



*With the financial support of the  
Prevention of and Fight against Crime Programme  
European Commission - Directorate-General Home Affairs*

# Protection First.

Early Identification, Protection and  
Assistance of Child Victims and at Risk  
of Trafficking and Exploitation.

Briefing Paper.



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This publication was produced within the European Project **“Early identification, protection and assistance of child victims and at risk of trafficking and exploitation”**, funded by the European Commission – Directorate General Home Affairs, 2014.

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**Protection first. Children first.**

**Children are the experts. Include children as the agents of their identification, protection and future.**

## I. INTRODUCTION

As acknowledged in the *EU Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings*, a successful fight against trafficking in human beings must be built upon three pillars: **prevention, protection of trafficked persons and prosecution of traffickers**. These pillars must be supported by research, improvement of the understanding of the phenomena and increased coordination and cooperation among key actors<sup>1</sup>.

In line with these principles, the **PROTECTION FIRST** project has pursued a threefold aim: to improve knowledge on child trafficking; to increase the capacity of relevant actors to protect, support and assist child victims or at risk of trafficking and exploitation; to enable children to assess their own situation with the help of self-assessment and awareness-raising tools.

The European Migration Network analysed in 2014 the policies of EU Member States on detection, identification and referral of trafficking cases<sup>2</sup>. According to this study, many European countries have implemented a wide range of special provisions for the identification of child victims and the determination of their best interest, such as appointments of legal guardians or ad-hoc administrators, interviews conducted by trained staff, and monitoring mechanisms.

There is, however, a general lack of attention with regard to **self-assessment and evaluation strategies** for victims of trafficking. In the past, children's opinion on the indicators in use has never been heard; as a result, it has not been possible to confirm their relevance and to enable children to self-assess their condition and understand whether they have been in the process or at risk of being trafficked or exploited. This project, on the contrary, has applied a participatory approach in order to involve children and consider their viewpoints.

While indicators have been constantly recommended by the EU and other international institutions as the most effective tool for identifying victims of trafficking, the need for regularly updating them in order to ensure their continued relevance has not been equally considered<sup>3</sup>. This project has intended to bring the existing indicators up-to-date and to secure their implementation by actors other than law enforcement and referral agencies, focusing specifically on **social workers in children's residential facilities**. Accordingly, practical tools for the identification of victims and related training activities for relevant practitioners in the field have been developed.

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<sup>1</sup> European Migration Network Study, *Identification of victims of trafficking in human beings in international protection and forced return procedures*, European Commission, DG Migration and Home Affairs, March 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn\\_synthesis\\_identification\\_victims\\_trafficking\\_final\\_13march2014.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_synthesis_identification_victims_trafficking_final_13march2014.pdf) (last accessed 02/10/2015).

<sup>2</sup> *Ibid.*

<sup>3</sup> See for instance: *Trafficking in human beings*, Eurostat, 2013, p. 13, [http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/docs/20130415\\_thb\\_stats\\_report\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/docs/20130415_thb_stats_report_en.pdf) (last accessed 29/10/2015); *The IOM Handbook on Direct Assistance for Victims of Trafficking*, 2007, [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/iom\\_handbook\\_on\\_direct\\_assistance\\_en\\_1.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/iom_handbook_on_direct_assistance_en_1.pdf) (last accessed 28/10/2015); UNICEF *Guidelines on the Protection of Child Victims of Trafficking*, September 2006, p. 14, [http://www.unicef.org/ceecis/0610-Unicef\\_Victims\\_Guidelines\\_en.pdf](http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf) (last accessed 28/10/2015).

The **Methodology** adopted has greatly facilitated the project objectives and findings. It has served at the same time as a tool and a goal in a process of research, development and assessment of the most effective measures for the early identification and protection of victims of trafficking.

**Child Participation** is at the core of the project methodology: “*States Parties shall assure to 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*”. (Art. 12, CRC).

In view of this right, and in keeping with Save the Children’s standards, all migrant children and adolescents involved in the project have had the chance to actively participate in the creation, evaluation and dissemination of child-friendly tools aimed at their peers. Child participation has proven particularly successful to address highly delicate and complex concepts (trafficking; exploitation in its different forms; work legislation; freedom; risks; etc.) and to make them accessible to children<sup>4</sup>. It has also given scope for children to contribute in reviewing and defining the range of risk factors, and to increase their capacity to protect themselves and support others. We therefore recommend the adoption of this methodological approach in all stages of projects and actions aimed at empowering children’s capabilities, at enhancing child-oriented services and policies, and at promoting their right to citizenship.

This methodology has also emphasised the importance of **Research** in the development of effective tools and interventions for the prevention and protection of victims, particularly when it is designed as an action-research approach that engages all relevant stakeholders and their expertise, taking into account the full spectrum of their insights, viewpoints and perspectives.

