

The cover features a green background with silhouettes of a child and a hand holding a child. The title is centered in a white box. The bottom right corner has a blue background with a yellow silhouette of a child and a hand holding a child.

CHILD TRAFFICKING FOR SEXUAL PURPOSES

A contribution of ECPAT
International to the World
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Sexual Exploitation of
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This thematic paper was written by Mike Dottridge on behalf of ECPAT International as a contribution to the World Congress III against Sexual Exploitation of Children and Adolescents.

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Mike Dottridge

Submitted by ECPAT International

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List of Acronyms

ASEAN	Association of Southeast Asian Nations
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
CRC	UN Convention on the Rights of the Child
CSEC	Commercial Sexual Exploitation of Children
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EU	European Union
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
ILO	International Labour Office and International Labour Organization
ILO/IPEC	See IPEC
IOM	International Organization for Migration
IPEC	ILO's International Programme on the Elimination of Child Labour
MoU	Memorandum of Understanding
NGO	Non-Governmental Organisation
NPA	National Plan of Action
NRM	National Referral Mechanism
OAS	Organization of American States
ODIHR	The OSCE's Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
RCM	Regional Conference on Migration
TIP	US Government's Annual Trafficking in Persons Report
UK	United Kingdom
UN	United Nations
UNESCO	UN Educational, Scientific and Cultural Organization
UN GIFT	UN Global Initiative to Fight Human Trafficking
UNICEF	UN Children's Fund
UNODC	UN Office on Drugs and Crime
UNOHCHR	UN Office of the High Commissioner for Human Rights
US	United States of America
USAID	US Agency for International Development
US GAO	US Government Accountability Office
YPP	Youth Partnership Project for Child Survivors of Commercial Sexual Exploitation in South Asia

Executive Summary

The thematic paper on child trafficking for sexual purposes reports that there have been numerous innovations since 2001:

- New international instruments on the issues of human trafficking and the sexual exploitation of children have come into force;
- Many countries have adopted new legislation to stop child trafficking or human trafficking, as well as the sexual exploitation of children;
- New international standards have been published concerning the protection and assistance of children who have been trafficked and/or subjected to sexual exploitation;
- New techniques have been used to try to prevent child trafficking and lessons have been learned about existing techniques;
- New national structures have been set up to coordinate efforts to stop trafficking in children or human trafficking;
- Donors have invested substantial amounts in programmes to stop human trafficking and international organisations have supervised a wide range of programmes to stop children being trafficked; and
- A wide range of ‘good practices’ have been identified to prevent children from being trafficked or to assist trafficked children.

The paper recognises that since 2001, many States and organisations have given priority to combating human trafficking, rather than to child trafficking or child trafficking that is specifically for sexual purposes. A great deal of information has been published about human trafficking, but it is often difficult to know which cases involve children. Similarly, in reports about efforts to stop child trafficking, it is difficult to know which efforts were relevant to stopping child trafficking for sexual purposes. In some circumstances, the attention given to ‘trafficking in persons’ (i.e., adults and children together) appears to have resulted in the specific rights and needs of children being neglected, as they have not been addressed explicitly.

After a new United Nations (UN) protocol on trafficking in persons was adopted in 2001, the emphasis was initially on cases of transnational trafficking (i.e., from one State to another). Since 2005, there seems to have been greater recognition that in some countries the majority of cases of child trafficking involve ‘internal trafficking’ (i.e., when children are exploited, or moved to be exploited, within their own country). The paper reviews the effects of the *UN Trafficking Protocol* and its provisions. It reports that several UN agencies consider it to be appropriate to address child trafficking in the broader context of child

protection, rather than focusing narrowly on the sexual purpose for which some children are trafficked. Their intention is that measures will be put in place which will protect children from being trafficked for sexual purposes and against a range of other forms of exploitation and abuse.

The paper notes that the term ‘trafficking’ is still interpreted to refer to different practices in different States, making it difficult to compare data about cases of trafficking from different countries and complicating attempts to establish links between States to resolve the cases of individual children.

Inadequate evidence is available to conclude whether the number of children trafficked for sexual purposes annually has increased or decreased since 2001. Evidence is available from a few regions to demonstrate that the number of children trafficked from one State to another has decreased. Little dependable data is available about the numbers of children trafficked or subjected to sexual exploitation within individual countries.

On issues such as new legislation, national plans of action and national structures established to coordinate organisations engaged in anti-trafficking initiatives, the paper notes both progress and some confusion. It reports the efforts that have been made to overcome a variety of obstacles to enforcing laws against trafficking and sexual exploitation of children, notably by making the criminal justice system more child friendly. A particular obstacle concerns difficulties in identifying children who have been trafficked.

The paper reviews guidelines issued by the UN Children’s Fund (UNICEF) on the protection of child victims of trafficking and measures to implement these. International standards stress that risk assessments should be carried out for all trafficked children. Some progress is noted in developing procedures for risk assessments and making durable decisions about children trafficked from one State to another, but rather less in cases of internal trafficking. Few States are reported to have developed procedures to implement one of UNICEF’s guidelines, the appointment of temporary legal guardians for trafficked children within a specified maximum period of time (such as 24 hours).

The paper reviews a variety of methods to prevent children from being trafficked. It reports on the findings of reviews that have expressed reservations about the effectiveness of awareness raising activities. The paper stresses the importance of efforts to identify the

specific factors that make some children disproportionately more likely to be trafficked than others. Doing so makes it possible to focus prevention efforts on particular children. With respect to a variety of specific measures to stop children from being trafficked, the paper raises questions about how to maintain an appropriate balance between protecting children from abuse and enabling them to exercise their rights.

States have used a variety of frameworks to improve coordination of anti-trafficking initiatives and to plan anti-trafficking activities. Despite public commitments to working together at the international, national and local levels, separate organisations involved in efforts to stop child trafficking have not yet found the best ways of working together. The paper discusses the different options and the benefits of planning and coordinating a broad set of child protection and anti-trafficking initiatives, while ensuring that the rights and needs of exploited children receive explicit attention.

The paper notes that a great deal has been achieved and learned since 2001. Key lessons are:

- Much more can be done to prevent child trafficking than telling parents and children that it happens and relying on law enforcement to deter traffickers. The benefits of understanding and addressing the factors that make specific children vulnerable to traffickers are clear.
- Actions to stop children from being trafficked become more effective when the responses in the separate areas where children are recruited and exploited (and through which they are transferred) are coordinated. Not enough is being done (by States, international organisations and NGOs) to coordinate such responses. States have not done enough to improve bilateral contacts or to coordinate their respective interventions along child trafficking routes.
- The most appropriate action to prevent children from being trafficked for sexual purposes does not necessarily focus specifically on the issues of child trafficking or sexual exploitation. Initiatives to protect unaccompanied and separated children in general are often appropriate.
- Lessons about effective prevention do not seem to have been shared widely enough or to have been fully understood by donors.
- Children who have been trafficked for any purpose are entitled to adequate protection and assistance. Many guidelines have been issued, but not enough has been done to implement them at the national level.
- If they are to succeed, decisions about what happens to trafficked children should be tailored for each child to ensure the child is not returned to exactly the same situation (and the same risks) that she or he left when trafficked.

- Children who have been trafficked for sexual purposes have the potential to make a greater contribution themselves to anti-trafficking initiatives. Many institutions seem reluctant to take advantage of this potential.

The final section of the paper makes six recommendations, to be implemented within the coming five years, to improve current strategies and policies. They are:

1. Identify and remedy any weaknesses in your country's (child) protection systems that have failed to adequately prevent children from being trafficked or have in any way contributed to children being trafficked.
2. Establish or strengthen referral mechanisms to ensure that children trafficked for sexual purposes receive the protection and assistance that they are entitled to under international standards.
3. Ensure that any child who is presumed to have been trafficked is entitled to all the rights and protection due to a child who has been trafficked, notably that a temporary legal guardian is appointed for each child.
4. Evaluate the impact that recently introduced policies and legislation about child trafficking (or related offences) have had on prosecutions and convictions of individuals suspected of trafficking children for sexual purposes and assess whether new legislation has made it easier to secure convictions, more difficult or has had no discernable effect.
5. In cases of transnational trafficking, demonstrate that officials in the areas concerned (both the place where an exploited child has been identified and the place the child came from) have developed effective communication and links with each other.
6. Initiate a programme to address one or more of the fundamental and systemic values and beliefs that accommodate and sustain sexual violence and sexual exploitation of children.

1. Introduction

Since the Second World Congress against Commercial Sexual Exploitation of Children in Yokohama in December 2001, much has been learned about what does and does not help stop children from being trafficked for sexual purposes. There has been wide recognition that the techniques used for identifying trafficked children and enabling them to recover and restart their lives were often unsatisfactory. International treaties have come into effect and new standards have been issued. On the basis of the wide range of techniques used to prevent children from being trafficked, it has been possible to conclude that some techniques are less effective than expected, but no single set of techniques has been recognised as the optimum solution.

Two international instruments adopted in 2000 concerning the sexual exploitation of children and trafficking in persons have now come into force: the *Optional Protocol to the UN Convention on the Rights of the Child¹ on the sale of children, child prostitution and child pornography²* and the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children³* (the 'UN Trafficking Protocol', often referred to as the 'Palermo Protocol'), supplementing the *UN Convention against Transnational Organized Crime*. Numerous States have enacted legislation based on the *UN Trafficking Protocol*. Since its adoption in November 2000, donors have given relatively large amounts of money to anti-trafficking programmes.

The adoption of the *UN Trafficking Protocol* and the resulting focus on efforts to stop human trafficking prompted new research and numerous publications on the subject. Many statistics are now available on how many cases of human trafficking have been recorded, how many prosecutions have been started and how many people convicted of trafficking.⁴ The disadvantage for anyone working specifically to stop the sexual exploitation of children is that these statistics do not distinguish between the various purposes for which the trafficking took place or indicate whether those being trafficked were adults or children (and, if children, younger children or older adolescents). They do not tell us much that is useful when planning future actions.

The evidence available today is not sufficient to assess whether the number of children being trafficked for sexual purposes around the world has increased or decreased since 2001. Although, in particular countries or regions, evidence is available. Further, despite the adoption of international instruments standardising definitions of abuse such as human trafficking and child trafficking, individual countries, and even agencies within the same country, continue to use different definitions and ways of assessing the number of cases.

For several years after the new international instruments were adopted in 2000, the focus of most anti-trafficking initiatives was on transnational human trafficking, i.e., cases in which a child or adult was trafficked from one country to another. This was probably because the UN *Trafficking Protocol* supplemented a convention concerned with transnational organised crime. In the last few years, there seems to have been a realisation in various regions that the majority of trafficking cases, or at least a significant proportion of them, concern children or adults trafficked within the borders of their own country, i.e., internal or domestic trafficking.

This paper reviews progress in the actions to stop child trafficking, looking at the areas characterised as ‘prosecution’, ‘prevention’ and ‘protection’.⁵ It focuses on action to stop children from being trafficking for sexual purposes, but notes that such efforts have been engulfed in a tide of related initiatives to stop sexual violence, forced labour, child labour and, in particular, trafficking in persons (i.e., adults and children). Many anti-child trafficking initiatives address trafficking that occurs for a variety of purposes, not only for sexual exploitation. While the paper tries to keep the focus on child trafficking for sexual purposes, much relevant information is about efforts to stop child trafficking in general.

2. The impact of new international instruments, especially the *UN Trafficking Protocol (2000)*

In 1999 and 2000 three international instruments were adopted in quick succession, two of which have come into force since 2001. All have a bearing on cases of children trafficked for sexual purposes. These are:

- The International Labour Organization's (ILO) *Convention No.182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*. It was adopted in June 1999 and came into force in November 2000.⁶
- The *Optional Protocol to the Convention on the Rights of the Child on sale of children, child prostitution and child pornography*. It was adopted in May 2000 and came into force in January 2002.⁷
- The *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the UN Trafficking Protocol)*, supplementing the *UN Convention against Transnational Organized Crime* (which came into force in September 2003). The protocol was adopted in November 2000 and came into force in December 2003.⁸

Although it was the last of these instruments to be adopted, the *UN Trafficking Protocol* has had the greatest impact on the wording of national laws that make it an offence to traffic children for sexual purposes.

2.1 The *UN Trafficking Protocol*

Article 3 of the *UN Trafficking Protocol* contains a definition of human trafficking which applies to cases of both transnational and internal trafficking (although the Protocol supplements a convention about transnational crimes). The definition is different for adults and children (whom the Protocol specifies as anyone under 18 years of age, whatever the age of adulthood specified by national law). It addresses a range of forms of exploitation (for which people are said to be trafficked), including “the exploitation of the prostitution of others” and “other forms of sexual exploitation”.

Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)

- (a) “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;

- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) “Child” shall mean any person under eighteen years of age.

Paragraph (c) means that, when a child is recruited or transported in order to be exploited, the improper means mentioned in paragraph (a) (“...the threat, or use of force or other forms of coercion...” etc.) do not have to occur for the case to constitute child trafficking. As UNICEF has pointed out, “The consent of a child victim of trafficking to the intended exploitation is irrelevant even if none of the...illicit means have been used: force or other forms of coercion, abduction, fraud, deception,” etc.⁹ In summary, as far as children are concerned, the UN *Trafficking Protocol* defines as trafficking any case in which someone is responsible for the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation.

**Recruitment, transportation,
transfer, harbouring or receipt
for the purpose of EXPLOITATION**

=

**Trafficking
in children**

Although the discussions preceding the adoption of the UN *Trafficking Protocol* did not spell out what was meant by ‘sexual exploitation’, it includes the use of children to make pornography. It may also refer to cases where children are trafficked into forced marriage. In a forced marriage case girls or boys are persuaded by an agent to accompany them on

a false understanding that they will be placed in a job, but are handed over to a man or woman whom they are forced to marry. The agent concerned makes a profit, even if the person who is forced to marry is not subjected to commercial exploitation. Virtually all the cases of this sort reported since 2001 have involved girls.

2.1.1 Interpretations of the term ‘trafficking’

The definition in the UN *Trafficking Protocol* means that the term ‘trafficked’ may be applied to every child who is recruited for sexual exploitation, whether or not the recruitment involves any form of transportation or movement. However, since 2000 most initiatives aiming explicitly to prevent children being trafficked have focused on children who are moved in some way, either within their own country or across a border; i.e., from an environment with which they are familiar (and where they are either protected by a parent or caregiver or have some idea where to turn for help), to one in which they are deprived of their usual social support systems and are exceptionally vulnerable to abuse.

Many organisations, including ECPAT International, consequently do not consider that it is helpful to label every case of sexual exploitation of a child as one of ‘trafficking’, but argue that there must be an element of movement for a case to be regarded as one of trafficking.¹⁰ The ILO has adopted this interpretation:

“Movement may not be a constituent element for trafficking in so far as law enforcement and prosecution is concerned. However, an element of movement within a country or across borders is needed - even if minimal - in order to distinguish trafficking from other forms of slavery and slave-like practices enumerated in Art[icle] 3 (a) of ILO *Convention 182*, and ensure that trafficking victims separated from their families do get needed assistance”.¹¹

The result is that an element of confusion has crept into discussions about child trafficking, with some parties intending to refer to every child who is recruited (to be exploited) and others referring only to children moved from one place to another. This has complicated attempts to estimate the number of children being trafficked, as estimates from different sources refer to distinct categories of children. At the level of national legislation, it is essential to prohibit and punish any activity involving the recruitment of a child into sexual exploitation, whether it is called ‘trafficking’ or not. However, the prevention and assistance strategies required when children are moved from one place to another are different from those needed when they experience exploitation while still living at or near to home. Throughout this thematic paper, therefore, particular attention is paid to cases in which children have moved away from a familiar environment, whether they have been

transported by someone else or have moved of their own accord.

2.2 The UN *Optional Protocol on the sale of children, child prostitution and child pornography*

The other international instrument adopted in 2000 was the *Optional Protocol to the Convention on the Rights of the Child on sale of children, child prostitution and child pornography*.¹² Although the title does not mention trafficking, the *Optional Protocol's* preamble expresses concern at “the significant and increasing international traffic in children for the purpose of the sale of children, child prostitution and child pornography”.

The *Optional Protocol* requires States Parties to prohibit forms of abuse associated with trafficking, whether they are “committed domestically or transnationally or on an individual or organized basis” (Article 3). Article 3.1 specifies the acts that States Parties are required to prohibit by their criminal or penal law and Article 3.2 requires States Parties to make it an offence to attempt to commit any of these acts and to punish complicity or participation. In effect, the *Optional Protocol* requires States to criminalise many of the same acts as the UN *Trafficking Protocol*. While the UN *Trafficking Protocol* refers to “the exploitation of the prostitution of others” (i.e., a pimp or other third person receiving remuneration from someone who pays for sex with a child, either directly from the person who pays or via the child) and to “other forms of sexual exploitation”, the *Optional Protocol* bans any practice in which a person remunerates a child in exchange for sexual activities, whether a third person profits or not.

While the provisions of the UN *Trafficking Protocol* on protecting and assisting victims require States only to “consider implementing measures to provide for the physical, psychological and social recovery of victims”,¹³ Article 9.3 of the *Optional Protocol* requires States Parties to “take all feasible measures” to ensure all appropriate assistance to children who are victims of offences mentioned in the Protocol, “including their full social reintegration and their full physical and psychological recovery”. States do not seem to have taken action on the basis of this and other comparatively strong provisions relating to protection and recovery when adopting regulations on assistance for child victims.

2.3 The ILO's *Convention No. 182 on the Worst Forms of Child Labour*

As the legislation against child trafficking adopted in some countries is based on ILO *Convention No. 182*, it is also relevant to this paper. In 1999, the International Labour Conference adopted *Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*. This mentions “the sale and trafficking of children” as one of the “unconditional” worst forms of child labour,¹⁴ categorising them as “forms of slavery or practices similar to slavery”.¹⁵ Other unconditional worst forms of child labour include, “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances” and “the use, procuring or offering of a child for illicit activities...”.¹⁶ States are required to prohibit the involvement of any child (below 18 years of age) in any of the worst forms of child labour.¹⁷

2.4 Other relevant international initiatives

The report of the independent expert for the UN Study on Violence against Children, Paulo Sérgio Pinheiro, was submitted to the UN General Assembly in 2006, making several recommendations specific to trafficked children.¹⁸ He called for efforts to protect all children from trafficking and sexual exploitation to be strengthened, mentioning that, “[s]trategies should range from primary prevention (i.e. changing the conditions that make children vulnerable to trafficking) to law enforcement targeting traffickers, and should ensure that victims of trafficking and all forms of related exploitation are not criminalized.” In particular, he expressed concern about trafficked children involved in the criminal justice system, drawing the attention of States to the UN *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime* (2005).

