. A third important shortcoming is the lack of proper training of frontline professionals, including law enforcement, who, as a result, often miss signs of trafficking or abuse.

In the simulations, these shortcomings resulted in certain key procedures not being triggered in any of the six participating countries, even though some are required by law. These include determining the child’s best interests, checking the case against the Schengen Information System database, involving cross-border law enforcement cooperation bodies (Europol, Interpol) if applicable, and sharing information across borders for child protection purposes. Fortunately, other procedures were triggered in all or several of the countries.

A detailed report sums up the findings, and a manual translates the findings into clear-cut, practical advice and action plans that ideally should inform the approach to the many similar cases that occur in the EU each year.

Find Missing Children Europe’s publications at missingchildreneurope.eu.

4. OSCE Special representative and coordinator for CTHB

4.1 From reception to recognition: identifying and protecting human trafficking victims in migration flows & Uniform guidelines

From Reception to Recognition (2017) is a publication based on research and field visits by the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB). The report offers a needs assessment and a number of concrete solutions and recommendations for timely victim identification in mixed migration flows, especially in reception facilities, as well as appropriate protection of, and care for, identified or presumed trafficking victims. (These will be discussed in more detail below.) While it does not deal with UAMs specifically, it is still a highly relevant resource.

Two years later, in a publication called Uniform Guidelines, the OSCE translated the recommendations in From Reception to Recognition to a supplementary set
of practical measures to better identify trafficking victims in mixed migration flows. It focuses on front-line professionals in migrant and refugee reception. The Guidelines cover different scenarios for victim identification, emphasise the importance of a uniform multi-agency approach and offer a blueprint for a standard operating procedure for the formal identification of trafficking victims.

4.2 Child trafficking and child protection: ensuring that child protection mechanisms protect the rights and meet the needs of child victims of human trafficking

The OSCE has also published an Occasional Paper (no. 9) that deals with child trafficking in particular. It is one of the best available resources on the protection of identified and presumed child-trafficking victims. It discusses what state-run child protection services should do which policies should be in place in order to guarantee the best possible care and a successful reintegration in line with the victim’s rights and best interest. It devotes attention to children who are outside of their own country, as well as children in their own country, and to both unaccompanied and accompanied children. At the end one can find a series of recommendations concerning the decision-making processes, the accommodation provided to the child, and repatriation.

At first sight, the Occasional Paper does not address the prevention of child trafficking in the strict sense. Still, the measures proposed are very important in the fight against child trafficking and children going missing. For instance, the Paper discusses in detail the decisions regarding the interviewing and questioning of the child-trafficking victim (e.g. when, where and by whom the child should be interviewed) and regarding its participation in legal proceedings. The OSCE advocates the Barnahus (“Child House”) approach, developed in several Scandinavian countries. The Barnahus approach is a collaborative and inter-agency approach that essentially brings different actors and services to the child in a single, child-friendly environment. The underlying idea is that interviews and questioning could take place in a trusted environment in which the child also enjoys appropriate care, protection and assistance. This then helps generating valid evidence for criminal proceedings, which, in turn, is an important aspect of the fight against THB.

Additionally, effective and comprehensive protection of child victims of trafficking is complementary, and contributes to, the prevention of child trafficking. One key property of THB is mobility: offenders and victims tend to move around and people exploited in one place are trafficked to a different place only to be exploited more. This happens in every type of trafficking, but appears particularly common in forced begging, a very public form of child exploitation, so that moving around decreases the probability of being identified as a trafficking victim.

Found out more about the OSCE’s efforts against child trafficking at osce.org.
1. The best interests of the child

The UN Child Rights Convention stipulates that “in all actions concerning children, […] the best interest of the child shall be a primary consideration”. This principle has trickled through in other conventions and actions plans, including the UN Optional Protocol on the Sale of Children, the Council of Europe THB Treaty, and EU policy. The EU Anti-Trafficking Directive determines that with respect to the assistance, support and protection of child-trafficking victims, a “durable solution” should be found “based on an individual assessment of the best interests of the child.”

