

This manual has been produced by Save the Children Italy, with contributions from the University of Padua Interdepartmental Centre on Human Rights and the Rights of Peoples and ICMPD, by adapting the latest available anti-trafficking training materials developed by key anti-trafficking stakeholders, all of which are referenced in footnotes, Resource lists at the beginning of each Module and in the Bibliography.

Main contributors to the compilation and drafting of this Manual: Jenny Andersson, Paola Degani, Sarah Di Giglio, Antonia Di Maio, Corinna Muzi, Martina Sabbadini, and Elisa Trossero.



Programme "Prevention of and Fight against Crime"
European Commission - Directorate General Justice Freedom and Security

AGIRE **AUSTRIA, GREECE, ITALY AND ROMANIA.**

Acting for stronger private-public partnerships in the field of identification and support of child victims and at risk of trafficking in Europe

TRAINING MANUAL

JLS/2007/ISEC/537



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CONTENS

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INTRODUCTION

¹The 24-month project, “Development of a Child Rights Methodology to Identify and Support Child Victims of Trafficking”, supported by the European Commission within the AGIS Programme 2005, was conducted between December 2005 and December 2007. It was coordinated by Save the Children Italy and implemented in partnership with the Partners Bulgaria Foundation, Landes-Caritasverband Bayern e.V. and Save the Children Romania.

²“Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe”, implemented by ICMPD and funded by USAID during July 2006-October 2009. This programme was replicated and expanded on from May 2008 - February 2010 in Europe in the “Development of a Transnational Referral Mechanism for victims of trafficking between countries of origin and destination (TRM EU), funded by the European Commission and implemented by ICMPD and the Department for Equal Opportunities, Italy.

This manual has been developed within the EU-funded project called AGIRE *Austria, Greece, Italy and Romania. Acting for stronger private-public partnerships in the field of identification and support of child victims and at risk of trafficking in Europe.*¹ The project aims at strengthening the prevention and fight against child trafficking through the development of strong private-public partnerships in the field of identification of and support/assistance to children who are victims and at risk of trafficking. It will also contribute to the development of good practices on identification, support and assistance to increase children's protection.

The main innovation of the project comes from the combination of its multidisciplinary and inter-agency approach to anti-trafficking work, a child rights perspective and promoting a clearer demarcation of mandates and cooperative modes between private and public actors in the identification and support of child victims and those at risk. It also involves a wider group of public and private stakeholders in the development of pro-active modes of identification and support which are based on a human rights approach to trafficking, while increasing transnational expertise in emerging areas of child exploitation, being forced labour, exploitation in begging and illegal activities, and recruitment and exploitation of children through new information technologies.

Given the number of manuals produced in recent years on trafficking, the project design already contemplated an adaptation from already existing training manuals but with a child rights focus, concentrating on the initial detection, identification and first assistance stage. Therefore, this manual aims to improve key stakeholders' capacity to identify child victims or potential victims, and guarantee minimum levels of assistance and protection in line with child rights standards. It provides useful operative tools to enhance evaluation of possible trafficking and exploitative situations, and to increase cooperation between private and public actors. In particular, the Manual is to be used in conjunction with the AGIRE Methodology and Standard Operating Procedures, which provide guiding principles and practical knowledge in each partner country of the identification and first assistance process, emphasising the cooperative modes between private and public actors.

The AGIRE methodology has grown out of the efforts in a previous project, AGIS (JLS/2005/AGIS/045)¹, for the development of a child rights methodology for the identification and support of child victims of trafficking and exploitation, and the Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons for South-Eastern Europe (TRM SEE)² developed by the International Centre for Migration Policy Development - ICMPD. Using these two models, a new tool, agreed upon by the current project partners, was created in light of the current European and international situation. Using this methodology and further consultation with key stakeholders in each country, national operating procedures (referred to as Standard Operating Procedures, or SOPs) for the identification and support of child victims of trafficking and exploitation, and those at risk, were developed.

At the heart of this operative approach, are the profiles and indicators of child victims of trafficking and exploitation which have been described and produced for each country. In particular, the general indicators can be a useful tool to raise the suspicion in any actor that they may be before a trafficked child, and therefore instead of following their standard procedures, investigate this possibility further.

These profiles and indicators have been developed on the basis of desk reviews and field

research in each country, principally by way of interviews with key informants and experts in child trafficking. The research had the specific goal of producing working tables outlining the main profiles of children who are victims or at risk of trafficking and exploitation in each country, and relevant indicators for their identification.

It is hoped that in applying the lessons learnt from this Manual, new and better practices for protecting children who are victims of trafficking or exploitation will arise, and that in this way, more children may initially be detected and be offered assistance.

Instructions for Use

This manual is set out in 4 modules and designed to be used for a two-day training workshop involving approximately 20 participants. While all efforts have been made to reflect local conditions in this Training Manual, it is recommended to adapt training to the specific context and circumstances to be found in the country where training is conducted.

To conduct the training, the manual should be used in conjunction with the Trainer's Guide which follows the Training Manual structure and provides a concise, self-contained curriculum of four modules providing a suggested sequence of training.

In summary, the objectives of the training are the following:

- to familiarize practitioners with child trafficking and its different types of exploitation;
- to increase knowledge among practitioners about the trafficking stages of recruitment and exploitation;
- to promote a multidisciplinary approach and cooperative models between private and public stakeholders;
- to present proactive modes of identification and assistance based on human rights based standards and transnational cooperation.



ABBREVIATIONS

BIA	Best Interests Assessment
BID	Best Interests Determination
CoE	Council of Europe
CRC	Convention on the Rights of the Child
EC	European Commission
EU	European Union
GO	Governmental Organisation
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organisation
IO	International Organisation
IOM	International Organisation for Migration
LEA	Law Enforcement Agency
MoU	Memorandum of Understanding
NGO	Non-governmental Organisation
NPA	National Plan of Action
NRM	National Referral Mechanism
OSCE	Organisation for Security and Co-operation in Europe
SCEP	Separated Children in Europe Programme
SOPs	Standard Operating Procedures
TRM	Transnational Referral Mechanism
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNODC	United Nations Office on Drugs and Crime



GENERAL INFORMATION
ON CHILD TRAFFICKING
AND THE TRAFFICKING PROCESS



Learning objectives

1. To define a child
2. To define trafficking in human beings
3. To define exploitation
4. To describe phases of the trafficking process: recruitment, transfer and exploitation
5. To distinguish between trafficking in human beings and smuggling
6. To define child trafficking
7. To describe children at risk and explain the various forms of child exploitation and in what situation it may be detected
8. To provide an overview of relevant child rights (benefit of the doubt, age and victim status, best interest assessment and determination)
9. To outline the relevant national legal framework



Resources

ICMPD, *Anti-Trafficking Manual for Judges and Prosecutors*, 2006

ICMPD, *Anti-Trafficking Training Material for Frontline Law Enforcement Officers*, Vienna, 2006.

ECPAT Europe Law Enforcement Group, *Joint East West Research on Trafficking in Children for Sexual Purposes in Europe: the Sending Countries*, Edited by Muireann O Briain, Anke van den Borne and Theo Noten. Amsterdam 2004, available at:
<http://www.ecpat.se/upl/files/93.pdf>

UNICEF - IRC, *Child Trafficking in Europe. A broad vision to put children first*, UNICEF Innocenti Research Centre, Firenze Italy, 2007, available at:
http://www.humantrafficking.org/uploads/publications/ct_in_europe_full.pdf

IPEC: *Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008

SCEP-Save the Children, *Position Paper on Preventing and Responding to Trafficking of Children in Europe*, available at:
www.savethechildren.net/.../SC_SCEP_Position_Paper_Traff_Child_in_Europe_Dec07.pdf

UNODC, *Anti-human trafficking manual for criminal justice practitioners. Module 1: Definitions of trafficking in persons and smuggling of migrants*, United Nations, New York, 2009

UNODC, *Toolkit to Combat Trafficking in Persons. Global Programme against Trafficking in Human Beings*, United Nations, 2nd edition, October 2008, available at:
www.unodc.org/documents/human-trafficking/HT_Toolkit08_English.pdf

International Federation Terre des Hommes, Terre des Hommes Foundation, Lausanne, Switzerland and Terre des Hommes Germany, *Kids as Commodities? Child trafficking and*

what to do about it, compiled by Dottridge M., Machel G., 2004, available at:
<http://www.terredeshommes.org/pdf/commodities.pdf>

M. van Reisen and A. Stefanovic, *Lost Kids, Lost futures, The European Union's response to Child Trafficking*, Terre des Hommes, Geneva, September 2004

IPEC, *Every child counts: New global estimates on child labour*, Geneva, ILO, April 2002

The most important concept to take away from this manual is that of the child victim of trafficking or exploitation. While a legal definition is easy to state, given the body of international, European and national laws that cover children who are trafficked or exploited, the situations in which one may find a child victim are many and varied. Furthermore children have special needs, and present additional challenges to law enforcement and the child protection services or caregivers in the countries where they are found. Moreover, states have specific obligations to protect, fulfill and promote the rights of children who are trafficked or exploited.