2.5 Regional instruments

Both before and after the adoption of the UN *Trafficking Protocol*, regional organisations have adopted instruments which define human trafficking or child trafficking in different ways. Instruments adopted before 2000 include:

- The Organization of American States’ (OAS) *Inter-American Convention on International Traffic in Minors* (1994),¹⁹ focusing on transnational trafficking.

- The Organization of African Unity’s (OAU) *African Charter on the Rights and Welfare of the Child* (1990), which requires States to take action to stop “the abduction, the sale of, or traffick [sic] of children for any purpose or in any form”.²⁰

Regional instruments adopted since 2000 include:

- The South Asian Association for Regional Cooperation’s (SAARC) *Convention on Preventing and Combating Trafficking in Women and Children for Prostitution* (2002), which focuses exclusively on trafficking for the purpose of prostitution.²¹
- The *Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children in West and Central Africa*, which was adopted in 2006 by the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS).²² This document replicates the UN *Trafficking Protocol’s* definition.
- The Council of Europe’s *Convention on Action against Trafficking in Human Beings* (2005),²³ which defines human trafficking in an identical way to the UN *Trafficking Protocol*. In 2007 the Council of Europe also adopted a *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*.²⁴

2.6 Guidelines issued by intergovernmental organisations

UN agencies have issued guidance to States on the legislative changes necessary to meet the requirements of the UN *Trafficking Protocol*.²⁵ They have also issued guidance on the way children or adults who have been trafficked should be treated. In 2003, UNICEF issued a set of *Guidelines for Protection of the Rights of Child Victims of Trafficking in Southeastern Europe*, indicating how anyone trafficked before reaching 18 years of age should be protected and assisted (described in section 7 below). A general initiative, concerning children as well as adults, was a set of *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, issued by the UN High Commissioner for Human Rights in 2002.²⁶ The first of the High Commissioner’s 17 principles emphasises the primacy of human rights: “The human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims”. One of the five principles concerning protection stresses that the best interests of children who are victims of trafficking “shall be considered paramount at all times”.²⁷

The Council of Europe and several governments have included references to a “human rights centred approach” or a “human rights-based approach” in legal texts and action plans. While a formal definition of what this approach entails is not yet available, one interpretation is that States are required to monitor both the intended and unintended

effects of their policies on individuals who are trafficked or at risk of being trafficked and to adjust their policies (or their implementation) in light of any negative effects. Interpreting what this approach means for children, UNICEF has pointed out that:

“The child rights-based approach to trafficking means placing the children at the centre of all trafficking related interventions. The child’s best interests need to be given primary consideration in all actions. These should be determined for each child, giving due consideration to his or her views”.²⁸

2.7 The impact of a wider definition of ‘trafficking in persons’ for children trafficked for sexual purposes

In light of new international instruments and efforts around the world to implement them, can we conclude that there has been significant progress since 2001 in meeting the commitments made to children in the *Stockholm Declaration and Agenda for Action (1996)*? *The Stockholm Agenda for Action*²⁹ called on “States, all sectors of society, and national, regional, and international organisations” to,

“...develop and implement national laws, policies and programmes to protect children from being trafficked within or across borders and penalise the traffickers; in cross border situations, treat these children humanely under national immigration laws, and establish readmission agreements to ensure their safe return to their countries of origin accompanied by supportive services; and share relevant data”.³⁰

There has certainly been progress towards meeting these objectives, though not uniformly on all points. There has been less progress in meeting some of the other *Stockholm Declaration* commitments relevant to trafficked children, notably the commitment to enhance the participation of children.³¹ Section 8 of this paper reviews how children have been involved in efforts to stop child trafficking.

It is also relevant to ask whether, by defining trafficking to include other forms of exploitation alongside trafficking for sexual purposes, the UN *Trafficking Protocol* has encouraged States to implement a wider range of measures to protect children from exploitation (and thereby reduced the likelihood that children are trafficked for sexual purposes), or has moved the focus of donors and government agencies onto such a broad range of forms of child

exploitation that the specific measures required to protect children from sexual exploitation get lost. There is evidence of developments in both of these directions.

In some regions the new definition introduced a note of confusion, mainly because of uncertainty about which cases involving the recruitment of child workers should be regarded as ‘trafficking’ (and prevented or prohibited) rather than uncertainty over cases of trafficking for sexual purposes. In West Africa, the term ‘trafficking’ has been used to refer to children transported inside their country or abroad, to work in jobs where the terms of employment make them entirely dependent on their employers and they are badly treated, for example as live-in domestic workers. Under this interpretation it has been estimated that hundreds of thousands, or even millions, of children are being trafficked. In this region, the new definition may have diverted attention away from the rather fewer, clearer cut cases of trafficking for sexual purposes and reduced the effectiveness of action on these cases.

Particular confusion was apparent in African States where French is an official language. At the time the UN *Trafficking Protocol* was adopted, and for several years after, these countries used the term ‘*trafic*’ to refer to child trafficking, rather than ‘*traite*’. In 2000, a separate UN Protocol³² used the French term ‘*trafic*’ to refer to migrant smuggling. Similar confusion was reported in Latin America when the term ‘*tráfico*’ was used in Spanish to refer to migrant smuggling.

Since 2001, as before, evidence has become available that children who are trafficked for purposes of forced labour, slavery or servitude (rather than specifically for sexual purposes), or recruited into a worst form of child labour, are also vulnerable to sexual abuse and, particularly in the cases of girls, sometimes end up in sexual exploitation. This is regarded by many as a good reason to widening efforts to stop child trafficking beyond cases of sexual exploitation. Examples include girls who are recruited for domestic work but who are subjected to sexual assault by someone in their employer’s house and child workers who run away from an abusive employer and resort to prostitution as a survival strategy. UNICEF has argued that it is essential to address child trafficking for all purposes (not just trafficking for sexual exploitation). However, it has also called for specific measures to be taken to stop child trafficking, rather than relying on general efforts against human trafficking:

“The tendency of existing anti-trafficking approaches to focus on specific elements or types of trafficking fails to address child trafficking in the broader context of children’s rights, thus leaving many children unprotected. Children’s increased vulnerability to exploitation and the particular harm suffered by trafficked children require that child trafficking and trafficking in adult persons be dealt

with as separate issues. In order to safeguard the rights of children, there is a need for targeted laws, policies and programmes, and integration of child-specific provisions into existing anti-trafficking initiatives.”³³

While there are clear benefits in adopting measures that stop children from being trafficked for any purposes, little evidence has been published about the proportion of working children who experience sexual abuse or sexual exploitation. This topic requires further research to identify the factors which make working children particularly vulnerable to sexual abuse and sexual exploitation, and to allow these factors to be tackled.

As the UN *Trafficking Protocol* refers to “Especially Women and Children” in its title, it could reasonably be expected to have enhanced the quality of initiatives to prevent, suppress and punish trafficking in children as much as it has improved initiatives focusing on adult women. It is too difficult to find evidence whether this is so. The UNICEF statement quoted above is based on an observation that many initiatives supposed to benefit both adult women and children of both sexes have failed to do so because they did not include special measures concerning children.

The UN *Trafficking Protocol* is gender neutral as far as children trafficked for sexual purposes are concerned. Nevertheless, many of the programmes initiated since 2001 that focus on adolescents trafficked for sexual purposes have assumed that the focus should be on girls. It seems that not enough effort has been made to collect data about boys who receive money for commercial sex after moving away from home to establish whether they have been trafficked or what measures would help protect them. This may be because most cases formally identified in a particular country as child trafficking involve girls, or it may be due to assumptions based on gender prejudice, i.e., that girls are trafficked for sexual purposes and boys are not. Evidence has been published recently about boys trafficked for sexual purposes in countries such as India, but so far, relatively few programmes have focused on them. This suggests that those responsible for designing or funding anti-trafficking programmes need to shed certain gender-based prejudices.³⁴

3. Evidence available about changes in patterns of child trafficking since 2001

Countless reports describing patterns of trafficking in adults and children have been published since 2001. On the whole, the evidence presented about numbers is so confusing (and sometimes unreliable) that it is not possible to draw meaningful conclusions about numbers or patterns. Consequently, it is not possible to reach any conclusion about whether the number of children being trafficked for sexual purposes has increased, decreased or stayed the same since the last World Congress in 2001. This is true for the world as a whole, as well as for particular regions. It would be helpful if, in the future, as much data about human trafficking as possible was disaggregated to indicate the age at which those concerned were initially trafficked (or at least whether they were adults or children), their sex and, wherever it is clear, the purposes for which they were being trafficked. It is also important that macro estimates indicate whether they refer to the number of trafficked children believed to be experiencing exploitation at a particular moment, or the number of children trafficked over a year or other period.³⁵

Both regional organisations and States have adopted different definitions, making it difficult to compare data. A study of the methods use to collect and record data about trafficked persons in the States belonging to the Association of Southeast Asian Nations (ASEAN) includes an observation which appears to apply equally to other regions:

“In several countries there are no clear definitions of key terms such as ‘trafficking’, ‘victim of trafficking’, ‘exploitation’, ‘sexual exploitation’, and ‘recruitment’, either in national law or policy. In some countries, there are even competing definitions in national policies. This makes it very difficult for agencies to define these terms for the purpose of data collection... For data on trafficking to be reliable, agencies need to use clear and workable definitions of key terms. For member countries [of ASEAN] to be able to share their data at the regional level, data collection has to be based on common understandings of key terms”.³⁶

Statistics on human trafficking or trafficking in children have tended to concentrate wholly or mainly on cases of transnational trafficking, as if the evidence indicated that such cases comprised the majority of cases. In fact, in large countries, such as China and India, there is evidence that the number of children trafficked for sexual purposes within the country is greater than the number trafficked abroad.

3.1 Numbers of children trafficked for sexual purposes

Since 2001, one UN agency, the ILO, has published relevant estimates. In 2002, the ILO estimated that in 2000, 1.2 million of the children in the worst forms of child labour had been trafficked; this estimate did not apply specifically to children trafficked into prostitution or for sexual purposes.³⁷ The estimate of 1.2 million was subsequently repeated by others, but interpreted to mean that 1.2 million children were being trafficked each year. This interpretation was incorrect. The figure referred to the total number of children in the worst forms of child labour in 2000 who were believed to have been trafficked from one place to another.

The disadvantage of most global estimates is that they are based on estimates by other organisations of the numbers trafficked at national or local levels, using different criteria for deciding who should be counted. While global estimates are regarded as useful by international organisations and funding agencies, which want to decide on the overall level of their funding and the proportion to allocate to different regions, at the national level it is essential to have more detailed information about who is being trafficked and in what circumstances. This is the data that is useful for designing programmes.

The difficulties experienced in collecting information in one region, Latin America, about children and adults trafficked for sexual purposes revealed confusion about concepts, which has also impeded research in other regions:

“From the beginning of the study and during the interviewing process, the general confusion between migrant smuggling and trafficking in human beings became clear and, in many cases, was even quite explicit. The same lack of distinction was encountered in government institutions and civil society organizations”.³⁸

None of this suggests that the number of children trafficked for sexual purposes is small. It does, however, point to three problems:

1. the methods for considering that a particular child has been trafficked and counting such cases are still so diverse that trafficked children may be double counted or ignored; some States lack an official method for law enforcement agencies to record cases of child trafficking or to otherwise keep track of children who are known to have been trafficked;
2. data about human trafficking in general has routinely been collected from government agencies that are not familiar with the concept, except in the context of women and girls being trafficked transnationally for the purposes of prostitution; and

3. some activists, who were very determined to persuade journalists or government officials to take action to stop children from being trafficked, extrapolated from the numbers of child victims about whom definite information was available, without evidence to justify their estimates.

This suggests that more can be done to standardise the criteria and methods for recording cases. In Southeast Asia, the effort to do so has been led by the regional NGO coalition, Asia ACTs against Child Trafficking, which convened organisations from eight countries to review what data was being recorded about children suspected of having been trafficked and how techniques could be improved.³⁹ The discrepancy in many regions between the numbers of observed and estimated victims of both child trafficking and human trafficking suggests that practitioners should be precise about the number of cases of child trafficking for which they have specific evidence (i.e., children who have been identified or received assistance) and should explain clearly which children they categorise as ‘trafficked’. It suggests practitioners should be wary of repeating estimates of the numbers of children being trafficked unless they know how the estimate was calculated and consider the method to be valid.

Alongside estimates of the total numbers of children being trafficked are more specific numbers of children who are known to be in need of protection, such as trafficked children who have been given assistance or categories of children who are known to have been trafficked in the past in disproportionately high numbers, such as separated adolescents migrating either within their own country or across a border. These specific numbers are often more useful for programming purposes.

3.2 Changes in geographical patterns of children trafficked for sexual purposes

Several regions have been the subject of intensive efforts to monitor changes in the numbers of adults and children being trafficked, notably Southeast Europe and Southeast Asia. Between 2002 and 2005, intergovernmental organisations operating in Southeast Europe reported on changes in this region. The agencies had all played a role in responding to dramatic increases in the number of women and girls trafficked into bars and brothels in the wake of armed conflicts; first in Bosnia and Herzegovina in the mid-1990s and later in the UN Administered Province of Kosovo. In Kosovo, it was apparent that the number of (adult) women trafficked into the province declined once the UN banned peacekeepers from frequenting establishments suspected of serving as brothels.⁴⁰ By 2005,

some organisations in Kosovo reported that there had been an increase in the number of girls trafficked internally. A review by international organisations concluded: “More cases of trafficking in children were identified in Kosovo in 2003/4. This fact does not necessarily reflect a growing number of children among the victims but rather that more attention is being paid to this problem by the institutions involved”.⁴¹

In other regions, evidence sometimes suggested that the number of children being trafficked was increasing, when, in practice, various kinds of cases were being categorised as ‘trafficking’ for the first time, or new and more thorough research was identifying more children as ‘trafficked’ than before. Similarly, increases in the number of people prosecuted for trafficking children may signal an increase in the number of children trafficked, but are as likely to reflect changes in the law, that training has resulted in improvements in detection or that charges of trafficking are being brought against suspects who would previously have been charged with other offences.

3.3 Other relevant evidence

Numbers and regional patterns are only one category of information enabling us to understand what is happening and to improve responses to trafficking in children. Other topics on which the evidence gathered since 2001 has helped improve responses are:

- characteristics of children who have been trafficked that help predict which categories of children are likely to be trafficked in the future;
- techniques that traffickers use to control child victims;
- characteristics of traffickers; and
- characteristics of individuals who pay for sex with children, including their motivation.

Research about the characteristics of children who have already been trafficked needs to focus on children from a specific place or country if it is to help target preventive initiatives to specific children and their communities. For example, in one country, the information about trafficked children receiving assistance revealed that children who had lived in residential care prior to being trafficked were trafficked in disproportionately high numbers. In another county, it was children belonging to a particular minority group that were trafficked in disproportionately high numbers.⁴²

Information about the techniques used to control trafficked children helps when identifying the children and assessing what methods to use to withdraw them from the control of their traffickers. The involvement of young men who promise love or marriage, but whose intention is to make money by prostituting their girl friend, has been documented in

many countries, notably the Netherlands, where such young men are labelled ‘loverboys’.⁴³ Securing the withdrawal of these child victims requires different methods from those that are appropriate when a child is held in captivity or debt bondage.

Details about the profile of traffickers helps focus anti-trafficking initiatives. Information collected about traffickers has confirmed that, in many areas, they do not conform to the stereotypes portrayed in publicity materials. Evidence collected since the 1990s indicates that in some places women traffic children in equal or greater numbers than men and in some places relatives have been involved in a significant proportion of child trafficking cases. However, the availability of this evidence has not stopped the use of publicity materials that present the same inaccurate stereotypes. Halting the use of inaccurate stereotypes in anti-trafficking publicity materials remains a slow process, even though they have misled adolescents about whom they should be suspicious of. Warning children in a responsible way that relatives may try to traffic them poses a particular challenge.

A study about girls and women from Nepal who were trafficked into brothels in cities in India provided information about the profile and motives of men and boys who pay for sex with girls under 18 years of age. This information could be helpful when designing initiatives to influence these men and boys. The study noted a decrease in middle class men visiting brothels over the period 1998/2000 to 2005 and observed that the largest single group of men paying for sex consisted of working class migrants whose wives had remained in their husband’s village while they went to cities to work. The study’s conclusions on “client demand” were important for planning initiatives to influence ‘demand’ for commercial sex in the two cities the studies focused on:

“Clients’ most common criteria for selecting a girl or woman (or seeking a brothel which might provide such) can be summarized in three adjectives: ‘young’, ‘fresh’ and ‘different’. To the clients, ‘young’ meant from age 15 to 20. In keeping with the attitudes regarding ‘child’ and ‘woman’ prevalent in South Asia, a female of 15-16 (i.e., somewhat post-pubescent) was considered by clients to be an adult, not a child.”⁴⁴

4. Law enforcement

Many States have adopted new laws since 2001 on the issue of human trafficking. These define the offence of trafficking in persons or more specific offences, such as child trafficking or recruiting a child into prostitution. At the regional and international levels, there have been efforts to establish minimum standards concerning the way criminal justice systems respond to human trafficking cases, although not yet with a specific focus on children.⁴⁵ The past seven years have also seen numerous training programmes for law enforcement officials on everything from techniques for gathering evidence (of crimes involving the sexual abuse of children or human trafficking) to measures to make legal proceedings more child-friendly. Have the changes in legislation and the trainings had the expected results, such as an increase in convictions of child traffickers or a reduction in the numbers of children being trafficked? Or have changes been made primarily in response to international pressure, when existing legislation would have sufficed if it was implemented more methodically? It is difficult to reach firm conclusions. Even when available statistics indicate that the number of successful prosecutions for child trafficking has increased, it seems sometimes to be because prosecutions are being ‘re-labelled’ as involving child trafficking.