Establishing a child’s best interests is not always easy; however. It requires at least that every child is always treated as a child first and not, for instance, as a migrant. One way to ensure this is by having the best interests assessments carried out by a multidisciplinary team. This team should first and foremost include child protection actors. The child itself should be heard and in the case of UAMs, legal guardians play a key role. A legal guardian should be appointed for each UAM right away and be in a position to build a relationship of trust with the child. It is advised not to rely on police or migration officers exclusively for the determination of a child’s best interests. According to the UN Committee on the Rights of the Child, actors involved should be independent of migration authorities. A recommended approach is to always involve such a multidisciplinary team once police or migration authorities have identified a child as a potential trafficking victim.

While the best interests are being assessed, the child should be granted a temporary residence permit for the duration of the best interest assessment. Unnecessary relocations are never in the best interest of the child and should be avoided at all times and, whenever possible and feasible, a child should be with its family. If that is not possible, suitable accommodation and care should be provided immediately. If the assessment concludes that it is in a child’s best interest to stay in a country other than its own, a further residence permit should be granted.

Unnecessary changes in the care and assistance track are also to be avoided; ideally, protection provisions are not status-dependent, and to the extent they are, a continuity in care and protection should be ensured.

The end goal should always be to reach a sustainable solution. The OSCE lists the following minimal conditions for a durable solution:

- It ensures the continuity of care between organisations and between states;
- It ensures the child is in a safe environment at all times;
- It enables the child to develop stable social relationships;
- It allows the child to develop plans for the future.
2. Interagency and cross-border cooperation and information exchange

Interagency and cross-border cooperation are of the utmost importance in order to provide adequate care, assistance and protection to UAMs and child victims of trafficking, as well as in the response to, and investigation of, missing children. It is also exactly where things tend to go wrong.

Law enforcement or migration officers may fail to involve child protection actors. Children may leave a care centre for a different country, e.g. because they have family there, but authorities of that country are never informed, causing a lot of work (identification, best interests assessment, age verification) to be done a second time. In other cases still, local actors may fail to involve law enforcement, even though there are indications of crimes occurring, or local or national police agencies may fail to share information or seek the help of international law enforcement agencies such as Europol or Interpol, even if there are clear indications of the involvement of cross-border, organised crime groups.

One way to ensure effective interagency cooperation within one country is to implement a comprehensive National Referral Mechanism (NRM) for the identification of, and assistance to, trafficking victims within one country. An NRM is a cooperative framework that allows different state actors and civil society to coordinate their efforts so as to provide effective ways to refer victims to services. Setting up NRMs was one of the actions defined in the EU anti-trafficking strategy.

For effective cooperative case management, whether within one country or across borders, it is essential that the necessary information is being shared between relevant actors. Everyone involved should be aware of which information to share with whom. Children on the move often have plans to move on to another destination; if such plans are known, relevant information should be shared across borders with relevant actors in the transit and destination countries. It is important, therefore, that good relations are established with those actors in other countries. Preferably, there is a single point of contact in each Member State that can be contacted in such cases.

Actors involved are often reluctant to share personal information on minors because of privacy concerns, often citing GDPR, the EU General Data Protection Regulation. While it is useful to practise restraint in the sharing of personal data on children, GDPR does not in fact hinder the sharing of information on children at risk or child victims of trafficking, without their consent, if such data exchange is “necessary for the vital interests of the data subject”. Of course, even in such cases, the necessary measures should be taken to protect the right to a private life and to prevent data loss or misuse. More information on GDPR and what it means for the assistance to, and protection of, child-trafficking victims

---

**Interact**

In 2019, Missing Children Europe and its partners developed an innovative and highly productive methodology to enhance international and multi-agency cooperation in the fight against trafficking and exploitation of children in migration. It set up practical simulations of fictional cases for stakeholders to work on, allowing to identify the gaps in frontline work and weak links in interagency cooperation. Six countries participated in these simulations (Belgium, France, Greece, Italy, the United Kingdom and Sweden). A training targeted at local and national professionals based on the results of the simulations was offered in December 2019, alongside a policy conference. Participants in the simulations applauded the approach. The project report and practical guidance (Missing Children Europe 2019) are highly valuable resources for anyone in or outside of the six participating countries.