There are many reasons why children may be trafficked into and around Europe, including for sexual exploitation, begging, illegal activities and other forms of labour exploitation. They may be recruited in their country of origin, or even after travelling of their own accord to a new destination, and manipulated by those who take advantage of their inexperience or possible social and financial hardship. Even where children may accept the conditions under which they are placed, if someone profits from them (their labour, their expertise) then this can be considered exploitation.

The key concepts presented in this module are brief descriptions of the most relevant terms to this Manual and the Methodology, supported by the research conducted in each country, with emphasis placed on child rights principles. a svolta in ciascun Paese, ponendo l'accento sui principi dei diritti dei minori.



KEY CONCEPTS

1.1 CHILD

Child according to the CRC, a child is **any person “below the age of 18 years** unless, under the law applicable to the child, majority is attained earlier”³. While the age of majority may therefore differ from country to country, even regarding only certain specific acts, such as consent to marriage, when it comes to trafficking, the Palermo Protocol⁴ and the ILO Convention on Child Labour⁵ provide that a child must be considered any person under eighteen years of age.

1.2 TRAFFICKING

Trafficking is defined as per Article 3 of the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime* (Palermo Protocol):

- (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.
- (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

³Article 1, United Nations Convention on the Rights of the Child (UN CRC)

⁴Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, Adopted by General Assembly resolution 55/25, and entered into force on 25 December 2003 (hereinafter, the Palermo Protocol)

⁵No.182 of 1999

(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

The definition above contains three distinct but interrelated elements:

1. Acts
2. Means used to commit those acts
3. Purposes

1. Acts

- recruitment: offering work or other opportunities abroad or in country, by way of advertising or in person, sometimes through family members, friends or false romantic interest, for example for jobs as waitresses, construction workers, domestic workers, etc.
- transportation, transfer: organisation or facilitation of transport and transfer of the trafficked child from one place to another, abroad or within their own country, including smuggling. Where the child is able to receive legal status in the country of destination, the exploiter will most likely offer a service for which they request large amounts of money in return, thus creating a debt bondage situation for the child.
- harbouring, receiving: restricting freedom of movement, seizing documents, organising accommodation for trafficked persons. This element may not be present until the child has been contacted in the country of destination, and once they have been forced into an exploitative situation, such as prostitution or forced labour, such as farm work.

2. Means such as the threat or use of force, deception, coercion, abduction, abuse of power, are **not relevant** for the definition of a trafficking crime against children.

3. Purpose: the trafficker's final purpose is the exploitation of the victim (see paragraph 1.3).

The concept of *trafficking* in human beings is to be distinguished from that of *smuggling* (see paragraph 1.5).

1.3 EXPLOITATION

Exploitation is the core element of the definition of trafficking, but it is not necessary for the exploitative purpose to be fulfilled for a child to be considered a victim of trafficking.

*The Convention on the Rights of the Child*⁶ specifically recognises the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous etc (Art.32, CRC and *Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography*)⁷. In particular exploitation may include:

- Sexual exploitation - including the exploitation of prostitution of others or and other forms of sexual exploitation (*International Labour Organisation Convention 182 on the Worst Forms of Child Labour*)⁸ - such as pornography and forced marriages
- Forced labour or services (Article 2(1) *ILO Convention No. 29, Concerning Forced or Compulsory Labour*)⁹ - including profiting from involvement in illegal activities (*ILO Convention 182*) and begging
- Slavery or practices similar to slavery, (*Slavery Convention*¹⁰, *UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery*¹¹ and *ILO Convention 182*) and servitude¹²
- Illegal adoptions or
- The removal of organs.

⁶ UN Convention on the Rights of the Child, adopted on 20 November 1989 and entered into force on 2 September 1990, (hereinafter “CRC”).

⁷ Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, adopted on 25 May 2000 and entered into force on 18 January 2002, (hereinafter “CRC Sale of Children Protocol”).

⁸ International Labour Organisation (ILO) Convention 182 - Worst Forms of Child Labour, 1999, (hereinafter ILO 182)

⁹ ILO Convention 29 - Concerning Forced or Compulsory Labour, 1932, (hereinafter “ILO 29”).

¹⁰ Geneva Convention on Slavery, signed at Geneva on 25 September 1926 and amended by the New York Protocol of 7 December 1953.

¹¹ UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, entered into force on the 30 September 1957, (hereinafter UN Slavery Convention).

¹² European Commission of Human Rights Report, Van Droogenbroeck case, 9 July 1980, Series B, Vol. 44, p. 30, paras. 78-80

When the first and last elements (acts and purpose) are present, then the crime committed can be identified as child trafficking. Even if the victim consents to their transfer or to the activity to be undertaken, it is not relevant for identifying the crime of trafficking.¹³

The definition of trafficking above has been incorporated into the Council of Europe *Convention on Action against Trafficking in Human Beings, CETS 197*, which, at article 2, specifically defines its scope to include both transnational and national (internal) trafficking.

Transnational trafficking: trafficking which occurs where borders are crossed.

Internal (national) trafficking: where no international borders are crossed, but children are displaced within a country's territory.

1.4 PHASES OF THE TRAFFICKING PROCESS

Trafficking follows three typical stages: recruitment, transit (transport, transfer, arrival) and exploitation. These stages do not necessarily occur in different countries, and often happen in overlapping time frames. For example, trafficked children maybe exploited in more than one country, therefore exploitation may occur even “in transit”. In some cases, there is no transit at all with victims being transported directly to the country of destination, or not leaving their country of origin at all (internal trafficking).

Recruitment

From the research conducted on profiles of child victims of trafficking in the partner countries of this project (Austria, Greece, Italy, Romania), it was found that methods of recruitment vary widely depending on the techniques employed by traffickers and their level of involvement in criminal groups or level of organisation in general. While young girls from Nigeria become one of many recruited and exploited by a trafficker for the purpose of sexual exploitation in Italy and Greece, young girls from Romania and other Eastern European countries may be recruited for the same purpose by individual traffickers who fake an emotional attachment to the girl in order to convince them to accompany them as their girlfriends abroad.

Some common techniques employed by recruiters are:

- Fully deceptive recruitment: a child or their family is given false information as to what s/he will do once at their final destination. For example, where young Albanian girls are approached by traffickers from their own country who offer them better living conditions and a good job in Greece, when they arrive they are forced into prostitution. These recruiters may sometimes use a connection to the family to convince the girl, but without directly involving the family in the decision.
- Partially deceptive recruitment: a child or their family is aware of the type of work or activity that the child is expected to undertake, but they only find out about intolerable working conditions once they have arrived at the place of exploitation. For example, Bulgarian families who are facing social hardship may be targeted by recruiters, who offer to transfer one of their children abroad to beg so that they can contribute to the family income. Once these children are placed on the streets in Austria, the conditions faced are much harsher than what they or their parents could have imagined.
- Coercion: a child is physically taken against his/her will, or compliance is gained through violent means, such as abduction, threats or use of force, sale or rent. From the project's research it was found that these cases are infrequent. Particularly given the emotional vulnerability of children, it is easier to use other methods to recruit them or to convince their families.

¹³ See Article 3(c) of the Palermo Protocol. In fact, at Article 3(b), the Palermo Protocol envisages that even if any victim consents to their transfer or to the activity to be undertaken, it is not relevant for identifying the crime of trafficking where there may be deceit as to the circumstances or coercion, including abuse of power or authority, or of a position of vulnerability. “In several cases, there is the initial consent of the individual to some of the acts involved in the process of trafficking (e.g. to migrate, to work illegally or to participate in prostitution). Yet, if at any stage of the process the person does not have the realistic possibility of giving free fully informed consent or refusing any act, trafficking occurs.” SCEP-Save the Children, Position Paper on Preventing and Responding to Trafficking of Children in Europe, available at: www.savethechildren.net/.../SC_SCEP_Position_Paper_Traff_Child_in_Europe_Dec07.pdf, (hereinafter “SC/SCEP 2007”) at p.7

These methods of recruitment are not necessarily applied in the country of origin, but children may travel freely, entering another country legally or irregularly illegally (sometimes with the assistance of a smuggler whom they pay) without having been trafficked, before a trafficker gets control of them.