4.1 National legislation

The UN *Trafficking Protocol* has had the strongest influence of the various new international instruments on national human trafficking legislation adopted since 2001. However, the way in which the definition of trafficking in persons has been reflected in national laws has varied considerably. Most new legislation on trafficking has covered offences involving both adults and children, while some has been child specific. Broadly, new laws on trafficking fall into the following four categories:

1. Laws which adopt the same wording as the UN *Trafficking Protocol* in defining the offence of trafficking in persons. While these conform with an international standard, unless they are supplemented by rules or a commentary, they have the disadvantage that it is difficult for law enforcement officials to know how to apply the law at the operational level if it is unclear what evidence should be presented to prove that an offence of trafficking in children has been committed.
2. Laws which reflect the wording of the UN *Trafficking Protocol* as far as cases of adults are concerned, but which retain references to abusive means of control concerning children.

This means that law enforcement officials must be able to show that children under 18 years of age, like adults, have been subjected to abusive means of control while being recruited or moved for their cases to be categorised as trafficking. Cases of children subjected to abusive means should certainly be categorised as trafficking offences, but the use of abusive means should be regarded as aggravating the crime committed, rather than as an essential element of the crime.

3. Countries which have reformed existing laws on trafficking women and girls into prostitution to cover men and boys as well, without mentioning other forms of exploitation.
4. Countries, such as the Republic of Benin, which have incorporated the concept of ‘worst forms of child labour’ into their legislation about human trafficking.⁴⁶

Other States have maintained existing laws, which focus exclusively on trafficking into prostitution, or are still considering what changes to make. Much time and effort has been spent developing new legislation, although in many States the acts involved in trafficking children for sexual purposes were already offences punishable under existing laws. There might, in theory, be benefits for the children concerned if the new laws guarantee them better protection or ensure that they are paid damages. It is not clear, however, that this is the case.

The anti-trafficking law which has received the most international attention is the United States (US) *Trafficking Victims Protection Act* of October 2000 (*TVPA*). This amended US law prohibiting human trafficking into, out of or within the US, and also contained provisions to encourage initiatives by other States to stop trafficking. The Act distinguished between “severe forms of trafficking” and other forms of human trafficking, a distinction not found in other States. One of the “severe forms” was defined as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age”.⁴⁷ The activities that the US law set in motion abroad are described in Section 6, which addresses prevention.

What further action is needed now to ensure that appropriate legislation is put in place? An obvious lesson is that, instead of copying the wording of international instruments into national legislation, legislation should contain clearly defined offences concerning sexual abuse, exploitation and other related concepts, along with appropriately severe penalties. It is essential to ensure that any intention to deliver children into such situations, whether formally defined as trafficking or not, is a criminal offence. It should also be a higher priority than it has been over the past seven years to define offences in a way that allows law enforcement officials to collect evidence that the offence has been committed.⁴⁸

4.2 Criminal justice responses

Law enforcement officials are reported to frequently find it expedient to charge suspected traffickers with lesser offences, such as corruption of a minor or assisting a child to enter a country illegally. This is because collecting the evidence to secure convictions on such charges is easier. This may mean that the child concerned is not recognised as a ‘victim of trafficking’ and consequently does not receive appropriate assistance or compensation. In effect, there is a danger that trafficked children are denied access to justice because of the way the law is formulated and the economics of the criminal justice system.

Information about criminal investigations and prosecutions linked to human trafficking is collected by US Embassies and their findings are published in the annual *Trafficking in Persons (TIP) report* issued by the US Department of State (see section 6.4). However, this report does not disaggregate statistics to indicate how many prosecutions concern individuals who have trafficked children, or whether the trafficking was for sexual or other purposes.

The lack of expertise in identifying trafficked children (see section 7) has been an impediment to detecting offences involving child trafficking. Training law enforcement officials from all of the various agencies that have a role to play has helped in some countries, but unless the resources necessary to look for and identify trafficked children are allocated by the State or the commanders of relevant law enforcement agencies, training is unlikely to result in an increased detection rate.

4.3 Efforts to make the criminal justice system more child-friendly

In theory, it is clear what needs to be done to improve the effectiveness of criminal justice systems and protect child victims of trafficking at the same time. The UN *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime* (2005) set out “good practice based on the consensus of contemporary knowledge and relevant international and regional norms, standards and principles.”⁴⁹ Experts convened at the UNICEF Innocenti Centre in April 2008 summarised the steps to be taken by saying that,

“...child-friendly judicial processes should be established to avoid the double victimization of children during the judicial process – such as avoiding all unnecessary contact with the perpetrators, ensuring privacy and support to the child’s psychological well-being through in camera proceedings, providing

adequate protection and compensation to victims, and expediting prolonged legal processes through fast-track child-friendly courts and the use of recorded video testimony”.⁵⁰

This is easier said than done. Efforts to prosecute traffickers (of children and adults) have been hampered in many countries by the unwillingness of victims and witnesses to testify. This is sometimes due to a fear of reprisals against themselves or their loved ones. However, it sometimes appears to have as much to do with criminal justice procedures as it does with threats of violence from traffickers. Making criminal procedure more child-friendly is widely believed to facilitate the work of law enforcement officials and to secure more convictions of child traffickers. From a different point of view, if criminal procedure is not child-friendly, counsel or advocates supporting a child who has been trafficked may reasonably conclude that it is not in the child’s best interests to provide evidence and participate in the prosecution of the child’s suspected trafficker.

The importance of training law enforcement officials to carry out child-friendly forensic interviews has been emphasised repeatedly over the past seven years.⁵¹ Training materials developed by ECPAT’s Europe Law Enforcement Group trace the development, in the Netherlands, of police interviewing techniques developed for children who had been the victims of sexual abuse. In the Netherlands’ legal system, children are not questioned in court. Witnesses are interviewed by the police, and others in the criminal justice system rely on these interviews. The transcripts of these interviews are presented to the investigating judge as evidence, and the recordings are available as supporting evidence that can be shown to the prosecutor, defence lawyer or the judge in court.⁵² Training materials emphasise the benefits of training law enforcement specialists, together with social workers and others who are responsible for the care of abused children (both of whom have relevant experience to share with law enforcement trainees), to form a ‘multi-stakeholder group’. Such training has already been completed in most countries of Southeast Europe and is currently occurring in countries elsewhere in Europe.

The use of child-friendly techniques has been reported in other regions, though their use is far from universal. In Thailand, for example, children who are suspected of having been trafficked for sexual purposes can be questioned in a place that is suitable for them with a psychologist or social worker present. If required to give evidence in court, the questions can be asked through a psychologist or social worker to avoid children feeling harassed by inappropriate questions and so that difficult questions can be explained.⁵³ Guidelines adopted by UNICEF (see section 7) emphasise that a temporary legal guardian, or other person responsible for upholding the child’s best interests, should always be present when a child suspected of having been trafficked is interviewed for criminal justice purposes.

Other aspects of court cases have intimidated child victims and witnesses just as they have intimidated adults. For example, victims and witnesses have been kept waiting outside courtrooms in public waiting areas where they can be intimidated by traffickers' associates. Journalists have revealed the identity of trafficked children involved in court cases (in some cases because the judge made no effort to keep the child's identity secret and in others in violation of a court order). In one Southeastern European country, adolescent victims who provided prosecution evidence, which helped secure convictions, reported that they suffered reprisals later on. In one case the reprisal came from the trafficker himself following his release from a short prison sentence (the victim was given no form of protection by the authorities) and in another case the reprisal came from the trafficker's associates while he was still serving his sentence.⁵⁴ Both cases underline the importance of risk assessments for all children who have been trafficked and the duty of law enforcement officials to protect children from reprisals, both during and after legal proceedings.

A variety of techniques have been tried to reduce the likelihood of reprisals from traffickers. Some techniques that have been suggested, such as not revealing the identity of victims and witnesses to defendants or their legal counsel, appear to be incompatible with the defendant's right to fair trial.⁵⁵ Others ensure protection for child victims and witnesses while not infringing on the right to fair trial, for example, courts hearing child testimony through a video link.

4.4 Compensation or damages for children trafficked for sexual purposes

While there has been progress in developing techniques to protect children during the criminal justice process, rather less is apparent when it comes to actually delivering justice for trafficked children. This means punishing those responsible for abusing a child as well as providing an appropriate remedy for the child who has been a victim of crime. Remedies include payments for damages or compensation, few of which are reported to have been made to children trafficked for sexual purposes.⁵⁶

Certain countries have taken steps to improve compensation payments. In the Philippines, for example, fines collected under the anti-trafficking law are reported to go into a fund to pay for services to children and adults who have been trafficked.⁵⁷

Are there reasons why there has been little progress in awarding compensation or damages to trafficked children? Is it because courts feel it is unnecessary or inappropriate to order compensation to children who have earned money for traffickers from commercial sex, even though they have, by definition, suffered as a result and should be entitled to moral or material damages? If so, they may need reminding that it is difficult for children to re-launch their lives in the absence of compensation.

5. Preventing children from being trafficked

Two methods used before 2001 to stop children being trafficked for sexual purposes still appear to be the most popular:

1. Providing the general public, the parents of adolescents and adolescents themselves with information about the experiences of girls and boys who have been trafficked, illustrating the risks of travelling away from home or abroad.
2. Disrupting trafficking networks by law enforcement action, so that recruitment does not occur and potential traffickers are deterred.

Since 2001, a variety of other methods have been tried, in particular, finding out more about the characteristics of children who are trafficked to understand what makes them vulnerable to traffickers and to target preventive actions for other, similar children. While awareness raising programmes were an obvious reaction in the 1990s, in the absence of other methods, since 2001, a great deal has been learned about the circumstances in which public information campaigns and other preventive methods are or are not effective. Despite this, donors and governments seem unsure which preventive methods are effective enough to justify further support.

The previous two sections have already commented on the challenges involved in detecting and convicting traffickers, as well as in finding out whether rates of conviction have increased. The assumptions that imprisoning traffickers (or disrupting their networks) will get rid of them and that convictions will deter others from engaging in trafficking have not yet been proved correct.

5.1 The challenge of understanding the causes of child trafficking

Preventing child trafficking means identifying and addressing its causes. There are usually a multitude of causes in different places, some involving individuals, some at the community or State levels and some involving the national, or even international, economy. The factors which facilitate child trafficking are equally diverse, including corruption, attitudes towards children (particularly 'foreign' children from outside a community) and gaps in the systems that States and communities set up to protect children from abuse. UNICEF and others have encouraged States to identify the shortcomings in their child protection systems, which have failed to stop children from being trafficked.⁵⁸

As yet, there is little agreement on the right terminology to use: ‘root causes’, ‘facilitating factors’, etc. On the one hand, children are recruited and exploited in particular socio-economic and cultural contexts, often marked by poverty, patriarchy and a perception by young people that they must migrate elsewhere to making a living. These are sometimes described as ‘root causes’ of trafficking, but require more than an anti-trafficking programme to resolve them. On the other hand, trafficked children are found to have experienced particular forms of abuse before being trafficked, for example, family violence. In such cases, more proactive action by social workers could reduce levels of abuse and the likelihood that children will leave home. It may take decades to lift a community out of poverty, while social workers can be deployed faster and at comparatively little expense.

The factors that facilitate trafficking in children are so diverse that there is no ‘one size fits all’ solution. Techniques have to vary in the different places where recruitment, transit and exploitation take place. In relation to prevention, it is not just children trafficked for sexual purposes who should be affected, but a broader group of young people.

5.2 Awareness raising campaigns

Information warning about the ways in which children are trafficked has been presented in many different formats: expensive films and television ‘spots’, websites, street theatre, cartoons and relatively cheap posters and leaflets produced in languages that the target audience understands. One result is that in certain regions the public, including those aged under 18 years, is reported to be saturated with such information.⁵⁹

The messages in awareness raising materials vary. Often the emphasis has been on scaring young people into realising that they might be trafficked or shocking the public into understanding what horrific abuse occurs. The resulting message is generally that migration is dangerous and young people should be discouraged from leaving home. This message is consistent with government policies in some States, which discourage irregular immigration, but it is not one that is necessarily taken seriously by young people who are looking for a better future.

An example from Costa Rica indicates how one NGO set about organising a targeted information campaign. The Fundación Paniamor wanted a better understanding of patterns of child trafficking for sexual purposes in order to target the children and areas most affected. It did this by participating in a mapping exercise to identify the routes that children moved along in Costa Rica and surrounding countries. This identified two main trafficking routes between the country’s northern and southern borders and the

capital, San José, and other places where children on the move were at high risk. Next, an information campaign (designed by an advertising firm) was launched, entitled “Behind a job promise could be a destination of pain!”. The campaign was aimed at adolescent girls, to increase their awareness of risks and enable them to resist “seemingly tempting offers of work or travel that could lead to exploitation in the sex industry”. Fourteen buses featuring campaign information circulated over four months in areas associated with trafficking routes.⁶⁰

An ECPAT publication describing the campaign notes that Fundación Paniamor received more than ten telephone calls per week as a result of the campaign, as well as more reports of cases of child sexual exploitation. Nevertheless, like other descriptions of similar campaigns, the publication reports mainly on the ‘outputs’ of the campaign (e.g., numbers of leaflets distributed, numbers of people contacted, etc.), rather than on its results (such as the ten extra calls and whether it achieved other objectives).

Some important lessons about awareness raising campaigns have been learned since 2001. The Fundación Paniamor example demonstrates that campaigns have more impact if preceded by a needs assessment or study. Commenting on campaigns to raise awareness about the sexual abuse and exploitation of children in Europe, the conclusion of a European Commission-funded programme was:

“...broad-brush awareness campaigns do not help understanding. They may in fact create fear or conversely a false sense of security and do not lead to informed protection actions. Targeted campaigns with clear messages are more likely to enhance the understanding of different groups of people who can act directly to protect children, including teachers, parents and of course children and young people themselves”.⁶¹

In Southeast Europe, an additional lesson is that information campaigns need to be based on accurate information. In the Republic of Moldova, most adolescents were reported to believe (in 2005) that the destination to which girls were most likely to be trafficked was Turkey.⁶² However, statistics concerning children assisted by the International Organization for Migration (IOM) between 2003 and 2004 revealed that the largest numbers of Moldovans under 18 years of age who received assistance had returned from a trafficking experience in Russia.⁶³ Misleading information about the risks associated with particular destinations was evidently making it difficult for young people to plan trips abroad on the basis of accurate evidence.

5.3 Education

In several countries in Southeast Europe, the IOM and others have introduced information about trafficking and migration into the school curriculum. In some countries there were objections, notably on the grounds that this meant talking about sex and sexual abuse at school. Trying to bring up children without giving them any information about sexual abuse and exploitation evidently reduces their opportunities to learn how to cope with and avoid abuse. However, achieving the right balance is sometimes controversial. There have also been initiatives to give school children skills that are expected to reduce the likelihood that they will be trafficked. Much emphasis has been put on teaching life skills to young people,⁶⁴ which should bring benefits to children in a variety of circumstances.

5.4 Monitoring and public reporting on anti-trafficking efforts

Monitoring and reporting publicly on levels of child trafficking or similar abuse and the responses by government agencies (and other organisations) has a preventive effect when it encourages improvements in the responses. ECPAT International has published a series of Global Monitoring Reports, commenting on progress (or the lack thereof) in implementing the *Stockholm Agenda for Action* in individual countries. These present information available about patterns of child trafficking for sexual purposes and the sexual exploitation of children, the development of National Plans of Action (NPA), prevention and protection efforts and other initiatives.

The US embarked on a similar exercise in 2001, publishing an annual report about efforts to combat human trafficking in countries around the world (but not in the US itself). *The Trafficking Victims Protection Act*, which the US adopted in 2000, set four minimum standards for the elimination of trafficking in persons that governments in other countries were expected to meet.⁶⁵ The US Department of State's annual report comments on the extent to which individual countries meet these standards and ranks them in four categories.⁶⁶ However, the report is about human trafficking in general, rather than specifically about children or child trafficking for sexual purposes. It contains a great deal of information, but does not disaggregate enough to identify trends concerning girls or boys trafficked for sexual purposes. The report is said by the US Department of State to be a contribution to prevention, but is criticised by some observers for favouring US allies and unfairly condemning States that have poor relations with the US.

5.5 Preventive techniques in areas from which children are trafficked

5.5.1 Identifying children at particularly high risk

Experience shows that it helps to identify children who are at a higher risk of being trafficked than other children. Identifying this group is a first challenge. Deploying effective preventive techniques is a second challenge, particularly when the group at risk is large (such as all adolescents who migrate to another country). This also raises questions about the proportionality of preventive initiatives, i.e., how to ensure that measures to prevent children from being trafficked are proportionate to the risks they face.

As a first step, anti-trafficking programmes have gathered information from children who have already been trafficked to find out what characteristics or experiences increased their vulnerability. Which preventive measures are appropriate depends on what factors are identified and how they can be addressed. The relevant characteristic may concern:

- the children's identity (e.g., they belong to a particular ethnic group);
- their families' places of residence or socio-economic status; or
- their experiences of abuse, such as family violence (whether or not the child who was subsequently trafficked was targeted by the abuse).

In many cases, researchers have concluded that children who were trafficked had opted to leave home themselves. The researchers realised that it was essential to understand the diverse factors which persuade millions of children to leave home or to move from village to town or from one country to another, unaccompanied by their parents. Among such child migrants, it has been possible to conclude that some have characteristics which make them more likely to end up in sexual exploitation than others. Quantitative research to identify relevant characteristics has to avoid being simplistic (for example, in one country, researchers noted that girls and young women who had been trafficked were more ambitious than average, but this did not suggest what preventive method should be tried). In West Africa and other regions, research demonstrated that it was not the poorest children in poor rural communities who were being trafficked, but children from better off families, those with sufficient resources to migrate to cities. One specialist has noted that this is a key lesson learned over the past decade, which should influence prevention efforts: It is not the 'poorest of the poor' who are trafficked, but those who have just enough money, just enough education and just enough hope for the future to be open to moving or to actively seek to move.⁶⁷

In some countries, not enough research has been carried out to identify relevant factors, meaning that the causal factors which are targeted are too broad (e.g., poverty). It would be helpful for the organisations with experience in carrying out such research to share their research techniques and findings with others more systematically.