To this end, research activities involving stakeholders have been carried out by the project partners in order to gain contextual knowledge against which the effectiveness of original prevention and protection tools could be tested, and these could be selected. A **desk review** surveyed recent publications and updated information on trafficking in each partner country and at EU level. **Profiles** of child victims or at risk of trafficking, and the main **Indicators** of trafficking for each profile, have been identified.

Owing to the individual geographical standpoints of the several project partners, the account of the trafficking phenomenon was varied for each country. Indeed, in Romania the majority of the victims are internally trafficked; Italy is mostly a transit and receiving country; the Netherlands, too, is a receiving country. Even so, internal trafficking is present in all of these countries.

In addition, the importance of the issue of residency status differs among states. In southern European countries the distinction between legal and illegal residency is less strict than it is in northern European ones, such as the Netherlands. The consequences of legal or illegal stay for the protection of child victims are also diverse. All the same, it has been possible to draw some

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<sup>4</sup> *FACT SHEET: The right to participation*, UNICEF, <http://www.unicef.org/crc/files/Right-to-Participation.pdf> (last accessed 29/10/2015).

common conclusions and recommendations relating to problems that affect in similar ways the countries involved in the project.

A set of recommendations are addressed to the European Commission and to the key actors involved in the development of policies and practices for improved identification and protection of child victims of trafficking and exploitation. The recommendations are general enough to allow each stakeholder to integrate them within their own frame of competences.

## II. MAIN FINDINGS AND RECOMMENDATIONS

Taking into account the information presented by Myria Vassiliadou in her keynote speech at Eurojust “Strategic meeting on trafficking in human beings” in April 2015, who referred to the intention of the EU to prioritize the issue of child trafficking in the future EU Strategy against Trafficking of Human Beings as from 2016 and to launch a mapping of the conclusions of EU-funded project on the topic<sup>5</sup>, we summarize our recommendations as follow:

### 1. Difficulty of identifying the victims of trafficking and exploitation

#### Findings

The identification of child victims of trafficking is complicated by the **broad definition** given to the concept. Trafficking refers to various forms of exploitation involving vulnerable children, including migrants. Exploitation for criminal activities, organ trafficking, sexual exploitation, begging, forced prostitution: all fall under the broad definition of “human trafficking”, from which children are entitled to special protection. However, due to the several existing forms of trafficking, identifying the crime and ensuring victims an equal access to protection measures is a difficult task.

Social practices for the identification of trafficked individuals must be specifically designed and implemented, starting from the consideration that victims of trafficking live in conditions of marginality and social exclusion<sup>6</sup>, are exploited and controlled by criminal groups, and may be confined in hidden places, their freedom of communication and movement strongly limited.

Moreover, due to the peculiar nature of the phenomenon of trafficking and exploitation, children may be identified as offenders rather than victims (for example, children may be forcefully

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<sup>5</sup> *Strategic meeting on trafficking in human beings*, Outcome Report, Eurojust, The Hague, 16-17 April 2015, <http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/Casework/Outcome%20report%20Eurojust%20THB%20meeting%2016-17%20April%202015/Outcome%20report%20Eurojust%20THB%20meeting%2016-17%20April%202015.pdf> (last accessed 02/10/2015).

<sup>6</sup> *Study on high-risk groups of trafficking in human beings*, Final Report, European Commission, DG Migration and Home Affairs, 2015, p. 12, [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_children\\_as\\_high\\_risk\\_groups\\_of\\_trafficking\\_in\\_human\\_beings\\_0.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_children_as_high_risk_groups_of_trafficking_in_human_beings_0.pdf) (last accessed 29/10/2015).

involved in criminal activities, but the condition of coercion may not be considered or recognized), and as a consequence they may not be granted the proper protection they deserve.

The distinction made in several countries between the notions of “trafficking” and “exploitation” is easy to be misunderstood. Sometimes these terms are used to identify two different stages of the same phenomenon, distinguishing between the transport phase and the subsequent exploitation at the place of destination. It is therefore important to be aware of whether and how this lexical ambiguity is reflected in national legislation<sup>7</sup>.