Transfer (Transport and Transit)

The transfer of recruited children takes them away from their families, communities and places they know, to isolate them and heighten their sense of weakness to the control mechanisms used by traffickers. Further methods may be used by traffickers to increase a child's vulnerability, such as on-sale to other traffickers, violence, beginning the exploitation in transit countries, and even the long, strenuous journey itself.

The travel modes change according to various factors taken into account by traffickers, such as the ease of border crossing, cost and possible intervention by law enforcement. One example of a notable change in transportation method is that of Nigerian girls entering Italy: from arrival by plane, sometimes stopping in other European countries on the way, until very recently they had been arriving by boat from Libya, after crossing several African countries overland. Now the conditions have changed yet again, but it is yet to be discovered what new routes the traffickers may choose. Another example is the trafficker's use of their own private transportation, such as a car, to take children recruited in Romania out of the country, bribing border guards where necessary, without showing the parent's proxy papers.

Please see the chapter on **Identification** for further information regarding the specific transportation methods presented for the profiles found in each country.

Exploitation

From the research carried out in this project, the main types of child exploitation found are:

- sexual exploitation, almost always in prostitution
- labour exploitation, such as in farm work or construction
- exploitation in illegal activities, such as stealing, drug dealing
- exploitation in begging

The trafficker's aim is to use the child to earn money for themselves in whatever activity the child is expected to undertake. In order to guarantee this income, they seek to ensure that the child cannot, or does not wish to, escape or rebel from their control.

The methods that traffickers use to exploit children are numerous and vary widely, but may include:

- debt bondage: in many cases, children are unaware of the debt which they will be required to repay when they arrive in the country of destination. The costs of the travel, food, accommodation and other basic necessities may be highly inflated in order to keep the victims bound for longer. This may occur for example, in cases of sexual exploitation, such as those Nigerian girls who are trafficked to Italy, or in cases of labour exploitation, for Egyptian boys who pay smugglers to be brought to Italy.
- psychological pressure: this may arise in various situations, but the strongest example is that of the pressure caused by voodoo rituals for Nigerian girls, which seal their loyalty to their exploiter. The girls fear reprisal if they break the pact with their exploiters, and are sworn to secrecy, which makes it extremely difficult to escape from the exploitative situation.

- physical violence, negligence: mistreatment is used to control children who, for fear of punishment, are obedient and unlikely to attempt escape. This is particularly true of those children who are exploited for begging purposes, such as Roma children on the streets in Austria, Greece, Italy.
- isolation: preventing contact with those who may be able to provide assistance to the victim
- threats/blackmail: against the child or their family, for example, those children who arrive in Greece with the assistance of smugglers (for example from Sub-Saharan Africa, Middle and Far East) may be exploited in agricultural or construction work, with threats made to kill their families
- enforced drug addiction: only in rare cases, but drug addiction is known to assist boys to confront certain dangerous activities and overcome natural fears, such as while drug dealing or burglary.
- “soft” exploitation the child does not feel exploitation, so they do not seek escape or assistance: this is often in the case of girls from Eastern Europe who are trafficked for the purposes of sexual exploitation in Italy or Austria who are convinced that their exploiter is their boyfriend.

1.5 DISTINCTION BETWEEN SMUGGLING AND TRAFFICKING

Trafficking and smuggling are two distinct concepts, with the link between them being that a person is moved. In fact, both smuggled migrants and victims of trafficking may be transported, particularly across state borders, by organized criminal groups for the purpose of generating a profit. However, many trafficked persons who may have agreed to being smuggled may later find themselves deceived or forced into an exploitative situation. Since a trafficked person, be they a child or not, is automatically a victim of crime, with the right to protection and assistance, it is therefore important to understand this distinction.¹⁴

¹⁴ See ICMPD, Anti-Trafficking Manual for Judges and Prosecutors, (2006)

¹⁵ SC/SCEP 2007, pg. 9

To illustrate this concept, the following table may prove useful:¹⁵

Vs	Trafficking in human beings	Smuggling of migrants
nature of crime	violation of human rights	crime against a State
state borders	- transnational or internal (no border crossing) - (If transnational) legal or illegal border crossing	- illegal border crossing
purpose	- exploitation of the persons - the major purpose is the continuing exploitation of the person who is being moved	- profit from facilitating the migrant's illegal crossing of the border - the relationship between smuggler and migrant usually ends after the border crossing and payment of the smuggling fee
consent	- either no consent, or initial consent invalidated by use of coercive or deceptive means - in the case of children: consent always irrelevant (even if no coercive or deceptive means are used)	- usually migrant consents to being smuggled

It is important to note that people who are smuggled are often subject to human rights violations in the ways in which they may be transported, particularly where violence occurs. Furthermore, even where a person is initially smuggled, for example, into a European country, trafficking may begin when they arrive, perhaps recruited by way of deception, and transported from one country to another for an exploitative purpose.¹⁶

1.6 CHILD TRAFFICKING

In light of all the elements above, a trafficked child is:

any person under eighteen who is recruited, transported, transferred, harboured or received for the purpose of exploitation, either within or outside a country, even if no element of coercion, deception, abuse of authority or any other form of abuse is used.¹⁷

1.7 CHILDREN AT RISK

Children at risk of trafficking and exploitation change from country to country, however the most vulnerable groups are:

- Children facing social hardship, both in their own country, in transit and in the country of destination: children living in poverty, in institutions or on the streets, from abusive families or from a socially disadvantaged group, for example, those facing discrimination, are more vulnerable to recruiters in their country of origin. Furthermore, they may be at risk of exploitation directly in the destination country without prior recruitment in their country of origin.
- Children in conflict with the law: those children who turn to crime may do so in order to survive or on assignment from an adult. It may be evidence of their vulnerable status as suffering from social hardship, which also leads to their being taken advantage of by adults, offering them emancipation or a feeling of belonging to a group. The result may be that they find themselves within the penal circuit and do not have support to escape from further exploitation.
- Refugee children: in order to flee persecution and civil war in the home countries, refugee children often pay smugglers in order to cross borders towards safe countries, where, hopefully they may apply for protection under the UN Refugees Convention¹⁸. They are not so much at risk of trafficking as of being exploited once they have arrived in Europe as asylum-seekers.

Clearly these are not the only groups of children of concern, but it gives an idea of some of the risk factors that can contribute to the possibility of a child becoming a victim of trafficking. The possibility that a child may be a victim of trafficking, even where there are no perceptible risk factors, is not to be excluded.

1.8 CHILD RIGHTS PRINCIPLES

There are several principles to be applied in any child rights approach to the identification of victims of trafficking both as children and as victims, and their consequent protection and assistance.

- Benefit of the doubt: this is important when it comes to child protection, particularly for separated children¹⁹. Any person who may declare or appear to be under 18 years of

¹⁶ SC/SCEP 2007, pg.9

¹⁷ SC/SCEP 2007 at p.6

¹⁸ United Nations Convention Relating to the Status of Refugees 1951

¹⁹ “Separated children” are children outside their country of origin and separated from both parents, or their previous legal/customary primary caregiver see Separated Children in Europe Programme, Statement of Good Practice, International Save the Children Alliance UNHCR, Geneva, 2004, available at: www.unhcr.org/refworld/pdfid/415450694.pdf at p.2 (hereinafter “SCEP 2004”). It comprises the category of unaccompanied minors, who are without any parents or caregivers, whereas a separated child may be with extended family or others, but still not be provided with care.

age, including those who have documents which show they are underage, should be treated as such, and therefore be granted all the benefits of those special rights provided for children in the CRC and national legislation. A 17 year old is still a child.

- Age Assessment: there are no universally accepted rules for formal age assessment, but a child must be recognised as such by the country within which they are detected in order to be appropriately assisted and protected. Each country must therefore rely on properly qualified experts to develop age assessment procedures, only to be applied where there is well-founded doubt as to a person's age, and it is in the best interests of the child in order to guarantee respect for their rights. Reliance should not be placed on one single method, such as a radiological examination. Given that an accurate determination of someone's age is impossible even by way of medical examination, and at best only an educated guess may be provided, age assessment should therefore be carried out only:
 - in order to identify a child
 - to prevent abuse
 - to provide age appropriate protection
 - to facilitate voluntary return and reintegration

Some general principles to be observed:²⁰

- age assessment should always be conducted in light of the best interest of the child;
- it should be part of a broader, holistic needs assessment of the child;
- it should be carried out by independent professionals with appropriate expertise;
- physical, psychological and cultural factors should be taken into account;
- children should be consulted prior to any age assessment procedures and their participation should be voluntary;
- age assessment procedures should not be harmful;
- in case of doubt there should be a presumption that someone claiming to be less than 18 years of age, will provisionally be treated as such;
- in making a final age determination, children should be given the benefit of the doubt.