5.5.2 Promoting livelihood opportunities

Children assessed as being at high risk, and their families, have benefited from efforts to promote economic opportunities (to reduce the pressure on children to migrate or on their parents to send them away). Income-generating activities in children's areas of origin include providing grants or micro-credit (to adolescents or to parents), job creation, career advice and vocational training.⁶⁸ Such activities have to be accompanied by initiatives to make parents and children aware of the risks of trafficking to reduce the likelihood that, once their financial status improves, they leave home to seek better opportunities elsewhere in circumstances in which they are still vulnerable to traffickers.

The degree to which income-generating opportunities are focused on young people themselves or on the wider community in which they live varies. Some programmes have assumed that by increasing average household income or promoting the economic independence of women in a community, they will reduce the likelihood that girls will be trafficked. Such programmes may not be targeted specifically enough on the children who are at risk to have the desired effect. In West Africa, NGOs have used micro-credit or small grants successfully to enable adolescent girls to generate an income for themselves while continuing to live with their families,⁶⁹ rather than being pressured to migrate or to get married.

5.5.3 Advice on precautions for adolescent migrants

Some lessons have been learned from attempts to make migration safer by providing adolescents with practical advice on how to cope with risks, rather than telling them about risks and expecting this to deter them from leaving home. Enabling young migrants to stay in contact with their parents and reducing their fear of contacting law enforcement officials are two techniques which can help keep separated children safe. Rapid changes in communication technology, particularly access to mobile telephones, have helped children stay in contact and reduced their feelings of isolation after arriving in an unfamiliar place. Despite changes in technology, from the point of view of parents or relatives left at home, vast numbers of child migrants 'disappear'. Inevitably, those who enter or stay in a foreign country on an irregular basis fear that any contact with law enforcement officials will lead to their detention and expulsion, rather than to protection.

Donors associated with governments committed to discouraging irregular migration are, not surprisingly, unwilling to promote efforts to make irregular migration safer. In May 2007 the ILO launched a “Travel smart, work smart” campaign for young migrant workers moving to Thailand from neighbouring countries, summarising how they could find work legally in Thailand.⁷⁰ While the campaign was aimed principally at stopping economic, rather than sexual, exploitation, the advice had the potential to help young people avoid falling under the control of traffickers, whatever form of exploitation might be intended. The drawback with this approach is that the ILO itself has observed that in Thailand,

“...the formal systems of recruitment are not working. The reasons vary – a slow and expensive migrant registration system, a breakdown in the sending countries’ abilities to provide the initial documentation required and legitimate concerns of migrants who are worried that they will not be able to change employers, even if they suffer abuse”.⁷¹

Away from the controversial area of irregular migration, donors have supported efforts to make internal migration safer. In China’s Yunnan Province, Save the Children UK has worked with young people and the local authorities in a village in Xishuangbanna Prefecture (close to China’s borders with Myanmar [Burma] and Laos), developing a “rural-urban safe migration channel for children and young people”.⁷²

Attitudes towards this strategy vary considerably. In some regions, practitioners consider that children, especially girls, should be discouraged from leaving home altogether. Others observe that vast numbers of children are going to migrate anyway, whatever advice they receive, and conclude that it is the responsibility of child protection specialists to do as much as possible to reduce the risks confronting children. In Europe, a variety of schemes have been devised to give young people advice on precautions to take when they migrate abroad. ‘Games of life’ have been developed by NGOs, some computer-based, which confront adolescents with choices similar to those they face in real life. In 2003, a handbook published the lessons learned in Latvia from the Project for the Prevention of Adolescent Trafficking.⁷³ The handbook listed ten practical precautions that adolescents should take if they were planning to work abroad. A key lesson was that young people paid attention when they repeatedly encountered the same message in different places.

5.6 Prevention methods when children are in transit

Various initiatives have continued to be taken to prevent children from being taken across borders by traffickers. In many countries, children below a certain age (such as 14 or 16 years) are required to carry a letter signed by both of their parents to prove to immigration

officials that they are travelling with their parents' agreement. Requirements that make such letters expensive to prepare, however (for example, by requiring a notary public to verify the parents' signatures), undermine their effectiveness. The expense of obtaining such a letter is reported, in some countries, to reduce the frequency with which they are obtained and also the frequency with which immigration officials insist on seeing them.⁷⁴ Additionally, it seems that traffickers circumvent such precautions relatively easily by counterfeiting such letters.

5.6.1 Intercepting children in transit to stop them from being trafficked

When law enforcement officers have reason to suspect that children in transit are under the control of traffickers, intercepting them is an essential protection measure. However, such interceptions should be based on sound intelligence, rather than vague suspicions. In several regions, NGOs, as well as government agencies, have intercepted children who are on the move on an assumption that all children – or all girls – are likely to end up in abusive situations and should be prevented from continuing their journeys. In West Africa, some States have established village level anti-trafficking committees which identify anyone aged below 18 years who is preparing to leave to seek work elsewhere and stop them from departing. One study of the activities of such committees concluded that they were a source of abuse rather than protection (and that they failed to consult children or encourage their participation).⁷⁵

In parts of South Asia, where NGOs have deployed staff at border crossings to identify and intercept children from particular ethnic communities considered to be at high risk of being trafficked, an evaluation concluded that there were good reasons why adolescent girls should want to cross the border and that a blanket practice of intercepting them was unacceptable.⁷⁶ It seems self-evident that if NGOs do intercept children who are being trafficked, they are irresponsibly putting their staff at risk of reprisals from traffickers. In a handbook on preventing child trafficking, the author of this paper observed that: “Interceptions are acceptable when carried out by law enforcement officials such as the police or immigration officials. The involvement of NGOs in stopping adolescents or young adults...is an abuse of power, as well as of human rights”.⁷⁷

5.7 Preventive techniques in places to which children are trafficked, and addressing ‘demand’ for trafficked children

A range of preventive methods have been used in places to which children are trafficked. These include providing child migrants with information, drop-in centres and safe accommodation, suggesting alternatives to resorting to commercial sex for a living and monitoring places where children work to reduce levels of abuse. The issue of demand for sex with children is examined in other thematic papers. It has been addressed by public information campaigns warning potential ‘consumers’, particularly tourists, that sex with children (or those who have not reached the age of sexual majority) is an offence.

Since 2001, numerous publications have examined the question of demand in the context of human trafficking and asked what actions are effective in reducing such demand. Some distinguish between demand created by consumers – for goods made by children, for sex specifically with someone under 18 years of age or for sex with someone who is young and pretty, but not necessarily a child – and demand by criminals for people whom they can control and use to make money. Such criminals include those on the front line, such as pimps and brothel owners, and others who profit less directly, such as police and local politicians who accept bribes. It seems evident that measures to influence ‘consumers’ are unlikely to influence traffickers and other criminals.

Many publications discussing ‘demand’ for trafficked adults or children focus on the public’s demand for particular services, whether or not the demand is specifically that the service be provided by a victim of trafficking, but do not consider the demand that traffickers themselves create. In her 2006 report to the UN Commission on Human Rights, the UN Special Rapporteur on Trafficking in Persons, Sigma Huda, examined whether people who pay for the services of individuals trafficked for sexual purposes can be influenced to stop trafficking. Like some other observers, the UN Special Rapporteur drew the conclusion that the most appropriate preventive strategy was to prohibit commercial sex altogether. She indicated that prostitution is inextricably linked to human trafficking and that demand for commercial sex is tantamount to demand for the services of trafficked women and girls. Her recommendation was that prostitution should not be legalised or decriminalised.⁷⁸ Others argue that regulation of commercial sex establishments is the most effective way of keeping girls and boys under 18 years of age from getting involved in selling sex. Reporting the same year on the issue of demand, but focusing on demand for commercial sex with children (rather than for children trafficked for sexual exploitation), the UN Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit, identified some different factors behind demand, which he recommended be

addressed. He urged that,

“...any intervention should address fundamental and systemic values and beliefs that accommodate and sustain so much sexual violence and sexual exploitation of children: patriarchy, beliefs surrounding sexual dominance and machismo, male power and control, the viewing of children (especially girl children) as objects of possession, and perverted cultural beliefs. It is only through the empowerment of women that the demand for child sexual exploitation can be reduced”.⁷⁹

This Special Rapporteur’s recommendation points to a difference in approach between countries where there is an expectation that the way to change people’s behaviour is to adopt a new law, and those where the rule of law is weaker and laws are not enforced systematically. In the first case, the assumption is that the first step to stop people from paying for sex with older adolescents should be to legislate. In the second case, other methods to influence public values and beliefs are more effective than relying on laws to do so.

Some ‘cultural beliefs’ can be addressed by focused initiatives. For example, it is often reported that a factor of demand related to men who want commercial sex is that they seek out adolescent girls on the assumption that they are less likely than older women to have HIV/AIDS or other sexually transmitted infections.⁸⁰ Other practices would require major changes of government policy to reduce trafficking. Female infanticide, for example, creates a relative shortage of young women of marriageable age and is reported to provoke trafficking for the purposes of forced marriage in several countries.

5.8 Risks associated with warning that children are ‘about to be trafficked’

On a number of occasions since 2001, sporting events have been the subject of publicity campaigns to prevent human trafficking from occurring. At the time of the Olympic Games in 2004, NGOs were concerned about children trafficked to Greece to beg for money. In 2006, the focus was on the football World Cup in Germany, when campaigners suggested that some 30,000 to 60,000 women and girls might be trafficked into sexual exploitation in Germany. Vastly fewer cases were reported.⁸¹

Natural disasters have been the occasion of similar warnings. At the end of 2004, following the Indian Ocean tsunami, several organisations publicised their concerns that conditions

were suitable for children to be trafficked. The authorities in Indonesia responded by imposing restrictions on children leaving Aceh province. Relatively few cases were reported. This raises ethical issues for organisations operating in areas affected by disasters. They can potentially secure more publicity by talking publicly about the risk that children may be trafficked than they can by talking about other dangers, but there is also a risk that the focus is taken off the most pressing needs and threats in such areas.

Warnings that the number of children being trafficked is about to rise have also been issued when economic factors are perceived to favour traffickers. Some lessons can be learned from these experiences. First, it is important to avoid publicising numbers which bear no relationship with reality. There is a risk that, as in the case of Germany, such campaigns bring other efforts to stop trafficking in children or human trafficking into disrepute. By basing estimates of what might happen on evidence about what has happened in similar circumstances, responsible warnings may be issued. Second, in order to ensure that journalists, donors and anti-trafficking organisations take warnings seriously, it is important that they be followed up with the publication of evidence about what ultimately happens, whether this confirms fears or not.

5.9 Influencing prevention efforts in the future

Increases in independent evaluations of prevention programmes since 2001 have made it possible to reach conclusions about what works and what does not. Nevertheless, it would be helpful if a greater proportion of prevention initiatives was evaluated, not just by the organisation responsible for the initiative, but by an independent evaluator. Critical evaluations of awareness raising campaigns seem to have already persuaded some donors to invest in alternative prevention methods. Some of the alternatives, such as social work in home communities or on the streets where children are exploited, are relatively more expensive and have not yet received the support they deserve.

It was always obvious that there was no ‘one size fits all’ solution, but there has been surprisingly little progress in coordinating prevention initiatives along trafficking chains in the areas where children come from, transit through and end up. This is a protection, as well as a prevention, issue. New information technology is often criticised for increasing risks for children, but it also has the potential to protect children, to track their movements and to keep parents, or others, informed of where they are. It is not clear that this potential has been explored fully.

6. Protection and assistance for children who have been trafficked

The issues of protecting and assisting children who have been trafficked, or might have been trafficked, are inter-dependent and are considered together. The section starts by examining protection issues, including international guidelines prepared by UNICEF on protecting trafficked children, and moves on to questions about assistance for children trafficked for sexual purposes.

6.1 Guidelines on the protection of child victims of trafficking

The most relevant set of guidelines for protecting children who have been trafficked was issued by UNICEF in 2003 and updated in 2006.⁸² These guidelines concern any child who has been trafficked, for whatever purposes and whether internally or transnationally. While it is important to take stock of the provisions of these guidelines, it is also necessary to note that States have not, so far, been active in implementing them. It is not clear whether this is because officials are unaware of the guidelines or because they are reluctant to implement them for policy reasons.

The first version of the UNICEF guidelines, the *Guidelines for Protection of the Rights of Child Victims of Trafficking in South Eastern Europe*, was approved by the Stability Pact for South Eastern Europe⁸³ Taskforce on Trafficking in Human Beings in 2003. These guidelines covered 11 topics, including the appointment of a legal guardian for every trafficked child (responsible for ensuring that all actions affecting the child make the child's best interests a primary consideration), procedures for deciding on a durable solution for each child and protection for trafficked children involved in court cases.

In 2005 and 2006, UNICEF consulted with others about amendments to the guidelines to make them applicable globally.

UNICEF's revised *Guidelines on the Protection of Child Victims of Trafficking*⁸⁴ (issued in 2006 in English, to be applied globally) cover 12 topics:

1. Definition of what constitutes child trafficking under the UN Trafficking Protocol;

2. General principles (mainly child rights principles);
3. Identification of children as victims of trafficking;
4. Appointment of a legal guardian for each trafficked child;
5. Registration and documentation, including questioning by the authorities;
6. Regularisation of a child's status in a country other than their own;
7. Interim care and protection;
8. Individual case assessment and identification of a 'durable solution';
9. Implementation of a durable solution, including possible return to a child's country of origin;
10. Access to justice for children, including protection of children during legal proceedings;
11. Cost of proceedings, financial assistance, reparation and compensation; and
12. Research and data collection.

UNICEF has proceeded only hesitantly to encourage States to implement its guidelines. The text is available in Russian, but by mid-2008, no official version was available in Spanish or Portuguese. Discussions about the relevance of UNICEF's guidelines to West Africa were possible once the guidelines were translated into French in 2005,⁸⁵ but the French version did not appear to be available on public websites in mid-2008.

In several regions there have been efforts to develop versions of the guidelines that take account of regional characteristics. In Southeast Asia, an NGO coordinating initiatives on the issue of child trafficking, Asia ACTs, held a workshop to draft the Southeast Asian guidelines in March 2006.⁸⁶ The workshop produced an initial set of guidelines for the region. A consultation was also held with children who had been trafficked to determine the provisions that they felt were appropriate. The resulting draft was discussed at the Fourth ASEAN Senior Officials Meeting on Social Welfare and Development in Myanmar in November 2006, and was formally adopted by ASEAN Ministers for Social Welfare and Development in Viet Nam in December 2007.⁸⁷ In comparison to UNICEF's guidelines, these give extra attention to issues of care and protection for the staff of organisations looking after trafficked children and to building the capacity of communities to care for trafficked children by forming multidisciplinary teams to work with the children.

The ILO has issued a set of standards and guidelines for the recovery and integration of

trafficked children. These guidelines are aimed, in particular, at organisations providing care to children in South Asia.⁸⁸

Persuading States that they should follow the steps proposed in these guidelines to decide what should happen to a trafficked child is a challenge. To implement new guidelines, agencies in many countries have to change the way they work together or amend their operating procedures. One significant way in which the procedures followed in some States are not compatible with UNICEF's guidelines (or with their obligations under the UN *Convention on the Rights of the Child* (CRC)), is that assistance is only provided to children who agree to talk to law enforcement officials and who are officially recognised as 'victims of crime' or 'victims of trafficking'. It is important that broad criteria be adopted to identify possible child victims, which ensure that any child in need of protection and assistance, qualifies for appropriate assistance.

6.2 Protection challenges

While many States adopted new legislation between 2001 and 2008 criminalising human trafficking, often the legislation was not matched by specific provisions on protection. Indeed, it is not clear that a single State has made the forms of protection specified in Article 8 of the *Optional Protocol on sale of children, child prostitution and child pornography* mandatory.

To start the series of actions necessary to protect a trafficked child, it is essential to identify the children concerned. Two key issues are associated with identification. The first relates to presumption of age. The second concerns the laws, systems and procedures that need to be in place to ensure that correct and timely identification can occur.

6.2.1 Avoiding confusion over age and status

If law enforcement officials, or others, conclude incorrectly that a trafficked child is an adult, the young person concerned is unlikely to be accorded the protection to which she or he is entitled. Mistakes about age are made while children are in transit, notably at border posts and once they are being exploited. As traffickers routinely provide older children with false identity documents stating that they are 18 years of age or older, it is not surprising that law enforcement officials make mistakes. In countries where it is legal for women and men over a specified age to accept money in exchange for sex, assessing a young person to

be older than they actually are may mean leaving them in a brothel or similar environment – thereby failing to protect them.

Since 2001, there has been growing acceptance of a presumption of victim status in the case of children. The legislative guide for the implementation of the UN *Trafficking Protocol* suggests that:

“In a case where the age of a victim is uncertain and there are reasons to believe that the victim is a child, a State party may, to the extent possible under its domestic law, treat the victim as a child in accordance with the *Convention on the Rights of the Child* until his or her age is verified”.⁸⁹

In some countries, law enforcement officials would benefit from clearer instructions to make a presumption that a young person who has been trafficked, but whose age is unclear, is a child, and to give child protection issues a high priority. Adolescents who have been trafficked for sexual purposes are reported to have been detained in countries around the world as suspected offenders, without being identified as victims of crime. Once again, this is not surprising, as they often do not clearly fit the ‘victim’ stereotype of a person who has not broken the law in any way. This is particularly true when trafficked children are involved in activities such as begging, petty theft or prostitution. Again, better procedures are needed to ensure that trafficked children who have committed offences under duress are treated as victims of crime, not criminals.

6.2.2 Adequate identification: ensuring mechanisms for protection and assistance are in place

Legislation that defines the acts that constitute trafficking in children, implicitly defines some characteristics of trafficked children (i.e., they have been recruited or exploited in particular ways). On the whole, however, these characteristics are not visible and do not suggest how or where trafficked children can be identified. It is difficult to distinguish children who are in the process of being moved in order to be exploited from other children on the move. It is often difficult to distinguish children who have been trafficked into forced labour from other working children. The exception concerns children whose availability for sexual exploitation is, in some places, advertised to members of the public by the children’s presence in a brothel or red light district, or by other means. In such cases, law enforcement officials can find out who is involved once they are given the orders and resources to do so.