### Recommendations:

- ❖ **Take a holistic approach during the process of identification.** This will allow to take into account, for instance, a child’s family background and his/her experience of migration, individual characteristics, and level of understanding and awareness of risks, recognizing the specificities and circumstances of each case.
- ❖ **Adopt a multi-agency approach.** From an organizational point of view, a holistic identification process requires the adoption of a multi-agency approach, based on the development of alliances and networks between different actors at local and national level (e.g. institutions, NGOs, law enforcement agencies) by means of shared working procedures and agreements (e.g. protocols, Memoranda of Understanding, Permanent Tables).
- ❖ **Increase capacity building.** Professionals at all levels and from different fields must develop extensive knowledge to be able to identify all possible victims of trafficking, in all its forms, and be familiar with the dynamics of different settings (internal trafficking; migration and smuggling). At the local level, where the identification takes place and first protection measures are adopted, local actors (e.g. law enforcement agencies and social workers) must develop the capacity to work together, formalizing shared procedures and establishing a common language. Joint training activities are also needed, e.g. to identify the new online techniques for the recruitment of victims of trafficking.
- ❖ **Involve children in the identification process.** It is advisable to use peer-to-peer methods to reach out and contact (potential) victims. The active involvement of peers ensures a greater understanding (owing to common jargon and shared group perceptions) and improves the process of identification.
- ❖ **Adopt flexible and non-judgmental approaches.** A non-judgmental attitude is at the basis of a **harm reduction** approach for the identification of victims.

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<sup>7</sup> *Legislation and the Situation Concerning Trafficking in Human Beings for the Purpose of Sexual Exploitation in EU Member States*, International Centre for Migration Policy Development, 2009, p. 55, [http://ec.europa.eu/dgs/home-affairs/doc\\_centre/crime/docs/evaluation\\_eu\\_ms\\_thb\\_legislation\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/doc_centre/crime/docs/evaluation_eu_ms_thb_legislation_en.pdf) (last accessed 05/10/2015).

## 2. Difficulty of protecting child victims or at risk of trafficking

### Findings

The protection of child victims of trafficking is complicated due to the following issue:

**Fragmented child protection systems.** This entails: (i) a dearth of continuous protection systems (from identification to reintegration) focused on children's needs and on the prevention of re-victimisation; (ii) fragmented residential protection services and management of trafficked victims on account of their individual characteristics (residency status; forms of exploitation; gender; etc.); (iii) a need for special attention to child victims in National Referral Mechanisms; (iv) a need for collaboration at the local level among the institutions and organizations responsible for child victims, in order to avoid duplication or gaps in the protection system; (v) the need to define minimum common standards on all levels among the different child-focused protection systems involved in the provision of services: emergency situations (such as the current flows of migrants and asylum seekers) cannot result in the failure to properly assist a child<sup>8</sup>.

### Recommendations

- ❖ **Improve continuous child protection systems.** Child protection systems should be set up to provide adequate care to child victims of trafficking in view of their best interest. The child must be protected throughout the protection process (from early identification and referral to reintegration) drawing on the widest range of interventions available, including primary, secondary and tertiary prevention activities. Specialized care should be available for children at every step of their individual reintegration and rehabilitation programmes. Appropriate programmes must also prevent forms of re-victimization and re-trafficking. Child protection as a whole should always be focused on the prevention of trafficking and exploitation, particularly in the case of foster care. If necessary, protection and reintegration programmes can take place within closed facilities, in order to protect child victims from external dangers. In addition, programmes should anticipate the risks that occur in the case of children that are reaching the age of majority and are expected to fall out of the protection programme.
  
- ❖ **Provide access to specialized facilities/shelters according to the special needs and protection requirements of trafficked children.** Child victims of trafficking and exploitation may have suffered traumas and hardships for which proper assistance in the most suitable environment must be provided. Besides, children may be sought after by their former traffickers or exploiters for fear of being reported to the authorities. In order to facilitate the rehabilitation and reintegration of victims, specialized facilities/shelters must be created, or supported if already present.

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<sup>8</sup> *Study on high-risk groups of trafficking in human beings*, Final Report, European Commission, DG Migration and Home Affairs, 2015, pp. 81-83, [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_children\\_as\\_high\\_risk\\_groups\\_of\\_trafficking\\_in\\_human\\_beings\\_0.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_children_as_high_risk_groups_of_trafficking_in_human_beings_0.pdf) (last accessed 29/10/2015).

- ❖ **Allocate public funding for services to victims; provide funding to staff of reception shelters for victims of trafficking.** This will improve: efforts to proactively identify potential victims among vulnerable children; access to medical assistance and quality of psychological counselling for victims; investigation, prosecution and conviction of traffickers, including complicit officials, and support and actual enforcement of penal sentences that are sufficiently stringent and commensurate with the severity of the crime; safety assessments of home environments before victims are released in order to prevent re-trafficking.
- ❖ **Support national policies that facilitate cooperation among different service providers.** Anti-trafficking stakeholders, service providers for asylum seekers and services for unaccompanied children must collaborate within a common local and national framework, catered around the individual needs of every child. Cooperation is needed in order to prevent failure in integration among the different services, which diminishes the opportunities for a victim to be identified and supported.
- ❖ **Improve national referral mechanisms to bring into focus the problem of child victims of trafficking, their special needs and the care facilities available for them.** Victim assistance services must be constantly evaluated and adjusted to meet the children's needs and the specificities of each national social context.