As mentioned above, no one method should be relied on to assess a child's age, but a combination of methods. The child must provide informed consent to any medical examination, and contact made with authorities from the child's country of origin.

- Best interests of the child: all actions undertaken for children or affecting them must take as a primary consideration their best interests.²¹ It is important to remember that the reason behind special protection measures for children, is in recognition of the fact that they are still developing both physically and emotionally. However, they are not only objects of protection, but given that protection is a right, children are also rights-bearers. The notion of “best interests” seeks to recognise this dual status and empower children even when they are victims, and should therefore be the primary consideration in any decision making process. Any situation should be considered from a child's perspective and take their views into account, in order to duly respect his/her rights.

- Best Interests Assessment (BIA): an informal assessment of a child's best interests in order to inform any simple interaction with a child, any decision to be made or action to be implemented on their behalf, even on a day-to-day basis.

In its recent Guidelines on Determining the Best Interests of the Child, UNHCR state that a best interests assessment “is essential before any action affecting an individual child of concern to UNHCR is taken [...] It does not require any particular formality, and should be conducted systematically in many circumstances that occur between the moment a child is identified as unaccompanied or separated or otherwise at risk, until a durable solution is implemented.”²²

²⁰ IOM-BM.I, Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking, 2006, p.37

²¹ Article 3, UN CRC

²² UNHCR, Guidelines on Determining the Best Interests of the Child, 2008, p.22 at paragraph 3.3

- Best Interests Determination (BID): is a formal process to determine a child's best interests when particularly important decisions are to be made. It should involve at least the Guardian, a social worker or social services case manager and the child's legal representative, so that greater procedural safeguards are in place, such as for:
 - the identification of durable solutions for unaccompanied or separated children,
 - temporary care arrangements for unaccompanied or separated children in exceptional situations; and
 - possible separation of a child from his or her parents against his/her will.²³

Further, in SCEP-Save the Children's, Position Paper on Preventing and Responding to Trafficking of Children in Europe, a formal BID²⁴ is contemplated when considering a durable solution for the child, including tracing a child's family and the child's repatriation. An account for how the BID was made and conclusions reached, also reflecting how the view of the child was taken into consideration, should also be provided.

Specific protection for child victims

It is important to underline that trafficked persons under 18 years of age must be treated as children and in accordance with the UN Convention of Rights of the Child. In particular, child victims are entitled to special protection measures, both as victims and as children, in accordance with their special rights and needs. Following are some basic principles²⁵ for dealing with children victims or presumed children victims.

- Best Interest of the Child - In all actions concerning child victims, whether undertaken by public or private social welfare institutions, police, courts of law, administrative authorities or legislative bodies, the best interest of the child must be the primary consideration.
- Right to Non-Discrimination - All child victims, non-national as well as national or resident children, are entitled to the same protection and rights. They must be considered as children first and foremost. All considerations of their status, nationality, race, sex, language, religion, ethnic or social origin, birth or other status must not impact on their rights to protection.
- Right to Participation - The views of the child should be given due weight in accordance with his or her age, maturity and best interest.²⁶

Thus, as soon as a trafficked person is identified, a legal guardian should be immediately appointed who must act in the best interest of the child and in accordance with the child welfare authorities of the hosting country independently from the immigration or police authorities. il quale non sussista un (potenziale) conflitto d'interesse rispetto alla tutela del minore.

1.9 NATIONAL LEGAL FRAMEWORK

[a summary of the relevant national laws and system should be inserted for each country using the training manual]

²³ Ibid, at paragraph 3.4

²⁴ SCEP-Save the Children, Position Paper on Preventing and Responding to Trafficking of Children in Europe, pp.12-13

²⁵ The basic principles referred to are contained in the UN Convention on the Rights of Children and are as follows: Art. 2: Principle of non-discrimination; Art. 3: Best interests of the child; Art. 6: Survival and development of the child (right considered as a principle: this is missing but it is very important); Art. 12: Principle of participation of the child.

²⁶ See also UNICEF Guidelines (2005) which refer to the following rights: 1. Best interests of the child; 2. right to non-discrimination; 3. respect for the views of the child; 4. right to information; 5. right to confidentiality; 6. right to be protected.

MODULE 2

THE MULTI-AGENCY APPROACH²⁷



Learning Objectives

1. Define the “multi agency approach” and explain its importance in prevention, protection and prosecution of human trafficking cases;
2. Describe role of Law Enforcement Agencies (LEAs)
3. Describe the different measures offered by service providers and Non-Governmental Organisations;
4. Explain the concept and practice of national referral mechanisms;
5. Explain the concept and practice of a transnational referral mechanism;
6. Discuss the relevance of various elements and forms of co-operation to their country context.



Resources

ICMPD-UNDP, *Law Enforcement Manual to Combat Trafficking in Human Beings*, 2006

ICMPD, *Anti-Trafficking Training for Frontline Law Enforcement Officers Training Guide*, 2006

ICMPD, *Guidelines for the development of a Transnational Referral Mechanism for Trafficked Persons South Eastern Europe*, 2009

OSCE/ODIHR, 2004, *National Referral Mechanism Joining Efforts to Protect the Rights of Trafficked Persons A Practical Handbook*,
http://www.osce.org/publications/odihr/2004/05/12351_131_en.pdf

IPEC, *Rehabilitation of the victims of child trafficking A multidisciplinary approach*, Bangkok, ILO, 2006

International Organization for Migration (IOM), *The IOM handbook on direct assistance for victims of trafficking*, 2007

²⁷ Taken from Unit 3 of ICMPD-UNDP's “Law Enforcement Manual to Combat Trafficking in Human Beings” (2006) and ICMPD's “Anti-Trafficking Training for Frontline Law Enforcement Officers Training Guide” (2006)

Multi-agency collaboration is essential to the identification and protection of victims of trafficking and exploitation, both at a national and transnational level. The AGIRE project aims to strengthen cooperation between public and private actors, where private actors are considered to be all those who are not institutional bodies or state representatives.

The list below shows some of the possible key actors that may be involved in a multi-agency system of assistance and protection of trafficked persons and prosecution of traffickers (though different countries may have different structures competent for relevant services):

Public Sector:

- Ministries (Health/Education/Interior/Foreign Affairs/Justice): for the development and application of relevant legal framework and policies and cooperation between countries (including through consular posts) for the protection of trafficking victims;
- Immigration Services: for initial detection and identification of victims of trafficking, and subsequent grant of permission to stay;
- Local Municipal Authorities: particularly social services who should be part of the protection process;
- Children's Bureau and National Youth Agencies: to ensure children are given special protection, both due to the age and their victim status;
- Taxation authorities: who may be able to detect unusual financial transactions or movements, compatible with organized crime;
- Service providers such as the National Health Service, whose staff should be able to identify victims of trafficking when in their care, and residential care facilities for children, who should be aware of possible exploitative situations and provide protection to child victims of trafficking or exploitation.
- LEAS such as Police (Border, local, regional, specialized squads) who are in a position both to detect and identify victims of trafficking and exploitation, as well as stopping criminals and combating trafficking crimes;
- Others.

Private Sector:

- Non Governmental Organisations, particularly for the identification and protection of victims of trafficking and exploitation;
- Intergovernmental Organisations, such as IOM, who, depending on the mandate in a specific country, may identify, protect and arrange for assisted voluntary return of trafficking victims;
- Trade Unions, whose activities may assist in identifying victims of labour exploitation;
- Recruitment and Employment Agencies, who may incidentally come into contact with potential victims of trafficking, and can raise awareness in job-seekers about the dangers of trafficking and exploitation;
- Carriers e.g. airlines, buses, ferries, who should be able to identify potential victims of trafficking being transported;
- Other businesses or organisations who may come into contact with victims, either through the course of their work, or as part of their mandate to assist foreigners or persons seen to be at risk, for example.

2.1 MULTI-AGENCY APPROACH

Applying a multi-agency approach involves calling upon different agencies to combat trafficking in a joint and co-ordinated way according to agreed standardised procedures. This relates to the prevention of the crime, protection of victims, the investigation of the case and prosecution of traffickers.

A multi-agency approach is a recognised “good practice” which allows offering victims the necessary minimum support for recovery and stabilisation and at the same time increasing the chances of success in investigating the crime.

