IDENTIFY. PROTECT. REPEAT.

HOW TO LEAD THE WORLD IN SUPPORTING CHILD VICTIMS OF TRAFFICKING

Unicef UK urges the UK Government to:

- **Prioritise financial support for innovative, context-specific interventions to enable the early identification of child victims of trafficking and exploitation and to assist their journey to recovery, driven by considerations of child protection and the best interests of the child. This should include consideration of support for both national systems and transnational mechanisms.**

- **Use the forthcoming negotiations on the development of the Global Compact for Safe, Orderly and Regular Migration to further the Prime Minister's goal of leading the fight against modern slavery and prioritise efforts to create cross-border referral and protection systems that can help to prevent the exploitation and facilitate the protection of millions of children on the move.**

- **The FCO and the Home Office should consider their own practice and find innovative ways of using all strands of the UK Government's strategy to end modern slavery to protect children in countries and regions of origin and destination.**

- **The UK Government should align its work and country-specific knowledge of trafficking to asylum decision-making by ensuring that specific information about trafficking is included in its country notes for asylum case owners.**

OVERVIEW

A displaced mother and child fleeing conflict, cross a checkpoint south of Mosul, Iraq.

A Unicef report in 2016 found that 1 in 45 children in the world are on the move – almost 50 million boys and girls that have migrated across borders or been forcibly displaced within their own countries.[1]

Children move for many different reasons – many are fleeing violence, conflict or persecution; others have been displaced by climate-related events or natural disasters; some are moving to escape extreme poverty, in search of work opportunities and a better life. However, restricted regular migration routes are driving children to find other ways to reach safety, exposing themselves to serious risks of exploitation, trafficking and detention. For many children, protracted conflicts and humanitarian crises mean that they have no immediate prospect of returning home. Health, education and social protection services have been shown to be poorly equipped to deal with the specific needs of children on the move, and mechanisms to identify children at risk of trafficking and exploitation and refer them to appropriate services (where these exist) are limited in their effectiveness, especially where children cross national borders.
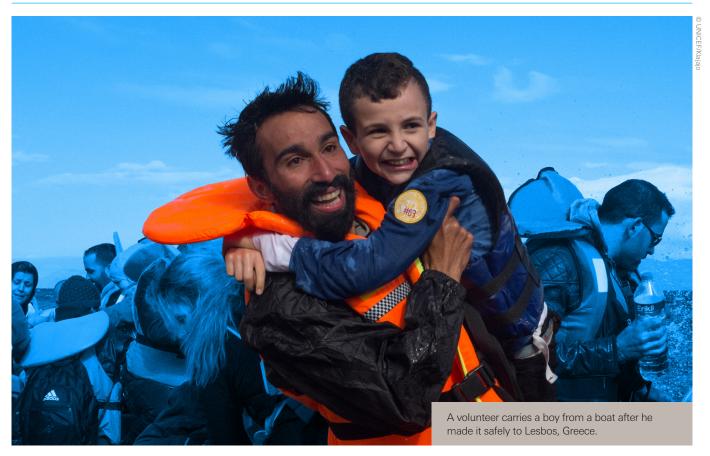
In September 2016, Prime Minister Theresa May announced an ambitious agenda for the UK to lead efforts to eradicate forced labour, modern slavery and human trafficking[2] including by "reducing vulnerability and supporting victims".[3]

> **Almost 50 million boys and girls have migrated across borders or been forcibly displaced within their own countries**

In September 2017, as part of this commitment, the Prime Minister announced that the UK would double its aid spending on modern slavery to £150 million, building on the allocation of £33.5 million announced in July 2016.[4] The new UK commitment also includes funding for flagship initiatives such as the Global Partnership to End Violence against Children, the Alliance 8.7, as well as programmes on child protection, education and migration in developing countries.

In light of the UK's efforts to tackle modern slavery, this briefing considers what more the UK Government can do, through its development programmes and through global leadership, to prioritise interventions to protect child victims of trafficking and exploitation in countries of origin and transit, and to identify children at risk in the context of the refugee and migration crisis.