Several intergovernmental organisations have issued advice on methods for identifying

adults and children who have been trafficked. In 2004, the Organization for Security and Co-operation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) issued advice to OSCE States on measures to respond to trafficking in persons. These measures focused attention on the steps necessary to identify adults or children who have been trafficked and introduced the term "presumed trafficked persons'...to describe persons who are likely to be victims of trafficking and who should therefore come under the general scope of anti-trafficking programmes and services."⁹⁰ This usage is not yet universal, but it confirms that it is often difficult to be sure whether a particular individual has been trafficked and that agencies involved in identifying trafficked children have an obligation to protect them if there is a possibility that they have been trafficked, even if their status remains unclear.

One clear lesson since 2001, which had also received some attention earlier, is that it is not sufficient to identify a trafficked or exploited child and intervene. Appropriate mechanisms for protecting and assisting the child subsequently also have to be in place. Experience has shown that many trafficked children who have been withdrawn from the control of a trafficker by the police or others have returned to their trafficker. These children return for a variety of reasons. Some have been programmed to do so, sometimes through intimidation. Others are deeply suspicious of law enforcement officials, sometimes with good reason.

6.2.3 Techniques to help identification

A variety of reports concerning trafficked children have emphasised that drop-in centres and street social workers can help make contact with the children by offering a non-threatening opportunity for them to connect with organisations offering assistance and a route to protection. Telephone helplines or hotlines are used in many parts of the world to report cases of children believed to be suffering abuse, including cases of sexual exploitation. Some training materials list indicators that particular children may have been trafficked, that is to say, telltale signs of trafficking. For example, training materials developed in the Netherlands in 2006 mention 26 indicators that can help identify a young person trafficked for sexual purposes.⁹¹

6.2.4 Privacy considerations

Guidelines and training materials emphasise the importance of not publicly disclosing the identity of a child who has been trafficked or sexually exploited. Nevertheless, each year cases are reported of trafficked children feeling intimidated when journalists reveal their identities, sometimes directly and sometimes indirectly. Procedures for handling confidential information about individual children are essential, both within individual

agencies, and among all the organisations working together in a referral system. Some training materials suggest that anyone identified as a presumed victim of trafficking should have a reference number allocated to their case by the first agency in contact with them so that referrals can be made without mentioning the person's name.⁹²

6.2.5 The importance of risk assessments

The UNICEF guidelines emphasise the importance of carrying out a professional risk assessment before any decisions are made about what should happen to a trafficked child, whether the case involved internal or transnational trafficking. Indeed, it is essential to repeatedly assess the risks to a trafficked child before, and immediately after, any 'rescue' and when choosing temporary or long-term accommodation for the child. The procedures for assessing the risks associated with repatriation, in the cases of trafficked children identified in a country other than their own, have received the most attention. Even so, suitable procedures to allow the authorities in a country where a trafficked child has been identified to obtain information from the child's country of origin are seldom reported to be in place. The principles to be observed are set out in a *General Comment* by the Committee on the Rights of the Child concerning unaccompanied and separated children.⁹³ This emphasises that:

- the best interests of the child must be a primary consideration in all actions and decisions concerning such children, including children who are presumed to have been trafficked;
- the children themselves must be consulted in the process and their views taken into account in accordance with their maturity; and
- the risks facing a child who is returned to her or his country of origin must be the subject of a formal risk assessment that provides the findings to those responsible for deciding on a durable solution for the child.

Risk assessments are essential to ensure that States meet their obligation under the CRC to ensure that no decision is taken that places a child in a situation of foreseeable risk. They are also essential when considering what should happen to children who have been trafficked internally, for example, whether family reunification would be an appropriate durable solution.⁹⁴ One of the risks concerns possible threats from traffickers, or others, to the security of a child or the child's relatives. A social inquiry should take place to assess whether an appropriate adult is available to care for the child in the case of family reunification.

6.3 Care and assistance for trafficked children

6.3.1 Securing better standards of care and assistance

There is no shortage of guidelines to follow when considering how best to assist trafficked children. In 2007, the IOM summarised the lessons learned over the previous 13 years in *The IOM Handbook on Direct Assistance for Victims of Trafficking*.⁹⁵ The handbook contains a section on the care of children and adolescents that repeats many of the points on assistance made in the UNICEF guidelines. Some regional organisations have issued their own guidelines, such as the Regional Conference on Migration (RCM), established by States in Central and North America, which adopted the *Regional Guidelines for Special Protection in Cases of the Repatriation of Child Victims of Trafficking* in 2007.⁹⁶

Most of the children and young people that were questioned in one region about the assistance and care they received while in residential care reported that it was “very helpful”.⁹⁷ One remarked, “I liked it very much. It was a great help with accommodation, food and especially advice. I’ve learned a lot of things about abuse, about diseases, about how to protect myself. The ladies took care of me, helped me find employment and a low rent apartment. It has been very helpful for the life I’m leading now”.⁹⁸

Nevertheless, in some residential centres to which trafficked children are referred, a great deal remains to be done. Surveying practices around the world at the end of 2007, ECPAT International commented that, in all regions of the world, “...a lack of child safe practices within institutions – in relation especially to staff recruitment and supervision of staff and children – leaves children vulnerable to abuse”.⁹⁹ Similarly, a 2006 ILO publication described “the shelter-based rehabilitation system in many countries” in one region as “significantly inadequate and in some cases professionally unacceptable. Their practices and sometimes policies are not appropriate for child victims of trafficking”.¹⁰⁰

This level of serious criticism confirms that governments need to pay attention to care standards and develop systems to ensure that children who have already experienced abuse do not suffer further harm. A variety of minimum standards have been suggested for institutions providing residential care.¹⁰¹ In line with efforts to improve child protection standards within humanitarian agencies in general, agencies whose personnel come into direct contact with children who may have been trafficked – law enforcement agencies and those responsible for immigration, other statutory agencies and NGOs – have been urged to adopt codes of conduct to safeguard children and young people. A handbook developed by UNICEF in Kosovo, focusing on techniques for interviewing children subjected to sexual abuse or trafficking, contains a model *Code of Conduct for Safeguarding Children and*

*Young People while in care.*¹⁰²

States have a responsibility to oversee the way that children who are deprived of parental care are looked after. It is appropriate for them to take action to establish minimum care standards or other national standards, such as codes of conduct for care staff. States also have a responsibility to ensure that adequate resources are available to implement such codes. In those regions where governments appear unwilling or unable to meet their responsibilities, the agencies involved in caring for children can still work together to agree to and monitor a set of standards.

6.3.2 Special services to children trafficked for sexual purposes

Following discussions in various regions about what forms of psycho-social care are appropriate in different cultures, there seems to be general recognition that all children who have been subjected to sexual exploitation require treatment for some degree of post-traumatic stress disorder. Unfortunately, the expertise required for such treatment is not yet reported to be available in all regions.

Projects in several regions have learned lessons about the contribution that children who have themselves been trafficked or experienced sexual exploitation can make to the recovery of other children. These projects do not focus on children who have been trafficked, but rather on children who have experienced sexual exploitation. For example, the Youth Partnership Project for Child Survivors of Commercial Sexual Exploitation in South Asia (YPP) is reported to have had a positive psycho-social impact on affected children in Bangladesh, India and Nepal.¹⁰³ The project, which has been running for four years, reportedly creates opportunities for adolescents who have experienced sexual exploitation to interact with others in the same position. The interaction is meant to let them know that they are not alone, help them develop new and positive relationships and transform negative self-images by focusing on their positive roles as peer supporters, youth advocates and community leaders.

6.4 Considerations on when to restrict the freedom of movement of children in residential care

Organisations providing residential care to trafficked children around the world operate according to different standards and use different techniques. In particular, there are differences in the restrictions placed on the children's freedom of movement. For example,

in Guatemala, children who have been trafficked and referred to residential centres are reported to be routinely confined to these centres and unable to go out to attend education programmes run elsewhere.¹⁰⁴ Some organisations running residential shelters consider that the threat from the children's traffickers, and the fact that the children's dependency on their traffickers may not have ended, are good reasons for keeping the children in 'closed' institutions that the children cannot leave and members of the public cannot enter. Others, including some of the children involved, criticise the assumption that abused children should be deprived of their freedom of movement as an abuse of human rights. Evidently there is a fine line to tread between too much protection and too little. International law experts have offered guidance on the legal principles to help get the balance right.¹⁰⁵ Using a risk assessment approach, it should be possible to:

1. Decide, upon a child's arrival in a residential institution, whether protection considerations require that a child's movements be restricted. If protection concerns are evident, responsibility for the child's best interests takes precedence over the child's right to freedom of movement.
2. Assess the risks to the child in the shelter. Are traffickers trying to penetrate it? Are the child's relatives trying to get access to the child for purposes that are not in the child's best interests? Is the child mentally challenged, violent or likely to get into trouble if she or he leaves the shelter?
3. Keep children whose movements need to be restricted separate from non-restricted children, so that the latter's rights are not compromised. This may be a challenge for shelters to afford, but it would be unacceptable to restrict children's rights on grounds of resources only. In Kolkata (India), for example, an NGO has secured funding for a 'restricted transit shelter', so that its main residential centre can be an open, long-term care facility.

With proper assessments and clear criteria and mechanisms for decision-making, sound decisions can be made on the need for restrictive protection. It is clear, then, that organisations running residential centres, and the State child protection authorities that oversee them, are not justified in imposing a blanket ban on all child residents leaving a centre, particularly older children. They would, however, be justified, on child protection grounds, in banning members of the general public from entering such centres.

Around the world, unaccompanied and separated children who are referred to residential centres for protection and assistance, including children believed to have been trafficked for sexual purposes, are reported to walk out of 'open' residential centres to which they have been sent and to 'disappear' without trace (i.e., the authorities do not know what happens to them). These reports have provoked particular attention in Western Europe, where fears have been expressed that: (1) traffickers take advantage of systems to care

for unaccompanied children upon their arrival in a country, knowing they will be sent to an ‘open’ residential centre, to summon them back under their control; and (2) children who flee such centres are likely to come under the control of traffickers anyway and to be obliged to earn money through prostitution. Some evidence is available to justify both of these fears.

Young migrants are reported to abandon residential centres in large numbers. However, in one European Union (EU) State, a confidential investigation carried out in 2005 at the request of NGOs concerned about what might be happening to the foreign children who were ‘disappearing’ out of residential centres found little evidence that the girls (or boys) concerned were ending up in places where prostitution was occurring. This confirmed that it would be an error to assume that all children who walk out of residential centres are subsequently trafficked or exploited. Further data is required so that responses can be evidence-based.

States which are unable to account for what has happened to separated children who walk out of residential centres appear to be failing in their duty of care. However, this is not a reason to react disproportionately by, for example, depriving such children of their freedom of movement. Both statutory agencies and NGOs running residential centres seem unsure of what other limits it is reasonable to place on the rights of young residents to protect them from traffickers. For example, is it reasonable to confiscate a mobile phone from such a child or to prevent them from making telephone calls (at least unless these are supervised by someone who understands the language in which the call is made)? The managers of residential centres who have seen children ‘summoned’ by traffickers by telephone think such restrictions are essential. Once again, the risk assessment approach outlined earlier appears appropriate.

6.5 Assistance while a ‘durable solution’ is implemented

6.5.1 Regional return agreements

Several regional agreements explicitly address the question of how children and adults who have been trafficked are to be assisted and repatriated. The ECOWAS/ECCAS *Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children in West and Central Africa*, addresses the question of which State pays the costs of assistance and repatriation.¹⁰⁶ Others address the process to be followed when deciding whether repatriation is appropriate. For example, the RCM *Regional Guidelines for Special*

Protection in Cases of the Repatriation of Child Victims of Trafficking require: “To determine if the repatriation is in the best interest of the child, States should cooperate in ascertaining his or her identity and nationality, the family and community situation to which that person could repatriate, and protective measures that could be required for his or her social reintegration”.¹⁰⁷ The last point is critical to avoid children being re-trafficked. Alongside regional agreements are numerous bilateral agreements which address the question of the return of children from one State to another (described in section 10).

6.5.2 Assistance to enable trafficked children to return to the community

The most effective methods for enabling young people who have been trafficked to rebuild their lives remain a subject of discussion.¹⁰⁸ Donors and practitioners seem uncertain about what constitutes a ‘successful recovery’ for such children. One lesson is clear, however, returning a child to the same situation from which she or he was trafficked, without addressing the factors which led to the child being trafficked, is bad practice. The implication is that these factors should be identified while carrying out a risk assessment and developing a reintegration strategy for the individual child.

The age of the young person concerned is a major factor in considering whether they should return to full-time education, opt for vocational training or seek employment. The importance of providing economically viable solutions for adolescents who have been trafficked has been widely recognised. This is evidenced by the existence of vocational training, apprenticeship schemes and a variety of grants and small loans to young people, or their families, to help them finish their education or to embark on new careers. Some vocational training schemes have been criticised on the grounds that girls have received training that has therapeutic value, but in a skill which has little market value.

Some countries have made progress in establishing standards for reintegrating children who have been trafficked or exploited. In Bangladesh, for example, the Ministry of Women and Children Affairs and UNICEF are reported to have developed a set of *Minimum Standards for Integration (Standards for the Integration of Children Withdrawn from Commercial Sexual Exploitation and other Worst Forms of Child Labour, Street Children, and Children Without Parental Care)* at two workshops held in September 2007.

Many practitioners stress the importance of community-based efforts to assist trafficked children and to protect them against further abuse. However, in some regions, the community to which a child belonged before being trafficked is seen to be a source of threats, rather than support, on account of the stigma attached to prostitution. Efforts have been made to change the attitudes which lead to stigma, but little progress has been reported so far. In

South Asia, for example, questions have been raised about whether it is viable for trafficked children to return to their original communities and lead satisfactory lives.

When family reunification or repatriation are deemed inappropriate, experience shows that it is vital for a trafficked child to feel safe, adequately cared for and not threatened by deportation, either immediately or upon reaching 18 years of age.

In many regions, family reunification has been the preferred reintegration outcome. As some children promptly leave home again, some organisations only regard this outcome as a success if the child involved remains at home for 12 months or more. In principle, however, there is no reason why adolescents should not move again, especially those who are old enough to marry or to start work. It may be more meaningful to judge success by whether children are able to exercise any choice in what happens to them next. For example, adolescent girls who returned to Moldova after being trafficked are reported to have spent several months at the 'Island of Hope' residential vocational training centre, giving them the time and opportunity to decide whether to return home or to pursue a career independently, usually living, relatively anonymously, in a town.¹⁰⁹ Elsewhere in Southeast Europe, the experiences of particular children made it essential to explore durable solutions other than family reunification (for example, when a parent had abused the child). In 2005, girls in the UN Administered Province of Kosovo who were 16 and 17 years old and who could not return home received support to live in semi-independent living facilities, supervised by an NGO, while they finished their schooling or started work. The cost per child in such facilities was relatively high, but the results were good, in that the girls did not return to sexual exploitation or express a desire to leave.

7. Children’s participation in efforts to stop child trafficking for sexual purposes

Turning the promises that children who have experienced sexual exploitation will be able to contribute to and participate in actions to stop child trafficking into action continues to prove difficult. Experience since 2001 suggests that this is not because children fail to express their views, but because officials and policy makers are unfamiliar with the idea of listening to children and do not know how to respond appropriately.

7.1 Children’s participation in the preparation of standards, guidelines and policy

One regional convention explicitly states that States are to encourage the participation of children in both the development and implementation of government policies, programmes and other initiatives against the sexual exploitation of children.¹¹⁰ However, actual participation of children in the development of standards or guidelines at the international or national level has been rare. A notable exception is the development of the *ASEAN Guidelines for the Protection of the Rights of Trafficked Children in Southeast Asia*. In one ASEAN State, the Philippines, this involved a consultation with children who had been trafficked to obtain their views on which measures would be appropriate to include in the guidelines.¹¹¹

Other consultations have given children an opportunity to influence government policy makers. For example, an ILO project organised the *Mekong Children’s Forum* in Bangkok in September 2004, at the conclusion of which, children presented recommendations to representatives of the States due to meet the following month to sign a memorandum of understanding (MoU) for the six-country Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).¹¹² It was apparent that government representatives were unsure how to incorporate the children’s views; decisions taken the following month did not appear to reflect the children’s views. After a second forum was organised in September 2007, again attended by government representatives, the ILO nevertheless concluded that, “[i]n terms of government response, there are indications that the Mekong Youth Forum is having an effect and that the children are being heard”.¹¹³

It is not only in Southeast Asia that children who have been trafficked have attempted to bring about change by influencing government officials. In December 2007, children from

the YPP project in South Asia met in Nepal and presented recommendations to Nepal's Prime Minister, who agreed to pass them on to relevant ministers in Bangladesh, India and Nepal. The recommendations called for tougher measures to stop children from being trafficked and sexually exploited, and highlighted the need for children who had been trafficked to be given legal identity cards. Officials are, in theory, under no greater obligation to listen to children than to adult lobbyists. However, when the children concerned have actual experience with the abuse that they want their Government to address, it would be appropriate for the officials concerned to offer an explanation if they choose not to act on the children's recommendations.¹¹⁴

7.2 Designing efforts to prevent child trafficking

It seems obvious that children who have been trafficked should be a primary source of information on which to base preventive actions, as well as assessments of the effectiveness of existing measures to protect children or stop trafficking. Unfortunately, a weakness of many anti-trafficking programmes is that they have been launched without consulting children who have already been trafficked nor including them as actors or messengers in the programmes. A report summarising UNICEF interviews in Southeast Europe with children trafficked for sexual purposes concludes that,

“...when children who have been trafficked are given the opportunity to describe their experiences and express their views, this information sheds light onto those factors that make children vulnerable, their reasons for leaving home, and their special needs regarding prevention, assistance and protection. Children's participation plays an important role in helping to identify areas for additional research and to inform effective policy responses”.¹¹⁵

Despite the potential usefulness of the children's views and participation, the study goes on to observe that,

“...these children and young people were seldom given the opportunity to participate in decisions affecting their lives. Decisions were often taken without their involvement or full understanding of what was at stake, and they were not always consulted in the development of their rehabilitation programmes nor in evaluating services established to support them”.¹¹⁶

This study, among others, confirms that the lessons learned by children are not being adequately considered by policy makers and that their right to have their opinions heard and taken into account in matters affecting them is not respected.