Effective counter-trafficking efforts require multi-agency and multi-disciplinary co-operation and mechanisms, as close co-operation between law enforcement agencies and Inter- and Non-governmental organisations (IOs and NGOs) is essential for a successful outcome. Indeed all these agencies and organizations share the desire to combat and reduce the crime and all regularly gather vital intelligence that could be of great use to the others. It is therefore understandable, with the changes that have taken place in cooperation in recent years, that many agencies and organisations have, in the majority of cases, established close ties. However, in other instances, the relationships are not nearly as well developed or are virtually non-existent.

Applying a multi-agency approach means involving different agencies in combating trafficking in a joint and coordinated way according to agreed standardized procedures, be it for prevention, protecting the victims, or investigating the case and prosecuting the traffickers. It should be applied in all anti-trafficking activities: prevention, protection as well as investigation and prosecution.

2.2 THE ROLE OF LAW ENFORCEMENT AGENCIES

The role of police forces in dealing with trafficking cases is complex: it requires not only to investigate and produce evidence, but also to assure security protection to the victims involved during the whole process after their identification. This means during the reflection and stabilisation period (where it already exists), during the trial and/or before and after repatriation, where these may occur. The different protection and assistance measures should be both based on the individual needs of the victim and in accordance with agreed quality standards. Such an individual case management system within the country and across borders is costly and not easy to manage, as it requires specific interventions by different specialists, professional services and institutions. Law enforcement agencies usually do not have the time, the resources and the mandate to address all the phases of trafficking cases and the needs of trafficked persons taken care of. This is one of the reasons why a multi-agency approach is simply necessary when dealing with trafficking cases. The resources to assist trafficked persons are disseminated among other organisations, both governmental and non-governmental.

In anti-trafficking activities, co-operation between the police and other agencies should not be restricted to single cases, but should rather take place regularly, preferably on the basis of standard operating procedures.

However, while in some cases co-operation among different state authorities can be defined by such standard procedures (i.e. regulating relationships of local police squads with other police departments, border guards, labour inspectors, immigration services, Ministry of Foreign Affairs offices, contacts with representatives of the embassies of the victim country of origin, etc.), co-operation with Non-Government Organisations (NGOs), which play a very important role as regards the victim support, is never defined a priori, but could be reached e.g. by a memorandum of understanding or a process of official NGO accreditation.

Ideally such a coordinated approach is part of a comprehensive national response against trafficking, discussed and agreed upon between all the different actors involved and described in a so called national action plan.²⁸ This approach should then be applied to all anti-trafficking activities: **prevention, protection, investigation, and prosecution.**

Key for all anti-trafficking activities is **active monitoring** either within prevention and protection activities, as part of a pro-active investigation or in order to identify victims. Monitoring by frontline law enforcement officers can help to identify recruitment

²⁸ For further information on how to develop and implement a national action plan, see ICMPD Regional Best Practice Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response, 2005.

agencies offering bogus jobs and engaged in fraudulent practices and abuse; or workplaces where exploitation is carried out. Checks at borders, on prostitution sites, and monitoring of children living and/or working on the street can lead to the identification of trafficking cases. Due to the mandate of labour inspectors on monitoring and inspecting working sites co-operation with them can be of utmost importance to increase the risks for traffickers and discourage exploitative practices.

Monitoring and information exchange should take place on different levels and among different administrative units, for example, by front-line officers, border guards, labour inspectors etc.²⁹

2.3 THE KEY ROLE OF SERVICE PROVIDERS AND NGOS

In recent years many NGOs have been established to specifically provide support to trafficked persons, while several already existing NGOs have enlarged their mandates, from previous work related to domestic violence, prostitution, human rights, asylum and refugee issues, to also work with victims of trafficking. They have transferred and adjusted their services to meet the specific needs of trafficked persons, especially women, bringing to this work a considerable amount of experience and good practice. In some countries also local authorities and public health services provide specialised assistance measures to trafficked persons through their departments or ad hoc units/projects specifically implemented and staffed to meet the needs of such target group.

Service providers and more often NGOs provide the following services/measures to trafficked persons aimed at fostering their empowerment and social and labour inclusion either in the country of destination or in that of origin:³⁰

- **Board and lodging:** to safely host and assist trafficked persons, who can thus recover and reflect on the decisions to make about their future. Several types of shelters are available depending on the local resources and/or the phases of the hosted persons' programmes, specifically: emergency shelter, care shelter, autonomy house, family placement and non-residential programme (names may differ according to local specificities). The location of the shelters must stay confidential for safety reasons. Law enforcement agencies should never meet trafficked persons and social workers in any of these premises;
- **Psychological counselling:** to help the trafficked persons to overcome the traumatic experiences and, thus, to facilitate their self-acknowledgement as holders of rights and needs and as victims of severe crimes;
- **Social counselling:** to assess the personal situation, evaluate the viable options and develop a tailor made project for the future, that entails, among others, the access to a social protection scheme and a range of social, educational and training activities; the voluntary return to the home country; the decision to co-operate or not with the competent authorities;
- **Social and health services:** to accompany upon request the hosted persons to the local services for medical examinations and check-ups, social consultations, etc.;
- **Education, vocational guidance, training and job placement:** in order to improve trafficked persons' skills and support their social and labour inclusion, different types of training courses, language classes and on-the-job schemes are offered;
- **Free legal assistance:** to provide information about the trafficked persons' rights and their legal options; assistance for the submission of the applications for residence

²⁹ And in the case of children, child protection and other local authorities, not to mention anti-trafficking bodies where they exist.
³⁰ Experts' Group on Trafficking in Human Beings, Report, European Commission DG Justice, Freedom and Security, Brussels, 2004, pp. 177-187.

permits, work permits, family reunion, withdrawal of expulsion orders, etc.; legal representation and support during criminal proceedings³¹ and to liaise with the law enforcement agencies and public prosecutor's offices;

- **Intercultural mediation:** to supply information and assistance by trained professionals belonging to the same nationality or ethnic group of trafficked persons, who often do not (fluently) speak the language of the hosting country and are not familiar with its cultural codes.

Some of these services, along with others, are also provided through:

- **Outreach work:** a team of specialized operators directly contact the target groups where they work (streets, brothels, apartments, shops, etc.) or reside and provide them with health, legal and social information, distribute written materials (in the main languages spoken) and specific tools (e.g. health prevention kits). The operators generally use mobile/street units (cars, minivans, etc.) to perform their work, that sometimes it is also carried out on foot;
- **Drop-in centres:** the drop-in operators are directly contacted by the target groups, who visit the centres where they are given health, legal and social information, written materials (often in their native language) and may also be accompanied to the health and social services upon request;
- **Hotlines:** generally free of charge and multi-lingual, they provide information on legal and social issues, viable protection schemes, and contact details of support agencies. Even though hotlines are mainly addressed to trafficked persons or potentially trafficked persons, they also serve other actors, such as social workers, law enforcement officers, families, clients, and the population at large.

In compliance with the international and national human rights norms, any type of measure provided to trafficked persons who must be maintained as subjects and holders of rights by public and private agencies should be:

- Non-discriminatory as to nationality, gender, sexual orientation, legal status, personal experiences;
- Confidential;
- Safe and fair;
- Respectful for decisions;
- Clear as to expectations and obligations;
- Clear about roles;
- Empowering;
- Tailor made.

2.4 NATIONAL REFERRAL MECHANISM (NRM)

Many organizations operate in co-operation with others to provide services to victims of trafficking, often working in a network, and orientating clients to other existing structures in the public/private and non government sectors. Working in co-

³¹ And even beforehand, regarding the instigation of criminal proceedings.

operation and with more or less formalized mechanisms is in fact a consolidated *modus operandi* adopted by the actors engaged in the anti-trafficking field in most EU countries. The establishment of formal referral mechanisms at local, national and also international level is crucial to meet the trafficked persons' needs, to protect and promote their rights, and implement an efficient counter-trafficking policy.

A National Referral Mechanism (NRM) is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society.³² NRMs are in essence systems **for the management of trafficking cases** to ensure that trafficked persons have access to comprehensive assistance and protection schemes. Recently countries are increasingly committed to establishing NRMs. Where these exist and effectively function in countries of destination, transit, and origin, they help to ensure:

- a comprehensive and inclusive system of support targeted for and accessible to all trafficked persons;
- the protection of the human rights of trafficked persons;
- the improvement of national policy and procedures on a broad range of victim-related issues such as witness protection, victim compensation and residence and return regulations.