All in all, the approach can be seen as a highly cost-effective way to streamline operating procedures and interagency cooperation. Countries who did not take part already are strongly advises to do the simulations.

**More information:**
and (missing) UAMs can be found in Missing Children Europe’s Practical Guidance88 and in FRA’s Handbook.89

Any reluctance to collect information and share it with others where necessary is also at odds with the recommendations of both Missing Children Europe and the OSCE. The OSCE recommends the creation of national databases of identified and presumed child-trafficking victims, which “would facilitate an integrated and individualized approach, with assistance shadowing a client, be this at the second line reception facility, or regarding interactions within employment, educational or healthcare sectors.”90 The organisation also suggests that the data could be used in criminal proceedings if the victim so agrees. For UAMs who are not (presumed) trafficking victims, a similar “social file” should follow the child with a view to finding a sustainable solution, e.g. family reunification.91 In all this, it is important not to put an over-emphasis on migration: domestic and intra-EU child-trafficking victims must be added to these databases as well, as they are not adequately identified as trafficking victims.92

A lack of information exchange is not the only reason why cross-border cooperation runs aground. It is hard to find out who to contact in a different country. In fact, it is even harder sometimes for local actors to find a point of contact within the same country. There may also be a language barrier or procedures may be complex and time-consuming. It is, therefore, recommended for states to appoint a national focal point in a central government agency for dealing with trafficking victims. Such a national focal point should be the single point of contact to whom all inquiries about (child) trafficking victims or missing children can be addressed. The national focal point could liaise with other national focal points in order to bring the right actors in contact with each other, to discuss which type of information is needed and to learn about procedures in the other country.93

The national focal points should be part of an international case management system, such as the Transnational Referral Mechanisms (TRMs), grafted on the National Referral Mechanisms but incorporating the transnational dimension. Those TRMs, piloted in a few countries, are one model of international, interagency cooperation and encompass both standard operating procedures and the appointment of national contact points.94

3. Training and standard operating procedures

The importance of training for frontline professionals is being emphasised by all organisations who fight against child trafficking. Child-trafficking victims and UAMs come into contact with officials (migration office, police, social workers, health workers etc.), but for these officials to take the necessary steps with a view to preventing further or future exploitation or trafficking, they must first of all recognise vulnerabilities and indicators of exploitation. This is the case for both the trafficking of migrant children and domestic or intra-EU child trafficking. They must also know whom to inform and which procedures to initiate. This may be obvious for people who frequently deal with child victims of trafficking or UAMs, but not for others. Municipal authorities and local police often lack experience dealing with such cases and formal training.95

In other words, when the right action is not taken, this is often not out of negligence or malicious intent, but simply because procedures are not in place or staffers lack proper training, which is a problem particularly for law enforcement officers and criminal justice professionals.96

Thus, it is advisable not to rely on a single stakeholder for efficient victim identification and referral, but to invest instead in regular training sessions tailored to different stakeholders, as this is essential to an integrated approach to anti-trafficking interventions. This, the OSCE emphasises, requires “a coherent national strategy with a clear division of roles and responsibilities of competent stakeholders at central and local levels and the optimization of allocated financial resources.”97

A lack of training not only manifests itself in the failure to identify trafficking victims. For instance, Missing Children Europe’s INTERACT project showed that “further training on available tools including the use of SIENA and Interpol

For effective cooperative case management, whether within one country or across borders, it is essential that the necessary information is being shared between relevant actors.
was identified as essential to equipping professionals to utilise these tools in the best interest of [child-trafficking victims]." In addition, (non-medical) professionals who come in contact with UAMs should be trained in mental issues such as trauma and other issues affecting child refugees.