7.3 The role of children in assistance and prevention

The benefits of peer-to-peer counselling for children recovering from sexual exploitation, organised by the YPP project in South Asia, were mentioned in section 7.3.2. The experience gained was not specifically about children trafficked from one place to another, but the project included such children. An external evaluation concluded that there was a consensus among all those involved, “from the international through to the grassroots level that the premier achievement of the project is the substantive difference it has made to the lives of the young people involved”.¹¹⁷

Positive results have also been reported from prevention initiatives in which children have been the main actors in talking to other adolescents about dangers and appropriate precautions to take.

8. Coordination at the national level of anti-trafficking initiatives

8.1 Coordination at the national level

Since 2001, there has been much investment in efforts to bring about more effective cooperation at the national level between the different government agencies engaged in initiatives to stop human trafficking, child trafficking or the sexual exploitation of children, as well as between government agencies and NGOs. Various institutional frameworks have helped to improve coordination. Some States have a confusing array of separate initiatives to increase or coordinate activities on overlapping issues, such as the sexual exploitation of children, the worst forms of child labour, child trafficking and human trafficking. At the operational level, unless the division of labour between separate organisations is clear and the relations between them formalised (so that all parties know what to expect and are mutually accountable), children continue to slip between the cracks. A great deal remains to be improved in terms of coordination.

8.1.1 What activities should a national structure coordinate?

In 1996, the *Stockholm Agenda for Action* called for action to, “...develop implementation and monitoring mechanism(s) or focal point(s) at the national and local levels, in cooperation with civil society...”.¹¹⁸ In 2001, the *Yokohama Global Commitment* stressed that, “...the way forward is to promote closer networking among key actors to combat the commercial sexual exploitation of children”.¹¹⁹ Both documents called for coordination of initiatives within a country, as well as for each State to appoint a focal point for other States to contact whenever the need should arise. Progress on coordination between States is reviewed in the next section.

In view of the priority given since 2001 to creating national structures or plans on the topic of human trafficking, it is reasonable to expect effective coordination of actions to stop child trafficking to occur within the framework of such structures or plans.

In States belonging to the OSCE, the institution expected to coordinate the anti-trafficking efforts of all statutory agencies and NGOs is known as the National Referral Mechanism (NRM). The OSCE has given advice to participating States on how to set up an NRM.¹²⁰ An example of an influential national coordination structure is in the Philippines, where Republic Act No. 9208, the *Anti-Trafficking in Persons Act of 2003*, created a nine-member

Inter-Agency Council against Trafficking. The council is co-chaired by the Department of Justice and the Department of Social Welfare and Development. Expertise on child trafficking is provided by one of the three NGO members of the council.¹²¹ The council's role is to oversee the Government's anti-trafficking activities and to ensure that the act is implemented. It is required to report to the President each year on the implementation of the Act.

Too often, the structures established at the national level to coordinate anti-trafficking activities have neglected the specific rights and needs of children. Some States have adopted a plan to combat human trafficking (referred to as a national action programme (NAP) or a national plan of action, (NPA)) without establishing a structure to ensure cooperation between the organisations involved. Many States had created structures or plans referring to issues which overlap with child trafficking before they adopted an institutional framework at the national level to coordinate work against human trafficking. Some States adopted plans of action aimed specifically at stopping the commercial sexual exploitation of children (CSEC) (which should cover all aspects of trafficking in children for sexual purposes). Others adopted plans or programmes to combat the worst forms of child labour (which include child trafficking and child prostitution).

On various occasions, ECPAT International has expressed concern that a government's preoccupation with human trafficking and the sexual exploitation of adult women meant that they were paying too little attention to the commercial sexual exploitation of children. For example, in Romania, a review of developments concluded in 2006 that, "the system of referral of the victims does not work within designed parameters".¹²² The authorities were doing their best, it seemed, to set up the required structures and framework for coordinating initiatives on human trafficking, but the needs of child trafficking victims were different and some were neglected.

To identify weaknesses in existing coordination structures, plans and referral systems, and to work out how to rationalise them, reviews or evaluations have been helpful, especially when the review encompasses all of the relevant structures and plans. The experience of Indonesia is instructive. In 2008, a single team was asked to evaluate two plans of action at the same time, both of which had been adopted in 2002. One plan focused on human trafficking - the *National Action Plan for the Eradication of Trafficking in Women and Children* - and the other on the CSEC - *Plan of Action for the Eradication of Child Commercial Sexual Exploitation*. The results are relevant to other countries because they analysed the creative tensions between the two plans and proposed a solution for the future. The evaluation team found that the first NPA (on human trafficking) had pushed the second NPA (on CSEC) into the shade and that there had been only limited success in implementing the NPA on CSEC. The evaluation team's recommendations may be relevant for other States.

“The evaluation team was asked to consider whether the two National Plans should be combined into one. There were differing views on whether the Trafficking and CSEC NPAs should be combined in [the] future. The majority of people, and team members, favor combining the two plans. However, others, almost exclusively those working on CSEC, expressed strong reservations about this proposal. In summary, four benefits of combining the two NPAs were identified:

1. Facilitate more effective implementation and coordination as the two plans are under one umbrella and implementation mechanism;
2. Ease coordination of budgeting for national and local institutions;
3. Prove more cost effective by minimizing overlapped activities. For example, many efforts in preventing trafficking and CSEC, could be done simultaneously, making these more cost-effective;
4. Trafficking and CSEC would receive same attention as all institutions focus on the same NPA and allocate budget for the same plan.

Overall, those in favor of combining the two plans believe that it will make trafficking and CSEC work more efficient and cost-effective.

The disadvantages in combining the two NPAs were seen as:

- Combining the two plans will lead to a marginalization of CSEC issues, particularly issues such as child pornography.
- The international instruments and processes guiding the two issues are different and have different formats.
- Combining the two plans might increase a tendency to treat all victims of trafficking as children.”¹²³

For organisations that focus on the sexual exploitation of children, it may appear to be a weakness for their government not to give special priority to this issue. However, the fact that such children are not receiving adequate attention does not mean that it is necessary for every issue to be the subject of a separate plan. Rather, it highlights the need for any national structure given the task of coordinating activities to stop human trafficking to work closely with the equivalent national structure responsible for child protection, so that the specific needs and rights of children who are trafficked for sexual exploitation are identified and addressed. At the level of national plans, the implication is that any plan concerned with human trafficking should include objectives which are specific to children and to stopping their sexual exploitation. Care should be taken to ensure that such plans are coordinated with broader plans concerning child protection and social development. Even when plans and coordination structures are in place, invariably those that are not

given a budget to finance their activities are ineffective. Similarly, when objectives are set without a timetable specifying when they are to be achieved, it is difficult to assess progress and almost inevitable that the plan will not be effective.

8.1.2 Reporting on the implementation of laws and plans and proposing remedies when weaknesses are identified

As an alternative to one-off reviews or evaluations, some States have made a specific institution responsible for monitoring progress and recommending ways of remedying shortcomings. In the Philippines, the Inter-Agency Council against Trafficking is required to report to the Executive on progress in implementing the country's anti-trafficking law. Other States have concluded that it is better to separate the functions of coordination and monitoring altogether and to appoint an independent national rapporteur on human trafficking, or similar institution, to comment on the workings of any coordination structure and progress in implementing the law. An example is in the Netherlands, where the national rapporteur on trafficking in human beings receives information from statutory agencies and NGOs about their activities, but is not responsible for any operational activities. The national rapporteur's annual report contains a detailed analysis of how legislation and regulations are working and the rapporteur is well placed to recommend new measures or the modification of existing ones. The most recent report issued in English raises “[p]oints of attention and bottlenecks” at the end of each chapter and makes 66 recommendations, including numerous ones addressing children and one that emphasises the need for an inter-departmental approach and for a more active contribution from the Ministry of Social Affairs and Employment.¹²⁴

8.2 Coordination at the local level

While better coordination at the national level helps create a more coherent framework for implementing government policies and plans, it is often at the lower levels, such as the county, prefecture or local administrative district level, that effective coordination improves the level of protection available to children. At the local level, the need is to coordinate the activities of the agencies that are involved in identifying trafficked children or in providing those children with protection or assistance. Once again, the purpose is to ensure a clear division of responsibilities between organisations and to facilitate the referral of a child with particular needs to the organisations that provide relevant services. In some countries, local referral networks are called ‘multidisciplinary teams’ or ‘community protection networks’. The key factors for success appear to be:

- Cases are managed at the local level, rather than referring the children concerned to a national coordination structure (thus saving time), unless the child is a foreign national and contacts have to be made with another country.
- The network includes representatives of law enforcement agencies (responsible for detection and prosecution) and service providers (whether governmental or NGO); hence it is a ‘multidisciplinary’ or a ‘multi-agency’ team. If trafficked children are identified or referred by immigration officials in the vicinity, representatives of the immigration service are included.
- Relations are formalised between network members so that it is clear what the role of each member is and what others can expect of them.
- Priority is given to protecting the child and providing the child with assistance, rather than to the needs of law enforcement (to collect evidence about crimes committed against the child) or to the enforcement of immigration regulations.

As an example of local coordination, the Philippines’ Inter-Agency Council against Trafficking decided to set up Regional Inter-Agency Committees, which would be responsible for actions against both human trafficking and violence against women and children on the grounds that the laws on the two issues involved similar government agencies and NGOs. Similar structures are intended to be established at the municipal level. One publication offers a model ordinance for municipal authorities to adopt, which specifies the activities to be initiated and the agencies to be represented on a “Local Committee on Anti-Trafficking”.¹²⁵

Several techniques have been found to encourage the establishment of such referral systems when, for example, the organisations involved do not trust each other initially, and when it may be best to delay formalising relations until later on:

- Childline India has reported that, in some districts of India, the government agencies and NGOs to which telephone helplines referred abused children were initially not inclined to work together. Over a period of several years they reportedly developed confidence in each other until a *de facto* referral network developed, with the organisation operating a telephone helpline acting as the hub.¹²⁶
- Another method reported to help coordination involves developing a database within a specific locality to track what happens to any child identified as ‘trafficked’.¹²⁷ This requires the participating organisations to agree initially on standard terminology. Thereafter they can agree more easily on a division of responsibilities for referral purposes.

9. Bilateral and international cooperation

9.1 Multilateral and bilateral assistance

The amounts of money invested by donors to stop human trafficking since 2001 have been substantial. No global figure is available for the amounts given as international aid nor for the amounts given by private donors. The government of just one country, the US, reported that, between 2001 and 2007, it allocated US\$528 million to efforts to combat global trafficking (i.e., human trafficking outside of the US).¹²⁸ In 2007, the United Arab Emirates reportedly made a donation to the UN Office on Drugs and Crime (UNODC) to start the Global Initiative to Fight Human Trafficking (UN GIFT), described below. In addition, funding for broad initiatives, such as stopping child labour or promoting education, has contributed to stopping child trafficking, without being labelled as such.

Substantial sums have also been contributed to finance policy development and capacity building activities, as well as specific programmes, in individual countries. Rather than being donated especially to stop child trafficking for sexual purposes, much relevant assistance has been donated to support efforts to stop either human trafficking or the worst forms of child labour. There have been signs of donor fatigue as far as initiatives focused on human and child trafficking are concerned, possibly because the results have not seemed as impressive as expected. It is, therefore, still a priority to provide better data to donors about the impact of programmes to stop child trafficking. It should also be a priority for donors to promote better monitoring, evaluation and impact assessment of anti-trafficking initiatives.

A related issue is that donors periodically review their priorities and adopt new ones. While it is clear that substantial sums are still required to stop the sexual exploitation of children, increasingly the methods that are now deemed appropriate are rather generic in nature, e.g., ‘to combat violence against children’ or ‘to develop better child protection systems’, rather than specifically targeted on trafficking in children. This may discourage donors who want a relatively small donation to have a comparatively large effect.

9.1.1 Coordination between donors

A 2005 Organization for Economic Cooperation and Development agreement, the Paris Declaration on *Aid Effectiveness*, sought to improve coordination among donors of international aid. By August 2008, 120 States had adhered to the declaration, both donors and their partners, committing themselves to “[a] pragmatic approach to the division of labour and burden sharing [that] increases complementarity and can reduce transaction costs”, in order to avoid “[e]xcessive fragmentation of aid...[that] impairs aid effectiveness”.¹²⁹ Donors pledged to “[m]ake full use of their respective comparative advantage at sector or country level by delegating, where appropriate, authority to lead donors for the execution of programmes, activities and tasks”.¹³⁰ It may be premature to expect this 2005 agreement to have yielded results, but there are signs that some donors supporting programmes to stop child trafficking are reluctant to coordinate their support or unable to dedicate staff to attend meetings to do so.

9.2 Coordination at the international level

Human trafficking is a multidimensional problem that raises issues that many international agencies have the expertise to tackle, such as law enforcement, human rights, economic development, gender, migration and health. Different intergovernmental organisations have made a substantial contribution on the topic, and many see themselves as having a leading role. When it comes to children, fewer agencies are involved, but there is still a need for coordination. Similar coordination challenges occurred in the case of child labour and efforts were made to resolve those challenges at two international conferences in 1997.

Since 1990, the UN has had a Special Rapporteur on the sale of children, child prostitution and child pornography. Four successive rapporteurs have reported their findings on a wide range of issues, initially to the Commission on Human Rights and more recently to the Human Rights Council. In 2004, the Commission on Human Rights appointed a new Special Rapporteur on trafficking in persons, especially women and children. The issue of child trafficking for sexual purposes falls under the mandate of both Special Rapporteurs,¹³¹ but has been addressed principally by the Special Rapporteur on the sale of children. Special Rapporteurs do not have responsibility for commenting on whether the coordination among different UN agencies is adequate. Nor is any other mechanism mandated to do so. The absence of an appropriate high level coordination mechanism, such as one attached to the office of the UN Secretary-General, appears to make it difficult to coordinate the UN’s multifaceted work on human trafficking, of which combating child trafficking for sexual purposes is just a part.

In 2005, the UN Chief Executives Board recognised the challenges involved in countering human trafficking and proposed the establishment of an interagency mechanism to strengthen coordination.¹³² An Interagency Cooperation Group against Trafficking in Persons was established in September 2006. However, soon afterwards, in March 2007, the UNODC launched a new initiative, known as the UN GIFT, to generate political will, an action plan and financial resources to combat human trafficking worldwide. Interagency cooperation over the past 18 months has occurred at the level of the steering committee of this initiative, which is composed of six international organisations: UNODC, ILO, IOM, UNICEF, OSCE and the UN Office of the High Commissioner for Human Rights (UNOHCHR).¹³³ The steering group set up an Expert Group Initiative to deal with child trafficking, composed of UNICEF and the ILO's International Programme for the Elimination of Child Labour (IPEC). This group commissioned IPEC to prepare a training package on child trafficking, which is due to be published at the time of the Third World Congress.¹³⁴ The UN GIFT initiative has led to discussions about the activities of individual agencies, but is not reported to have addressed the need for overall coordination of the UN system's anti-trafficking strategies, nor to have pooled the UN system's expertise in combating child trafficking for sexual purposes.

A framework exists in most developing countries to ensure coordination among UN agencies, the UN Development Assistance Framework. This framework specifies the collective UN response and expected results to achieve national priorities. It does not, however, prevent different UN agencies from forming bilateral links with particular ministries and advocating different strategies or priorities as far as measures to stop the trafficking or exploitation of children are concerned.

Faced with these challenges, it might be appropriate to ask the Special Rapporteur on the sale of children to advise the Human Rights Council (and the General Assembly) on whether the UN's resources are being used to counter child trafficking for sexual purposes as effectively as possible, or whether an improved coordination mechanism is needed.

9.3 Coordination at the regional level

In addition to the regional instruments mentioned in section 3.5, regional intergovernmental organisations, such as ASEAN, ECOWAS and the OSCE, have adopted declarations against trafficking or more action-oriented plans to improve cooperation and coordination of their Member States' efforts to stop trafficking. For example, in Southeast Asia, the six States that set up COMMIT¹³⁵ adopted a three-year *Sub-regional Plan of Action* for the period 2005 to 2007. Cooperation was facilitated by a pre-existing UN initiative to

coordinate anti-trafficking initiatives by intergovernmental organisations and international NGOs in the sub-region, the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region. In this region, as in others, the States taking part in one common initiative also participate in other regional initiatives on the issue of human trafficking. Complications arise when the separate initiatives suggest different strategies, activities or priorities. Some observers have pointed out that regional initiatives involving a limited number of States result in higher levels of mutual accountability, and therefore greater effectiveness, than those involving more States.¹³⁶

In Europe, there was recognition that a regional initiative against human trafficking required a special focus on children to supplement it. The OSCE Permanent Council issued a detailed *OSCE Action Plan to Combat Trafficking in Human Beings* for all participating States in 2003, and an addendum on the special needs of child victims of trafficking for protection and assistance in 2005.¹³⁷

9.4 Coordination between States

Actions relating to prosecution, prevention and protection require coordination between agencies in two or more States if they are to be effective in cases of transnational child trafficking. Despite some successes, and many pledges to cooperate, progress has been slow. In a few cases, multilateral agreements have facilitated bilateral coordination. Some bilateral agreements have done so directly. In the absence of official agreements, there have been some examples of effective liaison between child protection officials in two States.¹³⁸

9.4.1 Bilateral cooperation agreements

Bilateral agreements have been signed between States about both human trafficking and child trafficking, though not specifically about child trafficking for sexual purposes. Some concern mutual legal assistance or general cooperation on matters concerning transnational crime. Some specify how citizens from one State who have been trafficked to another are to be treated and assisted in returning to their country of origin. These agreements may cover adults and children, such as ones between Cambodia and Thailand (2003) and Benin and Nigeria (2006), or focus specifically on children, such as the ones between Côte d'Ivoire and Mali (2000) and Albania and Greece (2006).

Bilateral cooperation to combat child trafficking has also focused on common borders,

across which children might be trafficked. Norway and Russia reportedly entered into an agreement to cooperate on border issues in 2002, to counter an increase in the number of women and children being trafficked from Russia.¹³⁹

Bilateral agreements on the return of victims of traffickers (reported in section 7.5) generally emphasise the importance of respecting the human rights of the victims, to avoid their detention and ensure they are protected while being repatriated and after arriving in their own country. For example, the agreement signed by Albania and Greece in February 2006 contains sections on prosecution, prevention and protection, including the appointment of provisional guardians, individual case assessment and procedures to guarantee safe repatriation.¹⁴⁰ However, by July 2008, the agreement had still not been ratified by one of the States and had not entered into effect.