The structures of the NRM vary in each country. Usually there is a central unit/body that keeps track of cases, making sure that no case gets lost at any stage of the process. The NRM may be developed and supported generally by a national co-ordinator and a roundtable made up of senior representatives of government agencies and civil society, who develop recommendations for national policy and procedures regarding victims of trafficking.³³ They often include working groups that deal with specific issues relating to trafficked persons. NRMs are likely to be most effective if they are founded on a formal co-operation agreement among the participants for example, a memorandum of understanding that sets out the specific role and duties of each participant.

A NRM should incorporate:

- Guidance on how to identify and appropriately treat trafficked persons while respecting their rights and giving them power over decisions that affect their lives;
- A system (standard operating procedures) to refer trafficked persons to specialized agencies offering shelter and protection from physical and psychological harm, as well as support services. Such shelter entails medical, social, and psychological support; legal services; and assistance in acquiring identification documents, integration in the host country or the facilitation of voluntary return or resettlement;
- The establishment of appropriate, officially binding mechanisms designed to harmonize trafficked person's assistance with investigative and crime-prosecution efforts;

NRMs are not rigid structures but flexible mechanisms that are tailor-made to fit each country's patterns of trafficking cases and its social, political, economic, and legal environment. That is why a NRM is not built from a single, general blueprint but is instead founded on a careful assessment of country-specific needs and conditions.³⁴

NRMs should adopt child-specific measures and guidance, which may be provided in the Standard Operating Procedures developed by this project.

³² OSCE/ODIHR, *National Referral Mechanism. Joining the Rights of Trafficked Persons. A Practical Handbook*, Warsaw, 2004, available at: http://www.osce.org/publications/odihr/2004/05/12351_131_en.pdf, pg. 15, (hereinafter "OSCE/ODIHR 2004"). The OSCE Action Plan to Combat Trafficking in Human Beings recommends that OSCE participating states (55 countries) establish National Referral Mechanisms (NRMs) by building partnerships between civil society and law enforcement, creating guidelines to properly identify trafficked persons, ensure their referral to service providers, and establishing cross-sector and multi-disciplinary teams to develop, implement, monitor and evaluate anti-trafficking policies.

³³ See above, OSCE/ODIHR 2004, p.17.

³⁴ Ibid, pp 15ff

2.5 TRANSNATIONAL REFERRAL MECHANISM (TRM)³⁵

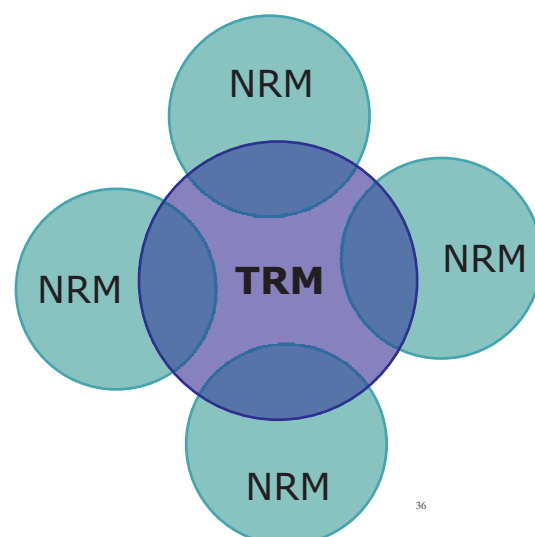
As the majority of human trafficking cases are transnational, it is crucial that not only national, but also cross-border referral, assistance and support mechanisms including all concerned state and non-state actors are in place in order to ensure comprehensive and effective assistance and protection for trafficked persons, in line with a human rights based approach.

In a concise definition, a Transnational Referral Mechanism (TRM) refers to procedures designed for the comprehensive assistance and transnational support of trafficked persons. The TRM incorporates all stages of the referral process, from identification, assistance and protection, participation in and support during legal proceedings and legal redress, to return/resettlement and/or social inclusion between countries of transit, destination and origin and ensures cooperation between different government institutions and non-governmental actors.

The primary components of a TRM include:

- Standard operating procedures for the effective and safe transnational referral of victims of trafficking to a range of services;
- Mechanisms for monitoring and evaluating the TRM.

TRMs should be fully coordinated with a country's NRM. In the case of child victims, any TRM procedure should be developed and implemented also in close co-operation with the country's child protection services.



³⁵ ICMPD, Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe (TRM SEE), Vienna, 2009.

³⁶ Ibid, page19.

N.B: The TRM does not replace any existing national anti-trafficking structures and procedures. It is meant to build upon the national referral mechanisms and take them a step further to a transnational level.

2.6 FORMS OF COOPERATION AGIRE STANDARD OPERATING PROCEDURES

As part of the AGIRE project's focus on strengthening public-private partnerships for the identification and assistance of child victims of trafficking and exploitation, in each partner country standard operating procedures were produced to outline the necessary steps and relevant principles to ensure a child's rights are respected during this process. The steps are based on the AGIRE Methodology but adapted to each national context with input from key stakeholders in each country.

Finally, recommendations are provided from which some general observations can be made:

- All children have special rights linked to their child status - child rights principles should therefore be applied both not only to children who are formally identified as victims of trafficking, but any child;
- The benefit of the doubt rule, both as to age and as to victim status, should be enshrined in law and practice;
- Child rights principles or a child-rights approach should be adopted by institutions and law enforcement agencies in their daily work;
- A clear and coherent training strategy for all professional actors involved in the identification and protection of trafficked children should be instituted;
- Guardians for children and youth welfare authority workers in general should have specific training on a trafficking victim's rights and needs.

MODULE 3

IDENTIFICATION



Learning objectives

1. Understand the identification process
2. importance of using profiles and indicators to identify children
3. assess potential victim against relevant national profiles and indicators
4. recognise general indicators that possibly refer to a trafficking case
5. outline general roles and prerequisites for first contact interviews
6. explain action to be taken upon contact with a potential trafficked child



Resources

International Organization for Migration (IOM) Vienna, Austria Federal Ministry of Interior, *Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking*, Prepared within the Framework of the AGIS 2005 Project “Comprehensive Training for Law Enforcement Authorities Responsible for Trafficking in Children/Minors, Compiled by IOM Vienna, March 2006

IOM/EC Project AGIS Programme 2003, “Operational Networking, Cooperation and Joint Multidisciplinary Training Process for Judicial, Law Enforcement, NGO and International Organisation Specialists in Fighting Trafficking in Human Beings”, *Guide on Best Practices in Combating Trafficking in Persons for Law Enforcement Agents, Judiciary, NGOs and IOs*, Training Manual, updated 2008-2009

ILO Special Action Programme to Combat Forced Labour (SAP-FL)/EC, *Operational indicators of trafficking in human beings*, 2009 (Results from a Delphi survey implemented by the ILO and the European Commission), available at: http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/lang--en/docName--WCMS_105023/index.htm

Save the Children Sweden, *Trafficking a demand-led problem?*, 2002, available at: <http://www.unodc.org/pdf/brazil/trafficking-a%20demand%20led%20problem.pdf>

UNICEF, *Guidelines on the Protection of Child Victims of Trafficking*, New York, 2006, available at: www.unicef.org/russia/0610-Unicef_Victims_Guidelines_en.pdf

UNODC, UN.Gift, *Anti-human trafficking manual for criminal justice practitioners. Module 2: Indicators of trafficking in persons*, United Nations, New York, 2009, available at: http://www.unodc.org/documents/human-trafficking/09-80667_module2_Ebook.pdf

UNODC, UN.Gift, *Anti-human trafficking manual for criminal justice practitioners. Module 9: Interviewing child victims of trafficking in persons*, United Nations, New York, 2009, available at: http://www.unodc.org/documents/human-trafficking/09-80667_module9_Ebook.pdf

3.1 THE IDENTIFICATION PROCESS

The early identification of child victims of trafficking is extremely important firstly in order to efficiently and effectively apply the most appropriate protection measures for the victim, and secondly to avoid re-victimisation. For that rapid identification to occur, the key actors involved in the identification of a child victim must be properly trained and prepared for observation of, or an encounter with, a potential victim of trafficking. In the course of their duties, these key actors from various contexts have the opportunity to detect a child victim of trafficking or exploitation, such as at the border, on the street, in a workplace, in reception or detention centres, crisis shelters or other NGO-run services.

Identification for our purposes is the detection of those elements which may constitute indicators of a trafficking situation to which the child before the key actor may be involved. The process of identification does not end there, however this early recognition is necessary to initiate the process of victim protection by ensuring prompt referral to specialised anti-trafficking or child protection units, as well as further investigation of the case and formal identification.