CHILDREN'S RIGHT TO PROTECTION

A volunteer carries a boy from a boat after he made it safely to Lesbos, Greece.

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On the global stage, the UN Convention on the Rights of the Child sets out clearly the rights of children to protection from exploitation, abuse and trafficking, and the corresponding duties on States to "take all appropriate legislative, administrative, social and educational measures" to enable this, including "effective procedures … for identification, reporting, referral …"[5] In addition, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (otherwise known as the UN Palermo Protocol) also requires States to "establish comprehensive policies, programmes and other measures to prevent and combat trafficking in persons, and to protect victims of trafficking, **especially women and children**, from re-victimization".[6]

Yet we know that too few countries have adequate measures in place to identify children at risk, particularly in the context of migration, and to ensure they receive the support and protection they are entitled to.

In an effort to improve the international response to these challenges, the forthcoming Joint General Comment on the Human Rights of Children in the Context of International Migration by the UN Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families[7] recommends the adoption of "proactive measures to protect migrant children based on the best interests of the child", and the establishment of identification measures and a referral mechanism to identify potential victims of trafficking and abuse.[8]

THE SCALE OF THE CHALLENGE

A boy refugee watches as a dinghy full of refugees approaches the shores of Lesbos, Greece.

Traditional responses to strengthening child protection systems and tackling trafficking, exploitation and modern slavery are built on an understanding of children as a relatively geographically static group, who with the right support can access education, health and social protection systems. Yet, in 2016, almost 50 million children globally were on the move, including 10 million child refugees, 1 million child asylum-seekers and an estimated 17 million children displaced within their own countries.

Most children migrate within their own regions. Approximately 40 per cent of international child migrants live in Asia and 25 per cent in Africa.[9] Similarly, most refugees (including children) live within their own region. For example, 86 per cent of African refugees have found asylum in other African countries.[10] With nearly one in three African migrants being a child, the share of children among Africa's migrants is the largest for any region in the world.[11]

In 2014, children comprised 28 per cent of all detected victims of trafficking, and today this number is likely to be even higher, based on information from interviews with refugee children arriving via the central Mediterranean route.[12]

These interviews tell us that the majority of children originally made the decision to migrate to a neighbouring country, not to Europe, either on their own or with their families, and were not in initial contact with traffickers.[13,14] The trafficking and exploitation of these children occurred as a result of their mode of migration.

58 per cent of identified victims of trafficking in 2014 were trafficked across borders.[15] Analysis of UNODC data on trafficking has found similarities between cross-border trafficking flows and regular migration flows:

"The results show that the citizenships of trafficking victims detected in a country are often correlated with the citizenships of the flows of regular migrants into that country during the same period. In these countries, the citizenships of victims of trafficking would largely correspond to the citizenships of the migrants that arrived during the same period." [16]

This UNODC report[17] and recent reports by UNICEF, IOM[18] and REACH[19] all find a direct link between forced migration and trafficking.

THE CHALLENGES FACING CHILDREN

© UNICEF/Brooks

Ahmad sits with his children and grandchildren in a makeshift shelter in Latakia, western Syria.

Information from interviewing migrants in Italy and Greece suggests that adolescents are more vulnerable to trafficking compared to adults over 25.[20] Children, especially children travelling alone, are most vulnerable to trafficking and exploitation due to their age, but other factors in countries of origin, transit and destination also increase the risks they face:

- Lack of decent work (or the right to work at all), and poor employment and investment practices

- Failure to tackle harmful cultural practices effectively, such as forced marriage and female gential mutilation/cutting (FGM/C)

- Restricted regular routes for migration, including cumbersome family reunion procedures

- Presence of transnational organised crime in countries of origin or in cells across migration routes

- Inadequately resourced child protection systems, whether in funding, human resource or geographical reach

- Immigration-driven approach to engaging with children at borders, and a poor law enforcement approach in dealing with trafficked or migrant children

- Xenophobia and racism that normalises the abuse of migrants – both in transit and at destination countries.[21]

- Length of journey and level of education.[22]

LINKS BETWEEN CHILD TRAFFICKING AND MIGRATION TO EUROPE

A boy refugee carries his belongings along a railway track that crosses from the former Yugoslav Republic of Macedonia into Serbia.