As the procedures required to protect children who have been trafficked are different to those appropriate for adults, it seems appropriate for bilateral agreements to contain provisions which focus specifically on children's rights and needs, rather than relying on general provisions that apply to both adults and children. It might be advantageous for bilateral agreements to specify how any separated children from one State who are found in another State should be protected, rather than focusing only on children who have been trafficked.

9.4.2 Focal points

A specific contribution made by some multilateral and bilateral agreements is to indicate which ministry, agency or official is the focal point to contact when an individual child is identified in another State as a victim of traffickers. For example, the regional guidelines adopted by the 11 RCM States require agencies that identify a trafficked child from another State to inform "the appropriate institution" in their country, so that institution can communicate with the diplomatic or consular representative of the child's country of origin. It calls on States to designate one institution to be responsible for communication with similar institutions in other States and suggests that States should, "[t]o the extent possible", share their list of designated appropriate institutions with other RCM States.¹⁴¹

Nevertheless, States sometimes seem reticent to identify a focal point to be contacted by other States. For example, the numerous regional agreements on human trafficking adopted in Europe are virtually silent on the issue of specifying 'focal points' to contact in another State, although, in principle, all of the States in Europe are committed to establishing NRMs¹⁴² that could play this role. Only in the Baltic Sea Region is there reported to have been substantial progress, with the establishment of a network of national contact

points on unaccompanied and trafficked children whose contact details are available on a website and who meet together regularly, helping develop the trust that is essential if such institutional relationships are to function.¹⁴³

In the absence of effective communication between some States in Europe, an international organisation, the IOM, has organised risk assessments and the repatriation of trafficked adolescents. There is an ongoing need for States to develop better communication when separated children are identified within their borders who come from another State and who require protection. This need is not limited to child victims of traffickers.

10. The role of corporate social responsibility in stopping child trafficking

Other thematic papers consider the role of businesses and employers in combating child prostitution in general, particularly in the travel and tourism sector.¹⁴⁴ This section, therefore, concentrates on the role of business in cases that involve children being trafficked from one place to another. In such cases it is the transport and recruitment industries that are on the front line.

10.1 Voluntary codes and company anti-trafficking initiatives

Both before and since 2001, large corporations have committed themselves to respecting voluntary codes of conduct, relating to child labour, forced labour and human trafficking, in their own work places and in those of their suppliers and sub-contractors. In January 2006, the *Athens Ethical Principles Against Human Trafficking* were signed by 45 businesses. The seven-point principles require signatories to, “[e]xplicitly demonstrate the position of zero tolerance towards trafficking in human beings, especially women and children for sexual exploitation”. The first company to sign the principles interprets this to mean that the company will not do any business “with any entity, which benefits in any way from human trafficking”.¹⁴⁵ The principles also require signatories to “contribute to prevention of trafficking in human beings including awareness raising campaigns and education”.

Voluntary codes and principles represent an impressive show of commitment, but so far seem to have had little impact on the behaviour of enterprises where children are employed to provide commercial sex, including brothels, bars and clubs operating openly, as well as places operating clandestinely. Nor have codes of conduct had a noticeable effect on the other commercial operations functioning in the informal economy that provide indirect support to brothels and bars. On the whole, they seem to be intended to stop forced labour or child labour rather than the sexual exploitation of children. A few organisations have developed codes of conduct for or with their employees, seeking to influence how they behave outside their workplace by, for example, prohibiting them from paying for the services of prostitutes while travelling on behalf of the company or employing children in various capacities, such as domestic servants. In 2003, the UN Secretary-General ordered that, for all UN staff, “[s]exual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally”.¹⁴⁶ Some not-for-profit organisations have taken similar measures. The author scrutinised codes adopted by a number of leading international corporations but could not find any that have followed suit.

Charities created by other businesses have made donations to anti-trafficking initiatives or have donated equipment to organisations engaged in anti-trafficking work. Many donations seem to have been used primarily to fund publicity about human or child trafficking, rather than for more targeted initiatives. For example, MTV has run a campaign to raise awareness about human trafficking, called MTV EXIT¹⁴⁷ (End Exploitation and Trafficking), and has involved popular musicians and film stars. A positive aspect of the campaign is that it has not only been run in English, to reach young people in Western countries, but also in the languages of countries from which significant numbers of children have been trafficked. Its website summarises advice, in various languages, to young people who are thinking of migrating. In many ways the MTV website resembles other anti-trafficking websites, presenting the same difficulties in assessing the effectiveness of its efforts. In August 2008, USAID reported that it had contributed US\$3 million to the MTV EXIT campaign.¹⁴⁸ MTV's own contribution is valued at US\$10 million.¹⁴⁹ While it is apparent that MTV's campaign has reached large numbers of young people, in view of the comments in section 6 about the weak impact of awareness raising campaigns, it is vital that the campaign be evaluated independently, to ensure that weaknesses identified in other programmes are not being replicated.

10.2 The importance of 'being where the children are'

An evaluation published in 2001 contained a message that is still pertinent to initiatives to stop children from being trafficked for sexual purposes today: 'To stop children from being trafficked for sexual purposes, evaluators said, it is essential to go "where the children are", that is to say, to the "truck and bus stops, customs and border checks", ports and other transit points where "children who are travelling or vending are placed in unstable environments where people are unknown to each other".¹⁵⁰

This means influencing people in the unstable environments through which trafficked children pass, such as hostels, recruitment agencies, airlines and other transport companies and visa and travel agencies. It also means influencing the wide range of establishments where child migrants end up and are in danger of sexual exploitation, not only bars and brothels, but also places such as dance bars and theatres for so-called exotic dancing, and even private households employing children as domestic workers, as significant numbers are reported to run away from abusive employers and to resort to prostitution in order to survive.

A variety of organisations have personnel deployed in the places through which travelling and trafficked children transit. In numerous bus and train stations and ports around the world, NGOs run stands that provide information (and sometimes other services) to

children on their arrival. Immigration officials evidently have an important role to play at border points. When children are on the move, however, it is particularly the businesses that move them that have a potential child protection role. In some cases, the initiative to play this role has been taken up by businesses providing transport, while in others it has been the workers in the transport sector. Companies operating airlines and ferries have been involved, while in the informal sector, rickshaw and taxi drivers have also been mobilised to look out for the telltale signs of child trafficking. The challenge, of course, is that such signs are difficult to distinguish and there is a risk that the wrong children will be intercepted (see section 6.6).

A wide range of intermediaries are involved in recruiting and finding jobs for young people under 18 years of age. In developing countries, they mostly operate in the informal economy, paying little attention to government regulations or international standards. As discussed earlier in section 6.7, it is important to note the distinction between countries where the rule of law is strong, and countries where the rule of law is weak, so that those methods that are most likely to be effective can be used. In developing countries, where recruitment agents are not regulated by the State, methods have been found to influence them and improve protection for the young people they deal with. In West Africa, for example, methods have been found for influencing the landlords who provide accommodation to child migrants arriving in cities.¹⁵¹ There is a tendency among Western practitioners to look askance at such methods, which result in improvements in protection standards in circumstances where certain international standards may not be observed. To take this approach, however, is to miss an opportunity to protect children from harm.

11. Lessons learned and ‘good practice’

11.1 Lessons learned

A great deal has been achieved and learned since 2001. Some key lessons are:

- Much more can be done to prevent child trafficking than telling parents and children that it happens and relying on law enforcement to deter traffickers. The benefits of understanding and addressing the factors that make specific children vulnerable to traffickers are clear.
- Actions to stop children from being trafficked become more effective when the responses in the separate areas where children are recruited and exploited (and through which they transit) are coordinated. Nevertheless, not enough is being done by States, international organisations or NGOs to coordinate these responses. States have not done enough to improve bilateral contacts or to coordinate their respective interventions along known child trafficking routes.
- The most appropriate action to prevent children from being trafficked for sexual purposes does not necessarily focus specifically on the issues of child trafficking or sexual exploitation. Initiatives to protect unaccompanied and separated children in general are often appropriate.
- Lessons learned about effective prevention do not seem to have been shared widely enough or to have been fully understood by donors.
- Children who have been trafficked for any purpose are entitled to adequate protection and assistance. Many guidelines have been issued, but not enough has been done to implement them at the national level.
- If children are to succeed, decisions about what happens to them after they have been trafficked must be tailored for each child and must ensure that they are not returned to exactly the same situation, and the same risks, that they left when trafficked.
- Children who have been trafficked for sexual purposes have the potential to make a great contribution themselves to anti-trafficking initiatives. Many institutions seem reluctant to take advantage of this.

In order to learn lessons, it is vital that actions to stop child trafficking for sexual purposes be evaluated and their impact assessed. The purpose of learning lessons from experience is to apply them in the future and increase our effectiveness.

11.2 Identifying ‘good practice’

The number of programmes and projects to stop human trafficking has multiplied since 2001. So too has the number of reports which refer to particular methods as ‘good practice’.¹⁵² These report that a particular method has proved effective in a specific situation and suggest that others might like to replicate it.

In some countries, the term ‘good practice’ has a specific meaning, referring to the quality of social care. Consequently, the label is used on the basis of a professional, objective evaluation by a national organisation (either a statutory agency or a professional body). It is easiest to trust that a particular ‘good practice’ is appropriate to copy if a central authority responsible for quality assurance has vetted the practice and decided to advertise it.

When it comes to trafficking in children, the term ‘good practice’ is not limited to services provided to children, but also used to refer to initiatives to prevent trafficking and to various law enforcement practices. The complication is that there are no internationally recognised procedures to follow before a particular service or strategy is labelled a ‘good practice’, nor has any single organisation been given the task of checking what should be labelled as ‘good practice’ or recognised as a repository for information about ‘good practice’. Instead, a multitude of organisations use the term, each following different procedures and standards to conclude what constitutes ‘good practice’. The result is that it is difficult to know what ‘good practices’ have been thoroughly tested and evaluated and in what circumstances they are likely to be replicable with success. Practitioners must, instead, depend on common sense and the reputation of the organisation concerned.

11.2.1 Procedures and criteria for identifying ‘good practice’: the importance of monitoring, evaluation and impact assessment

There would be some benefits in moving towards common standards for agreeing to what constitutes ‘good practice’. Though it would be useful if these focused on more than just the activities to stop children from being trafficked for sexual purposes (i.e., on all activities to stop children being exploited or all activities to stop human trafficking). In the absence of any standard procedure, international organisations could be urged to use techniques such as peer review, ensuring that specialists outside the agency responsible for using a particular technique are consulted before the label ‘good practice’ is applied.

Respect for the child rights principles guaranteed by the CRC should underpin all actions on child trafficking, notably with respect to Articles 2, 3, 6 and 12 of the Convention,

concerning the issues of non-discrimination, the ‘best interests’ of the child, children’s right to privacy and children’s right to express their views and to have these taken into account in matters affecting them.

Whatever process is followed, it is clear that the activities in question must be monitored and evaluated. There has been some progress since 2001 in learning how to monitor and measure the results of efforts to stop child trafficking. Nevertheless, at the conclusion of many programmes, it has been unclear what has been achieved. Evaluations and impact assessments carried out by independent (‘external’) evaluators are trusted by others more than those carried out by staff of the implementing organisation. Many programmes report on their ‘outputs’ (e.g., the number of posters distributed or the number of children contacted), but fail to present evidence on their actual results.

Assessing ‘good practice’ means assessing the overall impact of initiatives to stop children from being trafficked – whether they have had the desired impact, or some other unintended or less desirable impact. While individual organisations may want to focus publicity on their successes, rather than on obstacles or failures, it is in the best interests of children that negative lessons, as well as positive ones, be shared with others. In principle, therefore, any organisation seeking to label an anti-trafficking measure as ‘good practice’ should check explicitly that the measure concerned is not having adverse effects on the very children it set out to benefit.

Rather than reporting uniquely on good practice, it would be helpful for programme assessments to comment on what can be replicated elsewhere, what should not be replicated and what requires further testing. For example, an evaluation of efforts by ILO/IPEC to stop children from being trafficked for sexual purposes in five countries on two continents presented “ideas for models – or rather components of programmes – that might be suitable for replication, expansion or further development”.¹⁵³ Instead of focusing uniquely on what had worked, this reported on ten “programme elements worthy of adaptation and replication” and four “that have potential to be developed or redirected”.¹⁵⁴ It also reported on ten points where programmes had “not been successful”.¹⁵⁵ These included, “[p]revention programmes in a context in which there is no attempt to simultaneously deal with demand” and “[u]ntargeted information campaigns and materials, and expensive educational materials that are simply handed out with no strategy, follow-up or feedback”.¹⁵⁶

Since 2001, some international organisations have reduced, rather than increased, the publication of evaluation reports on projects and programmes to stop child trafficking. Donors could insist that such reports be shared systematically with others.

12. Conclusions and recommendations

This paper has raised many questions, starting with a basic one about the very meaning of the term ‘child trafficking’. It is important to note that the terms ‘trafficking’ and ‘trafficked child’ are used to mean different things by different people, so it is routinely necessary to check what meaning is intended.

The paper has focused on issues in which States and others have choices over the strategies they pursue and the resources they choose to make available. It suggests that some should be reviewed and modified to bring about a child rights approach to cases of child trafficking. On a number of issues the paper suggests that more care is needed to ensure that national responses to child trafficking are based on the realities experienced by children in the country concerned, both in terms of the wording used in legislation and the measures taken to stop child trafficking.

Following a period in which transnational trafficking has preoccupied States, it seems important to refocus attention on the places where exploitation occurs and on the patterns of recruitment of children to such places, whether that is from within the same country or from outside the country.

With respect to both protection and prevention, the paper has raised questions about how to balance the need to protect children from abuse with the obligation to enable them to exercise their rights. Even if the principles that should guide policy decisions are clear, in practice there is a need for practitioners to exchange experience and views and to get a better understanding of the alternatives to their own current practices. Donors should pay attention to such discussions and ensure that they do not unwittingly support practices which fail to protect children or which impose unjustifiably harsh restrictions on children’s rights.

There is also a need to establish a better balance between the coordination structures and plans designed specifically to address the sexual exploitation of children, and those designed to address other issues. Different types of child abuse, which are currently addressed by separate structures or plans, would potentially benefit from a more unified approach to child protection in general. On issues which affect both adults and children, particularly women and girls, such as sexual violence and human trafficking, good coordination is needed between the measures affecting adults and the measures affecting children. At the same time, special efforts are needed to ensure that the rights and needs of children receive

explicit and specific attention.

In the numerous places where children are trafficked from one place to another for sexual purposes, either within the same country or between countries, there is a need to improve the contacts between child protection authorities in the two places.

The author was requested (by the congress organisers) to suggest just six recommendations in this section. They are intended to be implemented within different time frames. The first three (at section 13.1) are for implementation as soon as possible. The second three (at section 13.2) are for implementation by 2013, within five years after the Third World Congress. The author considers that the recommendations made at the Third World Congress should call for some specific measures to improve communication and coordination, rather than for plans of action to be amended. The measures are intended to improve contacts between child protection professionals in the areas where children are recruited and in the places where those same children are sexually exploited. These measures should be implemented in the broader context of improvements in the child protection system. In each case, demonstrating that a particular action has been achieved should require the State concerned to present evidence of what has been accomplished, rather than simply a statement that the action has been achieved. This would be facilitated by a State creating an independent monitoring and evaluation mechanism, such as a national rapporteur on human trafficking or one focusing on the sale of children, child prostitution and child pornography.

12.1 Actions to be achieved as soon as possible (at latest by 2013)

Together with relevant NGOs and partner agencies, each State should:

1. On the basis of an analysis of the cases of children who are known to have been trafficked from, through, to or within the country since 2001, in particular of the factors which contributed to the children being trafficked, take action to address these causal factors, including any weaknesses in protection systems which have failed to perform adequately to prevent children from being trafficked or in any way contributed to children being trafficked.
2. Establish or strengthen referral mechanisms to ensure that children trafficked for sexual purposes receive the protection and assistance to which they are entitled by international standards. This should include action at the local level, demonstrating that an effective referral and coordination mechanism is in operation in at least one administrative area within the country where children are reported to have been trafficked for sexual purposes (i.e., either in the children's area of origin or in the area where they were exploited), on the basis of a clear division of responsibilities between

different agencies (both government agencies and NGOs) at the operational level, with information shared and cases referred between them for appropriate specialised services and attention.

3. Take action to ensure that any child who is presumed to have been trafficked is entitled to all the rights and protection due to a child,¹⁵⁷ notably that temporary legal guardians are appointed within a specified maximum period (such as 24 hours) for every foreign child who is presumed to have been trafficked and for internally trafficked children whose parents are not easily accessible or whom it might not be in the child's best interests to contact.

12.2 Actions to be achieved by 2013 (i.e., five years' time)

Together with relevant NGOs and partner agencies, each State should:

1. Evaluate the impact of new legislation, adopted since 1996, concerning child trafficking or related offences on prosecutions and convictions of individuals suspected of trafficking children for sexual purposes. In particular, assess whether the new legislation has contributed to making it easier to secure convictions of such individuals, or has made it more difficult, or has had no discernable effect. This evaluation cannot be carried out by simply comparing the number of individuals charged, prosecuted or convicted before and after new legislation came into effect. It requires interviewing law enforcement officers involved in investigations and prosecutions to establish what the impact of new legislation has been on their work and whether, despite new legislation, certain legal provisions (or the lack of them) are hampering their ability to secure the conviction of individuals suspected of trafficking children.
2. Demonstrate that, in response to cases of transnational trafficking, officials within the local areas or communities concerned (in both the place where a trafficked child has been exploited or identified and the child's place of origin) have developed effective links with each other, either communicating directly or communicating via official focal points in their respective central governments, notably to carry out social inquiries and risk assessments and to reach agreement on what durable solutions are in the best interests of the particular child or children concerned.
3. Initiate a programme to address one or more of the fundamental and systemic values and beliefs that "accommodate and sustain" sexual violence and sexual exploitation of children, such as "patriarchy, beliefs surrounding sexual dominance and machismo, male power and control, the viewing of children (especially girl children) as objects of possession, and perverted cultural beliefs".¹⁵⁸ Ensure this programme is coordinated with other efforts to stop violence against children. Set indicators to measure the results of the programme and report on these by 2013.