Therefore all persons and groups that come into contact with victims of trafficking, such as immigration and customs officials, law enforcement personnel, medical personnel, social workers, labour inspectors, and staff of NGOs with immigration, asylum or trafficking expertise, must work together in this process. They should be provided training that assists in identifying potential victims for referral, and enhance cooperation for the creation of a gap-free referral network.

3.2 PURPOSE OF PROFILES AND INDICATORS IN THE IDENTIFICATION PROCESS

Profiles

There is no one set profile of child victims of trafficking, as push-pull factors are generally at the basis of immigration flows, not to mention the question of demand in countries of destination.³⁷ Therefore profiles constantly change over time.

However, profiles which are carefully produced and constantly updated can be the most effective tool for the identification of child victims or those at risk of trafficking, respectively in countries of destination and countries of origin or transit. Through this project and training, key actors are provided with the method to develop and update profiles, as well as providing examples of profiles already detected in the countries of origin and destination involved in this project.³⁸

The profiles seek to describe in as much detail as possible corroborated facts and cases of child victims of trafficking in the project countries, providing information regarding:

1. their age and nationality
2. the probability of their being victims of trafficking and/or being exploited, and for what purpose

³⁷ It is over-simplistic to attribute changes in child trafficking to demand from countries of destination. This issue is considered in Save the Children Sweden's, *Trafficking a demand-led problem?* (2002), pg.54, accessed at <http://www.unodc.org/pdf/brazil/trafficking-a%20demand%20led%20problem.pdf>

³⁸ See the document outlining the AGIRE Methodology, being the approach agreed upon by the project partners for the development of the sample profiles which you will find below.

3. the method of recruitment
4. the journey into or out of the country in which identification takes place
5. the method and place of exploitation or activity undertaken
6. their family status and living conditions

Indicators

Indicators are commonly believed to be one of the most useful tools for the identification of victims of trafficking. Many toolkits and training manuals have proposed variants on the presentation of indicators of trafficking, catered to various audiences³⁹ - most recently a Delphi study produced an impressive list of indicators specific to adult and child victims, and divided by type of exploitation.

Our method, however, draws specific indicators from each profile found in the partner countries. From these specific indicators, a list of general indicators has been developed to assist in identifying children who do not necessarily fall within any one of the profiles mentioned, both in countries of origin and destination.

Indicators of trafficking and exploitation have been arranged to reflect the place where they may most easily come to light: at the border, in the place of exploitation or activity undertaken by the child, and in the penal circuit. The indicators of vulnerability, however, can assist in identifying a child at risk of trafficking or exploitation, and putting in place preventative measures against possible future exploitation.

In particular, at the border both as a child is exiting and entering a country, it is likely that profiles are less useful than the indicators, where combined with proactive monitoring and questioning, for the detection of potential victims of trafficking and exploitation.

Cautionary note

Profiles and indicators describe elements that may raise suspicion, in those that note them, that they have before them a victim of serious exploitation or trafficking. They are not an exhaustive list or description of all the possible characteristics of a certain group of children victims of trafficking or exploitation, nor of all possible groups of such children, given the changing nature of the trafficking process.

Therefore, the profiles and indicators must not be considered in any way binding:

- On the one hand, absence of all the elements should not exclude the fact that the minor (or person recently come of age) may be a victim of trafficking or exploitation;
- On the other hand, the presence of one or more of these elements does not mean that the minor (or person recently come of age) is without doubt a victim of trafficking or exploitation.

In other words, these are indications that are not meant to produce certainties or ascertain truth; they only help to raise suspicion that must prompt us to take certain precautions and to activate a series of procedures, starting with the further investigation of that possibility that a child may be a victim.⁴⁰

Following are the profiles and indicators for the country in which this Manual is being presented.⁴¹

³⁹ IOM/EC Project AGIS Programme 2003, "Operational Networking, Cooperation and Joint Multidisciplinary Training Process for Judicial, Law Enforcement, NGO and International Organisation Specialists in Fighting Trafficking in Human Beings", Guide on Best Practices in Combating Trafficking in Persons for Law Enforcement Agents, Judiciary, NGOs and IOs, Training Manual, updated 2008-2009; ILO Special Action Programme to Combat Forced Labour (SAP-FL)/EC, Operational indicators of trafficking in human beings, 2009 (Results from a Delphi survey implemented by the ILO and the European Commission); UNODC/UN.GIFT, Anti-human trafficking manual for criminal justice practitioners. Module 2: Indicators of trafficking in persons, 2009.

⁴⁰ And in any case, they cannot be relied on as a basis for discriminating against, nor restricting the freedom of movement of certain groups. See AGIS Protocol.

⁴¹ This Manual has been translated and adapted for use in Austria, Greece, Italy and Romania.

3.3 RELEVANT NATIONAL PROFILES AND SPECIFIC INDICATORS

[National profiles and indicators, including all relevant information found at the time of research⁴², to be inserted here in the form of working tables as in the AGIRE Methodology]

3.4 GENERAL INDICATORS

These general indicators serve the purpose of providing indications where a child does not fit any of the above profiles however there is the possibility that s/he may be a victim of trafficking or exploitation. They should be used with the same caution as the above profiles and indicators.

Indicators have been provided for both countries of origin and countries of destination and transit. The indicators regarding countries of destination are a combination of those found following research in Austria, Greece and Italy, while those regarding countries of origin are based on a summary of the indicators found in Romania.

COUNTRIES OF DESTINATION

1. INDICATORS ON ENTRY TO BE DETECTED AT THE BORDER:

As an unaccompanied minor:

- false documents or irregularities
 - *false documents can be a sign of involvement of traffickers who have prepared documents for the minor*
- little or contradictory information regarding purpose, final destination and duration of trip, visa (if any), and route taken prior to arrival
 - *if unsure of the purpose of his/her journey etc, possible sign that minor has not organised their travel themselves*
- insufficient funds and/or luggage for their stay
 - *minor may not have been able to bring his/her belongings, or s/he is travelling light to avoid suspicion (appear to be on holiday)*
- inconspicuous observation or control exercised by apparently unrelated adults
 - *possibly those working for a trafficker, or the traffickers themselves*

With an adult:

- adult answers for child or attempts to interrupt direct communication between child and border officials
- irregular documents, little or contradictory information about the adult's identity, their destination and the reason for their trip
- if claiming no parental connection: adult is accompanying more than one child, and holds documents for them all

⁴² Research period to be indicated in footnote.

- if claiming parental connection: adult and child do not appear familiar with each other - little affection, lack of knowledge of personal details, speak different languages

2. INDICATORS OF CONTROL EXERCISED BY EXPLOITERS:

- child subjugated by debt or psychological pressure: fearful aspect, avoidance of LEAs and sometimes street outreach units, lack of time, set amount to be earned in a day, voodoo ritual
- untoward adult interference: visual and phone surveillance by an adult while working/undertaking illegal activities; confiscation of passport (*if they have one*)
- forced labour forced to undertake activities for particularly long hours and in difficult conditions leading to fatigue and stress

3. INDICATORS OF A CHILD'S ISOLATION DUE TO THE PRESENCE OF EXPLOITERS:

- No integration or connection to wider community (despite amount of time in the country of destination): little or no local language skills, no friends, at least not outside group with whom they “work” and fear of strangers
 - *This indicator must be evaluated on the basis of the amount of time the minor declares to have been in the country of destination: the longer the time spent in the country of destination the more connections the minor should have to the local community. The younger the child when s/he arrived, the more likely s/he is to be able to speak the local language, particularly if s/he is of school age.*
- marginalisation/social isolation, but underdeveloped survival skills: unhealthy housing and hygiene conditions
 - *Children showing signs of severe social hardship, particularly when found begging, are more likely to be exploited, and possibly trafficked.*

4. INDICATORS OF VIOLENCE, ABUSE, NEGLECT:

- signs of violence/abuse: cuts, bruises, cigarette burns, fractures, also sexual abuse
- uncooperative, sexualised or aggressive behaviour: due to exploiter's imprinting/training, trauma, or even substance abuse
- state of neglect, possibly self-inflicted: from dirty, dishevelled appearance and malnutrition, to medical problems such as untended injuries or untreated illnesses

5. INDICATORS TO BE DETECTED IN THE PENAL CIRCUIT:

- presence of a trusted defence lawyer
- charges for criminal offences inconsistent with the age of the offender, eg. pimping, enslavement
- criminal acts which imply the presence of an organisation, eg. sale of stolen goods, drug dealing
- well-rehearsed responses to questions

In the penal circuit, a minor who appears to be too well accompanied for his/her financial means or appears to be acting, may implicate the involvement of a criminal organization, and hence possible exploiters or traffickers.