Over the past few years, the significant increase in the number of refugees and migrants travelling to Europe has brought into sharp relief the limits of categories such as 'refugees' and 'migrants', 'regular' and 'irregular', 'forced' and 'voluntary', which do not reflect the real stories of children and adults arriving on the shores of Europe after dangerous journeys, some of which have spanned a number of countries and have lasted for years[23,24].

Recent interviews with hundreds of children who travelled from Africa or Asia to Europe provide an insight into the reasons informing a child's decision to migrate on their own.[25] The decision to try to find work in a neighbouring country is often among the main reasons for children migrating. Unicef discovered that more than half of the children in Italy and Greece did not intend to travel to Europe when they started their journey. The

experiences of exploitation, abuse and trafficking they found when reaching their initial destination were often the reason for their continued journey, which ended in Europe.

There is much more that can be done to identify and support child victims of trafficking in the context of migration, and action to improve identification, protection and support for child victims in their regions of origin can play an important part in reducing children's exposure to life-threatening journeys, in ways that fully respect their human rights.

IDENTIFYING AND SUPPORTING POTENTIAL VICTIMS OF TRAFFICKING IN DEVELOPING COUNTRY CONTEXTS

The ability of States, or indeed civil society to identify children who are at risk of trafficking or exploitation, or who may already be victims of trafficking, among migration flows is the cornerstone of an effective protection response that recognises their rights, and allows them to access to the support and services they need. Yet the current lack of robust national identification systems means that many children are simply not identified as victims of trafficking or exploitation, even where they come to the attention of authorities through other means. Where victims are not identified, they may face detention, removal, destitution, re-trafficking and other serious forms of exploitation, and will not be able to access specific protections required from States by international law, such as the presumption of age and the non-punishment principle.

Where national identification and referral mechanisms are in place, they are often dominated by the imperative to identify and prosecute offenders, rather than to support victims; and they do not function effectively across borders. This can result in a significant disconnect between the process of identification and the availability and sustainability of support for children.

Given that many children may first come to the attention of the authorities through border control, immigration or criminal justice measures, it is essential that screening measures are in place and professionals are aware of how to recognise indicators of trafficking and exploitation in individual children. It is also vital that humanitarian and welfare support is structured in such a way as to create a safe and protective environment for children where they feel able to disclose information and seek assistance.

Three children shelter under a lorry after fleeing conflict and famine in South Sudan to Uganda.

WHAT HAPPENS IF A CHILD VICTIM OF TRAFFICKING IS NOT IDENTIFIED?

The risks of not identifying a child victim of trafficking at the earliest possible opportunity are significant. As the main purpose of trafficking is exploitation, non-identification results in the exploitation or continued exploitation of children and the trauma and harm that brings. It compromises efforts on the part of law enforcement to investigate and prosecute perpetrators. Often if an opportunity to identify a child is missed, that child may not come to the attention of authorities or service providers again, or may only re-emerge when they have been subjected to further exploitation and abuse and are no longer needed by their exploiters.

These risks of non-identification are significantly heightened for children in the context of the refugee and migrant crisis. Not identifying a child as a victim of trafficking may result in his or her detention (although in some countries, *identified* child victims of trafficking are also placed in immigration detention centres) and subsequent return to the place or situation where the trafficking occurred in the first place – and to the likelihood of further abuse and exploitation. Children who are not identified may also be punished or criminalised for illegal activities they have been forced to carry out by their traffickers.

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Rohingya refugee children from Myanmar make the long journey into Bangladesh.

PRINCIPLES AND CORE ELEMENTS OF NATIONAL IDENTIFICATION SYSTEMS[26]

The main purpose of any national identification system, or a national referral mechanism with a focus on children, is to ensure that the rights of victims are upheld, including their rights to protection from abuse and exploitation, and to protect the best interests of the child, ensuring children are able to access both universal services (such as health and education) and any specialist support they may require.