Endnotes

- ¹ The *Convention on the Rights of the Child* has 193 States Parties, i.e., excluding two States. Somalia and the US have both signed, but not ratified, the Convention. The Convention was accessed on 24 July 2008 from: <http://www.unhchr.ch/html/menu3/b/k2crc.htm>.
- ² The *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* was accessed on 24 July 2008 from: www.unhchr.ch/html/menu2/dopchild.htm.
- ³ The texts of the UN *Convention against Transnational Organized Crime* and its *Trafficking Protocol* were accessed on 24 July 2008 from: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>.
- ⁴ See, for example, UNODC. *Trafficking in Persons. Global Patterns*. Vienna. 2006.
- ⁵ Prosecutions also have a preventive effect, but are considered as a distinct category of action. Child protection measures can also be used as a form of prevention, but the term ‘protection’ refers in particular to measures taken to protect children that have already been trafficked. Measures to assist child victims are closely associated with protection measures and are described in the same section (7) below.
- ⁶ *Convention No. 182* was accessed on 24 July 2008 from: <http://www.ilo.org/ilolex/english/convdisp2.htm>. By this date it had been ratified by 168 States.
- ⁷ By 25 September 2008 there were 115 States Parties to the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*; 14 States had signed the *Optional Protocol*, but not ratified nor acceded to it. Office of the UN High Commissioner for Human Rights. 11.c. *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* New York, 25 May 2000. Accessed on 1 October 2008 from: http://www2.ohchr.org/english/bodies/ratification/11_c.htm.
- ⁸ By 24 July 2008 there were 119 States Parties to the UN *Trafficking Protocol*. UNODC. *Signatories to the United Nations Convention against Transnational Crime and its Protocols*. Accessed on 24 July 2008 from: <http://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>.
- ⁹ UNICEF. *Guidelines on the Protection of Child Victims of Trafficking. Technical Notes*, p. 9. New York. September 2006. Accessed on 29 July 2008 from: http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf.
- ¹⁰ Comments from ECPAT International to the author by e-mail. 9 September 2008; UNICEF. *On the move: trafficking of children for sexual exploitation. Press kit background paper 6 issued for the 2nd World Congress against Commercial Sexual Exploitation of Children, Yokohama. 2001*. Accessed on 26 August 2008 from: http://www.csecworldcongress.org/en/yokohama/Press/Press_kit.htm. UNICEF’s background paper distinguished between the crime of moving children (i.e., trafficking them) from one place to another for the purpose of sexual exploitation and the commercial sexual exploitation of children in general.
- ¹¹ ILO/IPEC. *Child Trafficking. The ILO’s response through IPEC*. Geneva. 2007.
- ¹² The text of the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* was accessed on 1 October 2008 from: <http://www2.ohchr.org/english/law/crc-sale.htm>. Article 2 defines “sale of children”, “child prostitution” and “child pornography”.
- ¹³ UN *Trafficking Protocol*, Art. 6.3. Entered into force December 2003. Accessed on 24 July 2008 from: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>.
- ¹⁴ International Labour Office (ILO). *A Future without Child Labour. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, p. x. Geneva. 2002.
- ¹⁵ Along with debt bondage, serfdom and forced/compulsory labour. ILO *Convention No. 182*, Art. 3.a. Entered into force November 2000. Accessed on 24 July 2008 from: <http://www.ilo.org/ilolex/english/convdisp2.htm>.
- ¹⁶ Ibid. Arts. 3.b & 3.c. Article 3.d refers to forms of hazardous work, which are to be identified at the national level and which are consequently not defined ‘unconditionally’.
- ¹⁷ The ILO has a broader interpretation of what constitutes ‘exploitation’ than the UN *Trafficking Protocol*. It considers the term ‘trafficked’ to apply to any child who is moved to get involved in any of the worst forms of

- child labour or in any work if the child is below the minimum age specified by the ILO's *Convention No. 138* on the minimum age for admission to employment (1973).
- ¹⁸ Pinheiro, Paulo Sérgio. *Report of the independent expert for the United Nations study on violence against children*, paras 112 & 114. UN General Assembly. 29 August 2006. Accessed on 20 October 2008 from: <http://www.violencestudy.org/IMG/pdf/English.pdf>.
- ¹⁹ The OAS convention entered into force in August 1997. By 22 August 2008 it had been ratified by 13 OAS States. OAS. *B-57: Inter-American Convention on International Traffic in Minors*. Accessed on 20 October 2008 from: <http://www.oas.org/juridico/English/signs/b-57.html>.
- ²⁰ African Charter on the Rights and Welfare of the Child, art. 29. Entered into force November 1999. Accessed on 5 September 2008 from: <http://www.africa-union.org>. The Charter was adopted in 1990. By February 2004, it had been ratified by 37 States. The OAU was the precursor of today's African Union.
- ²¹ The *SAARC Convention* was accessed on 24 October 2008 from: <http://www.humantrafficking.org/publications/424>. Article 1.3 of the *SAARC Convention* states: "'Trafficking' means the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking".
- ²² The agreement was accessed on 24 July 2008 from: http://www.ceeac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc.
- ²³ The Council of Europe's *Convention on Action against Trafficking in Human Beings* was adopted 12 May 2005 and entered into force 1 February 2008. It was accessed on 24 July 2008 from: <http://conventions.coe.int/Treaty/EN/Treaties/Html/197.htm>. Both Council of Europe Conventions contain provisions to set up a mechanism to monitor implementation of the convention, but neither had been established by August 2008.
- ²⁴ The Council of Europe's *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* was adopted on 25 October 2007. By 20 August 2008, the convention had been signed by 28 Member States, but not yet ratified by any. It had not come into force. It was accessed on 20 August 2008 from: <http://conventions.coe.int/Treaty/EN/treaties/Html/201.htm>.
- ²⁵ See, for example, UNODC. *Anti-Trafficking Assessment Tool*. A tool for rapidly assessing jurisdictional concordance with the requirements of UN *Trafficking Protocol* and the UN *Convention against Transnational Organized Crime*. Vienna. 2003.
- ²⁶ UN High Commissioner for Human Rights. *Recommended Principles and Guidelines on Human Rights and Human Trafficking. Addendum to the Report of the UN High Commissioner for Human Rights to ECOSOC*. 20 May 2002. Accessed on 24 October 2008 from: <http://www.ohchr.org/Documents/Publications/Traffickingeng.pdf>.
- ²⁷ Article 5.3 of the Council of Europe's *Convention on Action against Trafficking in Human Beings* states that, in relation to prevention, "[e]ach Party shall promote a Human Rights-based approach". The Convention was adopted 12 May 2005 and entered into force 1 February 2008. It was accessed on 5 August 2008 from: <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=197&CM=1&CL=ENG>.
- ²⁸ UNICEF Innocenti Research Centre. *A Broad Vision to Put Children First. Child Trafficking in Europe*, p. 40. UNICEF Insight. Florence. March 2008.
- ²⁹ In referring to 'trafficking of children', the authors of the *Stockholm Agenda for Action* felt there was a distinction between the commercial sexual exploitation of children in general and cases of child trafficking in particular.
- ³⁰ *Stockholm Declaration and Agenda for Action*, para. 4(e). 1996.
- ³¹ The commitment made in paragraph 12 of the *Stockholm Declaration* (1996) calls on States and others to, "[e]nhance the role of popular participation, including that of children, in preventing and eliminating the commercial sexual exploitation of children".
- ³² The UN *Protocol against the Smuggling of Migrants by Land, Sea or Air, supplementing the UN Convention on Transnational Organized Crime*, also adopted in November 2000. Article 3 of this Protocol defines migrant smuggling as, "[t]he procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident".
- ³³ UNICEF Innocenti Research Centre. *A Broad Vision to Put Children First. Child Trafficking in Europe*, p. 40. UNICEF Insight. Florence. March 2008.
- ³⁴ See, Lahiri, Agniva & Kar, Sarika. *Dancing boys, Traditional prostitution of young males in India. Situational assessment report on adolescents and young boys vulnerable to forced migration, trafficking and sexual exploitation in India. People Like Us*. Kolkata. 2007.

- ³⁵ The ILO suggests distinguishing between estimates of the “stock” (the total number of trafficked children being exploited) and the “flow”. ILO. *Combating trafficking in children for labour exploitation; a resource kit for policy-makers and practitioners, book 2*, p. 7. Geneva. Forthcoming 2008.
- ³⁶ David, Fiona. *ASEAN and Trafficking in Persons. Using Data as a Tool to Combat Trafficking in Persons*, p. 82. International Organization for Migration (IOM). Geneva. 2007..
- ³⁷ ILO. *A Future without Child Labour. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, p. 18. Geneva. 2002. In 2005, the ILO issued an estimate that 2.45 million adults and children were believed to be in forced labour after being trafficked. Of this number, 43% (1.05 million) were said to have been trafficked for commercial sexual exploitation, 98% of whom were women and girls. The report did not indicate what proportion might be under 18 years of age. The estimates of numbers trafficked in each region were: Asia – 1.36 million (more than half of the total number); industrialized countries – 270,000; transition economies – 250,000; Latin America and the Caribbean – 200,000; Sub-Saharan Africa – 130,000; the Middle East and North Africa – 230,000. Belser, Patrick, de Cock, Michaëlle & Mehran, Farhad. *ILO Minimum Estimate of Forced Labour in the World*, p. 5. ILO. Geneva. April 2005.
- ³⁸ Langberg, Laura. *A Review of Recent OAS Research on Human Trafficking in the Latin American and Caribbean Region. International Migration*, 43 (1-2), 2005, 129-139. The author attributed some of the difficulties to the terms used in Spanish, ‘trata’ for trafficking in persons and ‘tráfico’ for migrant smuggling.
- ³⁹ Abueva, Amihan & Florendo, Reggie (Eds.). *Proceedings of the Regional Conference on Enhancing Child Protection through Database Development. Asia ACTs against Child Trafficking*. Quezon City, Philippines. April 2008.
- ⁴⁰ In January 2001, a UN Interim Mission in Kosovo (UNMIK) Regulation made it a crime to use or procure “the sexual services of a person with the knowledge that that person is a victim of trafficking in persons”. The crime was punishable by up to ten years’ imprisonment if a child had been trafficked. It was difficult to collect evidence to prosecute this offence. Later, UNMIK issued a list of establishments that UN personnel and peacekeepers were banned from frequenting. This was credited by many observers with reducing the number of women and girls trafficked into Kosovo.
- ⁴¹ Limanowska, Barbara. *Trafficking in Human Beings in South Eastern Europe. 2004 - Focus on Prevention in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, and the UN Administered Province of Kosovo*, p. 121. UNDP. March 2005.
- ⁴² Dottridge, Mike. *Action to Prevent Child Trafficking in South Eastern Europe. A Preliminary Assessment*, pp. 54 & 55. UNICEF & Terre des Hommes. Geneva. 2006. Accessed on 4 August 2008 from: http://www.unicef.org/ceecis/media_4857.html.
- ⁴³ Loverboys were found to be involved in about half the cases of girls under 18 years of age earning money from commercial sex in the Netherlands. van den Borne, Anke & Kloosterboer, Karin. *Investigating Exploitation. Research into trafficking in children in the Netherlands*. ECPAT Netherlands. Amsterdam. 2005. Accessed on 9 May 2006 from: <http://www.unicef.nl>.
- ⁴⁴ Frederick, John et al. *A Study of Trafficked Nepalese Girls and Women in Mumbai and Kolkata, India. An abbreviated version of Slavery, Debt Bondage and Sex Work: A Study of Trafficked Nepalese Girls and Women in Mumbai and Kolkata, India*, pp. 20-24. Terre des Hommes. October 2005. Accessed on 5 August 2008 from: <http://www.ain.org.np/html/publications.html>.
- ⁴⁵ See ASEAN. *ASEAN Responses to Trafficking. Ending Impunity for Traffickers and Securing Justice for Victims*, p. 85. Jakarta. April 2006. This contains a checklist identifying eight “Key elements of an effective criminal justice response to trafficking” for ASEAN States, which are, in principle, equally applicable to other parts of the world.
- ⁴⁶ *Loi N° 2006-04* du 5 avril 2006 portant conditions de déplacement des mineurs et répression de la traite d’enfants en République du Bénin. Accessed on 13 December 2006 from: <http://www.ilo.org/dyn/natlex/>.
- ⁴⁷ US *Trafficking Victims Protection Act* of 2000, s. 103(8)(A). The Act was accessed on 21 October 2008 from: <http://www.state.gov/documents/organization/10492.pdf>. Parts are reproduced in the US Department of State’s annual Trafficking in Persons report.
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- ⁶⁵ This annual publication by the US Department of State is routinely referred to as the ‘TIP report’. The four standards set by the US Government for other governments were accessed on 25 July 2008 from: <http://uscdo.house.gov/download/pls/22C78.txt>.
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- ⁷⁸ *Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children*, Sigma Huda, pp. 6-15. UN Commission on Human Rights. 20 February 2006.
- ⁷⁹ Petit, Juan Miguel. *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography*, Juan Miguel Petit, para. 122. UN Commission on Human Rights. 12 January 2006.
- ⁸⁰ Information campaigns could challenge this belief by presenting the evidence that it is inaccurate wherever it is found to encourage men to seek children as sexual partners.
- ⁸¹ The German authorities reported that 33 possible cases of trafficking were investigated during the World Cup period and that the cases of four trafficked women and one man were believed to be linked to the World Cup. See *Experience Report on Human Trafficking for the Purpose of Sexual Exploitation and Forced Prostitution in Connection with the 2006 Football World Cup in Germany. Note from the German Delegation to the Multidisciplinary Group on Organised Crime/Article 36 Committee*. Council of the European Union. 19 January 2007. Accessed on 5 August 2008 from: <http://register.consilium.europa.eu/pdf/en/07/st05/st05006-re01.en07.pdf>.
- ⁸² The UNICEF guidelines were accessed on 29 July 2008 from: http://www.unicef.org/ceecis/GUIDELINES_Protection_of_Victims_of_Trafficking.pdf. A reference guide about these guidelines, issued by UNICEF in July 2006, contains a chapter on prevention. *The Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe* can be found at http://www.unicef.org/ceecis/protection_4440.html.
- ⁸³ An intergovernmental organisation, the Stability Pact for South Eastern Europe was launched in 1999 to

- strengthen the efforts of the countries of Southeast Europe in fostering peace, democracy, respect for human rights and economic prosperity. In 2008 it was replaced by the Regional Cooperation Council.
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- ⁸⁶ In partnership with Terre des Hommes-Netherlands, Terre des Hommes-Germany and the Japan Foundation.
- ⁸⁷ See Asia ACTS against Child Trafficking. *Protecting the Rights and Dignity of the Trafficked Child in South East Asia*. Philippines. 2007; See also Abueva, Amihan & Saguisag, Anjanette. *UNICEF guidelines on the protection of child victims of trafficking: Adaptation to a regional context*. Powerpoint in PDF presented at the UNICEF Innocenti Research Centre workshop on child trafficking. March 2008. Accessed on 29 July 2008 from: http://www.unicef-irc.org/research/resource_pages/worldcongress3/saguisag1_ppt.pdf.
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 "Restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve the desired result; and they must be proportionate to the interest to be protected...The principle of proportionality has to be respected not only in the law that frames the restrictions, but also by the administrative and judicial authorities in applying the law".
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the local level (e.g., law enforcement or social workers). Anecdotal information suggests that some officials are reluctant to contact national focal points, even in their own country, fearing that they will get lost in bureaucracy, and that they prefer to establish direct contact with their counterparts in another country.

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- ¹⁴⁰ Agreement between the Government of the Hellenic Republic and the Council of Ministers of the Republic of Albania for the protection and assistance of children victims of trafficking. 27 February 2006.
- ¹⁴¹ Regional Guidelines for Special Protection in Cases of the Repatriation of Child Victims of Trafficking, Art. 11. 2007. Similarly, it suggests that official lists of organisations working in child protection that have relevant experience in one country be shared with others.
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- ¹⁴³ The Working Group for Cooperation on Children at Risk, within the Council of the Baltic Sea States, has implemented a programme on Unaccompanied and Trafficked Children in the Baltic Sea Region. One part of this programme is the establishment of national contact points in the region. *The report of the 4th meeting of National Contact Points*, held in Warsaw in May 2007, was accessed on 7 October 2008 from: <http://www.childcentre.info/contactpoints/ncpmeetings/dbaFile14818.pdf>.
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- ¹⁵⁴ It also suggested "[a]reas that should be considered in future programming". Ibid.
- ¹⁵⁵ Ibid.
- ¹⁵⁶ Ibid.
- ¹⁵⁷ This implies that the immigration service and relevant law enforcement agencies receive instructions that anyone who is suspected of having been trafficked and who might be under 18 years of age is accorded such rights and protection.
- ¹⁵⁸ See the recommendation by the UN Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit, quoted in section 6.7.

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The World Congress III against Sexual Exploitation of Children and Adolescents aims to mobilise all countries to guarantee the rights of children and adolescents to be protected against sexual exploitation by taking action to:

- Build on current achievements, examine new challenges and dimensions of sexual exploitation and set more targeted strategies and measures to address them;
- Examine initiatives that have been effective in different regions and identify channels to facilitate better exchange of experience, skills and knowledge;
- Open new channels and secure greater international cooperation on key issues (including cross-border and inter-regional cooperation) to facilitate collaborations for counteraction;
- Catalyse a systemic and inter-sectoral approach to guarantee children and adolescents' right to be protected from sexual exploitation; and
- Establish time-bound goals to promote and monitor progress on action plans made by the Congress.

Commercial sexual exploitation of children occurs in many different ways and in a wide variety of settings. The underlying causes are numerous, complex and closely interrelated and must be analysed, understood and confronted accordingly. In order to facilitate the implementation of the objectives of the World Congress III, the Central Organizing Committee (Government of Brazil, UNICEF, ECPAT and the NGO Group for the Convention on the Rights of the Child) commissioned thematic papers on five major areas of this complex phenomenon and violation of child rights.

The World Congress III themes are on:

- Theme 1: Dimensions of Commercial Sexual Exploitation: prostitution of children, child trafficking for sexual purposes, child abuse images and sexual exploitation online, sexual exploitation of children in tourism
- Theme 2: Legal Frameworks and Law Enforcement
- Theme 3: Integrated Inter-Sectoral Policies
- Theme 4: Role of the Private Sector and Corporate Social Responsibility
- Theme 5: Strategies for International Cooperation