Even with proper training, however, many might have difficulties making judgments in cases related to UAMs and trafficked children. To a certain extent, such insecurities and the need for subjective judgments could be taken away by implementing standard operating procedures. Such procedures should be in place for migrant and refugee referrals, including victim identification, and comprise specific procedures for minors and UAMs. The protocols would tell officials and civil society workers what to do when in contact with a UAM or child victim of trafficking, covering such things as which agencies and organisations to alert, which information to collect, which information to share with the subject and whose approval to await before letting the child go. The standard operating procedures need to be the result of a multiagency cooperation of all relevant actors, should be harmonised and mandatory for all actors. They have the potential of taking a weight of the shoulders of individual decision-makers, while at the same time boosting the effectiveness and efficiency of victim protection and assistance, on the one hand, and the prevention of THB, on the other. The OSCE has made available a model for standard operating procedures for the formal identification of trafficking victims.

4. A tailored, child-friendly approach

When dealing with children, it is important to ensure that information, interactions with professionals and the locations where interviews are conducted are child-friendly. Especially when dealing with UAMs, who invariably have a history of traumatic experiences, it is important to make sure that they feel comfortable, gain trust in the assistance system and are confident enough to speak up.

It is advisable not to rely on a single stakeholder for efficient victim identification and referral, but to invest instead in regular training sessions tailored to different stakeholders, as this is essential to an integrated approach to anti-trafficking interventions.

One way to stimulate child-friendliness is the use of dedicated spaces for interviews and referrals for children. The OSCE specifically endorses the Barnahus approach. The Barnahus (“Children’s house”) concept originated in Iceland in 1998. It encompasses an interagency, multi-professional approach to addressing cases of violence against children and child abuse and combines a penal and welfare track. The model was soon exported to other Nordic countries.

The Barnahus Children’s houses are child-friendly places that bring all services (law enforcement, prosecution, welfare, health and potentially others) under one roof. Children are brought there and relevant stakeholders all come there to interview the child, perform medical tests and so on. In other words, the services are brought to the child rather than the other way around. This has certain benefits: it puts less strain on the children themselves, different actors can better coordinate their response to each case and children receive support throughout the whole process. Of course, for this model to work in child-trafficking cases, presumed or identified victims should be routinely transferred to children’s houses. Another important aspect of an approach tailored to children is the sharing of adequate information on the risks of THB and exploitation as well as on migration and asylum procedures and prospects for the future. Adequate information is information that is sufficient for children to know what their rights and options are, what kind of assistance and protection they may expect, what the information they give will be used for, why they are being interviewed, as well as absolute basics such as where they are. The information should also be age- and gender-sensitive, so that it is tailored to their individual situations and is understandable for children of their age. Missing Children Europe’s handbook contains a checklist of what kind of information should at least be given to children in migration and child-trafficking victims.
5. Addressing the offender and demand side

Most of this report, as well as most of the resources it refers to, focus primarily on the victim side of child trafficking: identifying trafficking victims, protecting them, preventing that they are re-victimised or that vulnerable individuals are victimised. An integrated approach to the prevention of THB and child trafficking should also address the offender and demand side.

Most types of crimes involve two actors, namely the offender and the victim. The gains (e.g. a wallet stolen by a pickpocket) flow to the offender. For the crime to happen, the potential offender and potential victim have to come into contact with each other in a certain situation (either real or virtual). Crime prevention interventions may focus on the offender, the victim, the situation, or any combination thereof.\textsuperscript{107}

In the case of THB and exploitation, the model is slightly more complex (see Figure 4). Besides an offender (trafficker or exploiter) and a victim, there is also a third party, which could be referred to as the demand side, even if that word may seem to attribute a greater role to this party than is necessarily the case. The demand side is the buyer or user of the goods or services produced through exploitation.