Principles of national referral systems

In 2004, the OSCE developed the following principles of national referral systems, which remain relevant today:

1. **The primary purpose is to protect the rights of trafficked persons and the best interests of the child**

2. **They should be based on the UN Trafficking Protocol and its definition of trafficking**

3. **They should ensure universal support and protection services are easily accessible, and sustained, for all victims of trafficking**

4. **They should enable the provision and availability of a wide range of specialised services, capable of addressing the needs of each individual**

5. **They require an understanding that human-rights based victim protection systems can help secure successful prosecution**

6. **They should establish a multi-disciplinary, cross-sectoral approach, involving all relevant actors from government and civil society**

7. **They should build on existing national capacity to achieve ownership and sustainability**

8. **There should be agreement on the responsibilities and competencies of each actor, depending on their mandate in the identification, referral and protection system**

9. **They should be seen in a broader context – the perception and understanding of national referral systems as building blocks of effective regional and international co-operation**

10. **Accountability and legitimacy should be underlying principles of all national referral systems**

Taken from OSCE (2004) National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook, pp.23-28

The core elements of such a system comprise:

- Guidance on how to identify and treat children who may have been trafficked, in a rights respecting way

- A system that makes it possible to refer children, once identified, to any relevant agencies or organisations, which are able to address the children's need for suitable accommodation, protection from continued harm and exploitation and services that would help the child's recovery and development. These would include medical, social, and psychological support; legal services; and assistance in acquiring identification documents, as well as the facilitation of voluntary repatriation or resettlement.

While in many countries, shelters that combine accommodation and access to services and education are the main response to meeting the needs of child victims of trafficking; these places, especially large shelters accommodating many children, may not be the best environments for children and can harm vulnerable victims of trafficking. It is necessary for any residential services to comply with the UN guidelines for alternative care for children.[31]

When considering programmatic approaches to setting up identification and referral systems, it will be necessary to encourage the introduction of integrated case management systems to ensure co-ordination among the providers of direct services for victims of trafficking. In contexts where services are not easily available or accessible, innovative approaches need to be adopted, such as the setting up of mobile teams or "One Stop Social Welfare Shops" that are capable to respond to the immediate needs of children on the move, including identified or potential victims of trafficking. Such approaches would help to optimise the availability of scarce child protection, social work and social welfare professionals by deploying them in the places where children are moving or living to provide them with basic services. Such mobile teams can also seek to identify potential victims or children at risk of trafficking.

The national referral mechanism in the UK

Established in 2009, the National Referral Mechanism (NRM) is the UK's primary response to its international obligations to identify and protect potential victims of trafficking. The identification and referral process for potential child victims in the UK is similar to that for adults:

- Decisions on whether an individual is a victim are made by one of two Competent Authorities; the Modern Slavery and Human Trafficking Unit, and UK Visas and Immigration

- It is a two-stage process, comprising an interim "Reasonable Grounds" decision and a final "Conclusive Grounds" decision

- A 45-day reflection and recovery period is granted after positive Reasonable Grounds decisions.

- The Modern Slavery Act 2015 expanded the reach of the NRM in England and Wales to include victims of other forms of modern slavery, including slavery, servitude and forced or compulsory labour.

All children in the UK, whether UK nationals or not, have a right to protection, and do not require a positive NRM decision in order to access support from a local authority.

Since the establishment of the NRM, the number of referrals has been growing. The number of children referred to the NRM as potential victims of trafficking increased by 30 per cent in 2016 compared to 2015,[27] while NRM data for the first six months of 2017 shows that the proportion of minors among those referred has increased from 34 per cent in 2016 to just under 40 per cent in 2017.[28,29] It is widely recognised, including by the UK Government, that those referrals do not reflect the real scale of the problem of child trafficking and exploitation in the UK.

In 2014, the Home Office conducted a review of the NRM that recommended the trial of a new process of conclusive identification of victims via regional multi-disciplinary panels. This has since been completed and, at the time of writing, a decision from the UK Government on the way forward is pending.