### **3. Difficulty of finding durable solutions**

#### **Findings**

**The EU migration policy is key to achieving durable solutions.** A set of specific restrictions, such as the issuance of a residency permit, may hinder children from third countries from ensuring a durable solution to their situation. The prospect for a child to find a long-term solution differs in northern and southern European countries on the basis of his/her residency status.

#### **We recommend to the European Union to**

- ❖ **Improve the collection of quantitative data to provide a critical appraisal** concerning the significance of profiles of child victims of trafficking, in spite of the difficulties arising from the clandestinity of the phenomenon and from the absence in most EU Member States of valuable data collection and monitoring instruments to quantify the numbers of victims of trafficking<sup>9</sup>.

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<sup>9</sup> European Migration Network Study, «Annex 1», *Identification of victims of trafficking in human beings in international protection and forced return procedures*, European Commission, DG Migration and Home Affairs, March 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn\\_synthesis\\_identification\\_victims\\_trafficking\\_final\\_13march2014.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_synthesis_identification_victims_trafficking_final_13march2014.pdf) (last accessed 02/10/2015).

- ❖ **Improve constant cooperation between EU Member States and countries of origin, transit and destination of trafficked children:** the modes of cooperation between EU Member States and countries of origin should be more suitably clarified and detailed, with particular regard to bilateral discussions on decision-making<sup>10</sup>. In accordance with the 7<sup>th</sup> principle of the European Commission’s *Coordination and cooperation in integrated child protection system* reflection paper, cross-border mechanisms should be developed to ensure that “the necessary mechanisms and protocols are in place with regard to Dublin cross-border transfers and the procedures are completed in due time, with the child's best interests being the primary consideration”<sup>11</sup>.

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<sup>10</sup> See the conclusions of Panel 3 at OSCE’s 15<sup>th</sup> “Alliance against Trafficking in Persons” Conference, Vienna, 6-7 July 2015, in *Highlights from the 15<sup>th</sup> “ALLIANCE AGAINST TRAFFICKING IN PERSONS” Conference*, 24 July 2015, <http://www.osce.org/secretariat/174616?download=true> (last accessed 02/10/2015).

<sup>11</sup> *Coordination and cooperation in integrated child protection systems*, 9th European Forum on the rights of the child, Reflection Paper, European Commission, DG Justice and Consumers, 30 April 2015, [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/rights\\_of\\_the\\_child\\_2015\\_-\\_reflection\\_paper.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/rights_of_the_child_2015_-_reflection_paper.pdf) (last accessed 02/10/2015).

### III. Gender Focus

Gender issues should be mainstreamed into the identification, protection and solution process, given that gender bias still exists both in countries of origin and destination.

As regards the **identification** of child victims of trafficking, the main concern relates to the ‘overrepresentation’ of girls as victims of sexual exploitation and of boys as victims of exploitation in criminal activities or labour exploitation. Due to such gender-biased perspectives, other forms of exploitation involving male and female child victims become less easily identifiable; as a result, boy victims of sexual violence and girl victims of criminal or labour exploitation tend to be overlooked<sup>12</sup>.

The ensuing **protection** received by child victims after the identification process is also affected by gender bias. We have especially identified a disparity in the treatment of girls and boys concerning placement in closed protection facilities. While girl victims are assigned there too quickly, it is more difficult to receive approval for boy victims, even in case of individuals with a history of disappearing from open protection facilities.

As a consequence, the prospects of **durable solutions** for boys and girls differ. Residency permits are more easily granted to girl victims of sexual exploitation than to boy victims of, for example, labour exploitation. In fact, their experience of victimhood is treated unevenly.

As a result of these findings, we put forward the following **methodological recommendations**. The issue of gender should be mainstreamed in all future projects, e.g. organizing separate workshops for boys and girls. The day-to-day contact with male child victims has proved to be easier: boys (especially if victims of forms of exploitation other than sexual) have appeared more willing than girls to overcome their initial resistance, discuss their experience and choices and be advised on potential risks for the future. On the other hand, it has been more difficult to involve potential female victims of sexual exploitation in protection programmes. Girls were not present in outreach facilities and were also not easily reached in other settings.

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<sup>12</sup> *Study on high-risk groups of trafficking in human beings*, Final Report, European Commission, DG Migration and Home Affairs, 2015, pp. 22-26, [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_children\\_as\\_high\\_risk\\_groups\\_of\\_trafficking\\_in\\_human\\_beings\\_0.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_children_as_high_risk_groups_of_trafficking_in_human_beings_0.pdf) (last accessed 29/10/2015).