In other words, the demand side (the buyer) may or may not be criminally liable and may or may not be benefitting from the trafficking or exploitation. Either way, there is a potential for preventive measures at the demand side. An integrated approach to the prevention of child trafficking is oriented not just towards the victim, but also towards the offender and the buyer, as well as all the interactions between any of them and between them and the legal economy and infrastructure.
The last factor deserves some clarification. **In order to do what they do, traffickers depend on the legal economy and infrastructure.** In order to sell products or launder money, they may have to set up legal businesses as fronts. To recruit and control victims, traffickers often depend on social media. To transport or house victims, they may have to apply to local authorities or even have to forge documents, which are subject to control by authorities. In addition to the document fraud and money laundering, there may be other crimes, including tax evasion, benefit fraud, illegal prostitution and labour law violations, all of which, when detected, could also be indicators of exploitation.

Thus, a good grasp of the business model of trafficking helps identify ways to tackle the problem of exploitation and trafficking, whether in a preventive or in a reactive manner. While not focusing on child trafficking, the work of HEUNI and partners in the framework of the FLOW project is particularly insightful in this respect. HEUNI researchers have mapped the business model and illicit financial flows in labour exploitation, and will in the future translate the results into investigation aids.

So what can be done? Here are a few examples:

- Raising awareness of the signs and indicators of exploitation and trafficking among the general public;
- Ensuring that individuals have access to efficient and discreet pathways of reporting suspicious businesses (even in cases of mere doubt);
- Helping businesses to prevent exploitation in their subcontracting chain (HEUNI has guidelines for this);
- Promoting the adoption of corporate codes of conduct for the protection of children from sexual exploitation (for an example, see the ECPAT initiative called The Code);
- Business licensing policies and identification of businesses as fronts could increase the costs and risks for the offender;

Offenders often rely on social media to recruit and control victims. Social media platforms can implement certain measures to make the platform less usable for these purposes and increase the risk of getting caught.
It is, finally, important to **empower local authorities and supervisory bodies** to identify and report possible cases of THB or exploitation. International trade conditions and labour inspection obviously play a big role and while focusing predominantly on other parts of the world, some resources of the International Labour Organization (ILO) are of great value in this respect.\(^{114}\) But there are others as well: food safety inspection (for the catering industry), housing authorities and residence registration, business licensing, environmental inspection, fire safety inspection, etc. All could, in their day-to-day jobs, keep an eye out for exploitation and report it to other competent authorities, in addition to throwing up barriers to criminal enterprises by way of administrative sanctions. This is also called the **administrative approach** to organised crime.\(^{115}\)

None of these measures pertain to child exploitation or trafficking exclusively, but do contribute to the fight against it. For instance, both the CONFINE and Safe Car Wash initiatives helped municipal authorities and buyers identify and call an end to child exploitation and trafficking (see separate boxes).
The EU-Funded CONFINE project, a cooperation between local actors in Belgium and the Netherlands, has produced a manual on the application of the administrative approach to THB: Towards Operational Cooperation on Local Administrative Financial Investigations in the Fight Against Human Trafficking (2019). It outlines the general framework of the method and provides a list of indicators and potential administrative (and penal) actions. It also gives ample examples from practice and details a number of case studies. These clearly show that the approach, while only piloted in a few cities, helped unearth cases of both labour exploitation and sexual exploitation involving minors.


The Safe Car Wash App was developed in 2018 by The Clewer Initiative, an organisation of the Church of England whose mission it is to combat modern slavery. The smartphone application, available for both Android and iPhone, is part of a community intelligence-led approach to mapping human trafficking and labour exploitation in car washes across the UK. The app asks drivers who visit a hand car wash a series of questions related to indicators of labour exploitation. The collected data is anonymised and shared with relevant law enforcement agencies. An evaluation of the project by researchers from Nottingham University (Rights Lab, 2019) showed that 8% of reports logged minors working on site. While not necessarily illegal in the UK, this could be an indication of labour exploitation of minors.