Recommendations by international bodies to the UK Government:

"Strengthen the National Referral Mechanism for identifying trafficked and exploited children which is embedded in existing child protection procedures."[30]
UN Committee on the Rights of the Child (2016) Concluding Observations

"… GRETA once again urges the UK authorities to take steps to improve the identification and protection of child victims of trafficking, in accordance with the best interests of the child, and in particular to take steps to address the problem of children going missing from local authority care, by providing suitable safe accommodation and adequately trained supervisors or foster parents."
2016 examination of UK implementation of Council of Europe Trafficking Convention

NEED FOR SUSTAINABLE SOLUTIONS

To be effective and to contribute to the long-term recovery and development of the child, identification and referral to services that would protect the child victims of trafficking in their countries of transit or destination must be matched by thinking and planning of the next steps of the child's life. This needs to take place with consideration for the child's views and in recognition of the beginning of the child's migratory/trafficking journey. If children are returned to their country of origin without proper consideration of this, they risk going back to a situation where they are, for example, forced to repay family debt or debt incurred by their initial migration and there is a real and significant risk that they may end up being re-trafficked. Working with immigration authorities, employers and education providers, a sustainable way of preventing re-trafficking may be to find way of providing adolescents with opportunities for work in accordance with international labour standards. That would allow them to develop their skills and to generate income to support themselves and their families, which is often what triggered their decision to migrate.

GUARDIANSHIP

Whether in a transit or in their destination country, child victims of trafficking have no one in the same country that holds parental responsibility for them. These children have a particular need for an independent guardian – one consistent individual who can: act in the best interests of the child; advocate on behalf of the child; oversee and coordinate the agencies, services and processes that the child must navigate; and support the child through language and cultural barriers to know and access their rights.

Without guardians, many children simply do not get the safety and support they are entitled to. Where possible, appointment of guardians for child victims of trafficking should be built into anti-trafficking programmes.

Rohingya children flee Myanmar into Bangladesh.

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THE NEED FOR EFFECTIVE TRANSNATIONAL REFERRAL MECHANISMS AND CROSS-BORDER CHILD PROTECTION

The need for effective transnational referral mechanisms and cross-border child protection while having national identification and referral systems is crucial, there are regions and contexts where national systems are insufficient to address the issue of children at risk of trafficking and exploitation in the context of migration. For this reason, it is essential to invest in effective transnational and cross border mechanisms to identify children who have been trafficked or are at risk of exploitation, and to ensure they can be referred into appropriate child protection services. This becomes increasingly important in situations of large-scale migration, where national systems are under strain and the needs of children often go unmet.

The Council of Europe's expert group on trafficking, GRETA, has noted the need for transnational referral of victims of trafficking, particularly in the context of the migration crisis:[32]

'… even at times of budgetary constraints, shared political objectives – such as the fight against trafficking of human beings – must remain a political priority. The risks of the migration crisis being exploited by criminal networks to target vulnerable people, in particular women and children, and subject them to trafficking and exploitation, are high, and therefore a clear political commitment is needed to sustain and strengthen the efforts to combat human trafficking by following the human-rights based approach of the Council of Europe Convention.'

In 2010, the EU published *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe*. The objective of which was to "develop a functional, institutionalised transnational referral mechanism for trafficked persons between EU and non-EU countries (destination/transit/origin countries) and thus contribute to a more effective and sustainable national and EU-wide anti-trafficking response."[33] There is scope for the UK Government to build on these guidelines with commitments to fund pilots on cross-border identification and referral mechanisms, particularly in light of domestic efforts to reform its own referral mechanism.

Economic Community of West African States guidelines

In West Africa, a region where tens of thousands of children migrate, mainly to seek work, the Economic Community of West African States (ECOWAS) agreed a set of guidelines in 2015 to be applied in all 15 member states[34] when a young person under 18 is identified as unaccompanied and in difficulty, whether in their own country or abroad. They go beyond general measures for protecting unaccompanied children, by promoting inter-country case management and a standardized approach that facilitates cooperation among case managers and organizations based in different countries. Recognized by ECOWAS and government ministries, the system (now an integral part of West Africa's regional child protection framework) involves the West Africa Network for the Protection of Children (WAN), a network of NGOs and government agencies that assist children in difficulty. WAN's goal is to facilitate and monitor the social reintegration of children found living away from home and in difficulty, and to enable them to develop alternative plans for the future (known as a "life project"). Between its establishment in 2005 and the adoption of the ECOWAS guidelines, the WAN had already assisted 6,500 children age 13 to 17; about two thirds of whom were identified outside their own country and assisted to return and re/integrate in their country of origin. The ECOWAS guidelines outline eight steps for protecting child migrants in difficulty; from identification to the monitoring of the child's reintegration, a process that continues for two years after a child is reintegrated. The steps include: finding out about the personal situation of each child and his/her reasons for leaving home, then assessing whether it is realistic for the child to return home or whether appropriate alternatives are available. They point out some circumstances in which it is not advisable for a child to return to his/her family. The ECOWAS guidelines outline eight steps for protecting child migrants in difficulty, from identification to the monitoring of the child's re/integration, a process that continues for two years after a child is re/integrated. The steps include: finding out about the personal situation of each child and his/her reasons for leaving home, then assessing whether it is realistic for the child to return home or whether appropriate alternatives are available.

Bhabha and Dottridge (2017), *Child Rights in the Global Compacts: Recommendations for protecting, promoting and implementing the human rights of children on the move in the proposed Global Compacts*

CONCLUSIONS AND RECOMMENDATIONS

Children on the move are experiencing a major gap in protection that increases their exposure to risks of trafficking, exploitation and modern slavery. The stories gathered from refugee children arriving in Europe are an alarming chronicle of the systematic abuse and weak protection systems that further expose children to harm. The Prime Minister has recognised the need to prioritise the protection of victims in the government's international efforts to eradicate modern slavery, and in the UK's response to the refugee and migrant crisis in Europe. The UK must now play a leading role in mobilising the world's governments to close this gap in protection and to take a more holistic approach to protecting children on the move.

Unicef UK urges the UK Government to:

- **Prioritise financial support for innovative, context-specific interventions to enable the early identification of child victims of trafficking and exploitation and to assist their journey to recovery, driven by considerations of child protection and the best interests of the child. This should include consideration of support for both national systems and transnational mechanisms.**

- **Use the forthcoming negotiations on the development of the Global Compact for Safe, Orderly and Regular Migration to further the Prime Minister's goal of leading the fight against modern slavery and prioritise efforts to create cross-border referral and protection systems that can help to prevent the exploitation and facilitate the protection of millions of children on the move.**

- **The FCO and the Home Office should consider their own practice and find innovative ways of using all strands of the UK Government's strategy to end modern slavery to protect children in countries and regions of origin and destination.**

- **The UK Government should align its work and country-specific knowledge of trafficking to asylum decision-making by ensuring that specific information about trafficking is included in its country notes for asylum case owners.**

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Rohingya refugees from Myanmar walk through flooded land across the border into Cox's Bazar, Bangladesh.

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FOR EVERY CHILD IN DANGER

unicef
UNITED KINGDOM

Every 30 minutes a child is trafficked or exploited on the central Mediterranean journey to Europe. Many are dying on route. A child is a child, no matter where they come from or where they are going. All children deserve a safe home and the security of being with loved ones.

Globally, Unicef is calling for a six-point plan to keep refugee and migrant children safe and to protect their rights:

- Protect uprooted children from exploitation and violence

- End the detention of refugee and migrant children by creating practical alternatives

- Keep families together and give children legal status

- Help uprooted children stay in school and stay healthy

- Press for action on the causes that uproot children from their homes

- Combat xenophobia and discrimination.

Unicef is here for every child in danger. We help more children than any other organisation. We keep them safe when war or disaster strike. We provide life-saving food, clean water and vaccinations. We protect them from violence and exploitation. We give them a safe place to laugh and play. We get them into school and give them the chance of a better future.

All over the world, including in the UK, we're working with our partners and supporters to make the world a safer place for every child.

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