For more information, see https://www.thecleverinitiative.org/safecarwash.

HELP END MODERN SLAVERY IN HAND CAR WASHES

https://www.thecleverinitiative.org/safecarwash
Factsheet

Key recommendations FOR THE PREVENTION OF CHILD TRAFFICKING

01 Always aim at a durable solution based on an individual assessment of the best interests of the child. This requires listening to the child and appointing a legal guardian at once.

02 Invest in better cross-border, interagency cooperation and information exchange. Everyone should know what to do and which information to share with whom. Get to know others in the field and how you may better cooperate.
Invest in regular, targeted training sessions for frontline professionals, including law enforcement. Even so, individual caseworkers should be able to rely on standard operating procedures to inform their decisions.

Always approach refugee children and child-trafficking victims in a child-friendly fashion. The Barnahus method of offering all services, including interviews, to the child in one child-friendly place, is recommended.

An integrated approach to child trafficking should also take into account the offender (the traffickers) and demand side (the buyers of services and goods produced through trafficking).
9 Europol, Criminal Networks Involved in the Trafficking and Exploitation of Underage Victims, 37.
12 FRA, Migration to the EU: Five Persistent Challenges, Vienna: FRA, 2018, 14.
20 Europol, Criminal Networks Involved in the Trafficking and Exploitation of Underage Victims, 20-1.
23 Over 1000 Refugee Children Vanish from Dutch Centres in Five Years, DutchNews.nl, 1 Apr. 2019.
28 OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, From Reception to Recognition, 16.


41 Those reports can be found on GRETA's homepage: https://www.coe.int/en/web/anti-human-trafficking/country-reports.


48 Ibid.


51 Directive 2011/36/EU.


53 Europol, Criminal Networks Involved in the Trafficking and Exploitation of Underage Victims.


59 FRA and European Commission, Children Deprived of Parental Care Found in an EU Member State Other Than Their Own.

60 Ibid., 16-8.


62 EIGE, Gender-Specific Measures in Anti-Trafficking Actions.

63 Ibid., 13.

64 Ibid., 14-5.


67 Ibid.


69 OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, From Reception to Recognition.


72 Ibid., 32-3.

73 Ibid., 44-5.

74 UNCRC, art. 3.1.

75 UN OPSC, art. 8.

76 CoE Treaty no. 197, art. 10.4, 4.2, 6.7, and 28.3.


79 Missing Children Europe and ECPAT UK, Practical Guidance, 44-6.


81 Ibid., 31.

82 Ibid., 36.

83 Ibid., 39.

84 Ibid., 48.

85 Missing Children Europe and ECPAT UK, Practical Guidance, 76.


88 Missing Children Europe and ECPAT UK, Practical Guidance, 81-7.

89 FRA and European Commission, Children Deprived of Parental Care Found in an EU Member State Other Than Their Own, 95-8.

90 OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, From Reception to Recognition, 36.

91 Ibid., 40.

92 ECPAT UK and Missing Children, Heading Back to Harm, 63.
93 OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Child Trafficking and Child Protection, 42; Missing Children Europe and ECPAT UK, Practical Guidance, 89.


97 OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, From Reception to Recognition, 34.


99 Ibid., 42.

100 International Centre for Migration Policy Development, Trafficking Along Migration Routes to Europe, 88-9.

101 OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, From Reception to Recognition, 35.

102 OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Uniform Guidelines, 24-5.

103 OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Child Trafficking and Child Protection, 32.


106 Missing Children Europe and ECPAT UK, Practical Guidance, 45-53.


111 For more information, see http://www.thecode.org/.


114 ILO et al., Ending Child Labour, Forced Labour and Human Trafficking in Global Supply Chains, 2019.

CONTACT DETAILS

EUCPN Secretariat
Phone: +32 2 557 33 30
Email: eucpn@ibz.eu
Website: www.eucpn.org