6. GENERIC INDICATORS OF VULNERABILITY IN MINORS AND YOUNG ADULTS:

1. The younger the person, the more vulnerable he/she is.
2. The less amount of time spent in a new country, the lesser a person's understanding of how to survive, who they can trust, how to access services, and their rights in general.
3. Knowledge of the local language in relation to the length of time spent in the country of destination and degree of schooling.
4. Continuity of telephone contact with their own family and therefore the likelihood of receiving moral and material support, and the chance to return home.
5. Requirement to repay debts or send money home, especially if the child has been sent by the family.
6. A state of health and physical well-being that enables self-defence.
7. Ability to be streetwise and to manage street dynamics.
8. Familiarity with survival strategies, to satisfy their own primary needs in particular.
9. Unfavourable immigration laws which affect the possibility of legal stay in the country
10. Possibility of protection and rehabilitation, particularly for those found in the penal circuit.

COUNTRIES OF ORIGIN

1. INDICATORS ON EXIT and RE-ENTRY TO BE DETECTED AT THE BORDER:

- little or contradictory information regarding purpose, final destination and duration of trip
- possession of false/forged documents.
- signs of physical or psychological trauma
- accompanying adult who is not a first degree relative of the child
- presence of a number of personal identity papers among the belongings an accompanying adult
- possession of a temporary travelling document of someone returning from abroad
- the child has an alias or nickname

- children returning to their country of origin after having been expelled or returned from other countries either for not having met the requirements for entering the respective states, or discovered to have breached certain legal provisions of that state which could be the result of human trafficking they might have been subject to.

2. GENERIC INDICATORS OF VULNERABILITY IN MINORS AND YOUNG ADULTS:

- a child exploited in the country of origin, is more at risk of exploitation and trafficking abroad
- a child with a difficult family situation who may: have isolated herself / himself, be a runaway, have too many siblings and lacks attention, be neglected or abused
- a child with limited personal capacity for action (for instance, she / he has a physical / mental disorder).
- a child with little or no knowledge of the rights she / he is entitled to.
- a child who attends school too rarely or has dropped out of school, especially if they lack opportunities for education and employment.
- social marginalization
- a child with high aspirations of attaining a better quality of life as quickly as possible (through prostitution, for instance).
- a child who spends time in groups of those in conflict with the law
- a family's promiscuity, leading them to deliberately send their child, or sell them into prostitution

3.5 REQUIREMENTS FOR FIRST CONTACT INTERVIEWS

Proactive monitoring and questioning

In all cases, attentive observation and interviews of children should be used to apply the profiles and indicators above, within a general proactive approach.

Following an initial observation and assessment of obvious indicators against the tables of profiles and indicators, and exercising the benefit of the doubt with regards to both a child's age and possible victim status, this assessment should be promptly followed by an initial interview of the child.

In first approaching a potential child victim of trafficking, appropriate safety and ethical procedures should be applied (see AGIRE Methodology/SOPs), and techniques to establish a relationship of trust with the child. For the latter, a safe and confidential environment should be used for any interview, with the child being separated from accompanying persons who appear to be part of trafficking rings.

Furthermore, the child should be assured that they are not in any way a target for prosecution for their activities, and questioning should concentrate on ascertaining what

is necessary to ensure their protection, and immediate personal needs.

Where it is not possible to provide all necessary requisites to complete the identification process, be it for lack of time and resources, or lack of suitable environment etc, referral to child protection or other specialist units should occur.

Further considerations

When interacting with potential child victims of trafficking or exploitation, aggressive or confrontational behaviour as well as any sort of demonstration of superiority or authority should be avoided. It is extremely inappropriate to make deals with children to obtain information that take advantage of their vulnerability to prosecution for certain crimes, or their possible repatriation (or deportation, if they are turning 18).

Victim's possible reactions should be taken into account, in particular:

- it is normal for a child to take some time to acknowledge their status as a victim
- prior to this self-awareness, aggressiveness or extreme hostility shown by the child towards others are usually linked to the experience suffered
- it is likely that the victim has suffered physical and/or psychological violence, which may have caused trauma that is difficult to identify and read
- one of the typical reactions to this kind of trauma, is the difficulty or near-impossibility (especially at the beginning) in coherently and chronologically recounting their life story to that point.

To these considerations it should be added that particularly in early stages, the exploiter should not be denigrated or demonised, as they often present themselves as a very capable figure, and close to the child. The “deconstruction” of this image often requires much more time, and often only occurs after the child has decided to actively escape from the exploitative situation.

3.6 PRINCIPLES AND PROCEDURES PRIOR AND DURING INTERVIEW

Below is a list of recommendations to be considered during interviews with children, as well as a table of suggested procedures to be followed.⁴³

The scope of the interview is to assess whether a child is a victim of trafficking or at risk of becoming victim as well as to determine what form of protection can be given to the child. The recommendations suggest what principles professionals shall follow before or during the in-depth interview with child victims. Indications given shall be considered with flexibility. National stakeholders shall take into consideration and add any element that although not suggested might be relevant to include in their national or local context.

⁴³ Taken from Save the Children Italy, Final Report - Development of a child rights methodology to identify and support child victims of trafficking, 2007, as part of AGIS Programme 2005 (JLS/2005/AGIS/045) pp.70-74

ETHICAL AND METHODOLOGICAL PRINCIPLES APPLICABLE IN INTERVIEWS TO CHILD VICTIMS AND PRESUMED VICTIMS OF TRAFFICKING

WHAT TO DO BEFORE THE INTERVIEW

the child's basic needs ans consent

Prior to the interview, the immediate needs of the child should be assessed and satisfied (including food, drink, clothing, personal hygiene, emergency medical treatment. In addition, the possibillity to provide interim care should be considered.

The express consent of the child should be acquired and where possible of his/her parent, guardian or adviser, prior to the interview.

safe location and personal security

The interview should be conducted in a safe, comfortable place, away from external pressure.

The interview should never be conctucted at the location of exploitation. Privacy should be quaranteed, therefore only the interviewers should be able to hear the interview.The child should never be in the presence or physical proximity of any suspected exploiter and trafficker.

If the child is accompanied, the accompanying adults not be present during the interview until the moment the relationship between the child and adults is clarified. If the child in unaccompanied, or if there is reason to believe that the accompanying adults can not guarantee adequate protection, an independent guardian or adviser should be appointed as soon as possible. While waiting to be interviewed the child should be accompanied and supported by social workers or peer educators they already know where possible.

the right to participation

Child friendly interviewing techniques should be appled in interviews of ghild victims or at-risk children, respectful of their dignity. The child's right to participation should be ensured, this requiring that age-appropriate information be supplied to the child in relation to the identification process, the purpose of the interview be explained and anonymity and confidentiality be guaranteed. The child's view should be sought and taken into consideration and he/she should be provided with sultably trained interpreters who speak his/her language.

training of interviewers and mediators

Only specially trained professionals should question child victims. Where possible, they should have experience in interviewing children and have a good up-to-date knowledge of child trafficking and exploatation. They should also be aware of procedures appled and referral mechanisms in place.

Where a mediator is presents, he/she should be specially trained to support the interviewer and will work in close cooperation with him/her. Where possible, the child should be questioned by personnel of the same sex, except where this would not be in the best interest of the child.

length and scope of the interview

The length and scope of the interview should be limited, in order to minimise further trauma or psychological distress of the child.

The interviewer may gather information on the child's consent to the exploitation exclusively in order to better understand the dynamics of the exploitation. Information gathered should not be used for legal purposes nor to incriminate the child.

WHAT TO KEEP IN MIND WHILE CONDUCTING AN INTERVIEW:

different age groups

There are two basic age groups to consider: 7-11 years old and 11-18 years old. Degree of protection available, complexity of questions and acceptable modes of communication (drawings) during the interview should var y according to the age of the child.

rapport and exchange of information

A good rapport with the child should bedeveloped by anticipating his/her needs, and providing a good exchange of information. The child should find the interviewer authoritative, trustworthy and belevable, and not be made to feel entirely responsible for his/her future, nor his/her family's and exploiter's. This will make it easler for the child to indentify him/her self as a victim.

fear of reprisal

Unless adequate measures are put in place to protect the child, this prodiding an alternative to the current emotive ties to exploiters or their family/community, the fear of reprisal will be strong. The psychological pressure should be kept to minimum during the interview, perhaps allowing a perlod of time for the child to adjust accordingly to his/her new situation.

ties to the exploitation network

The child may be so under the influence and control of the exploiter that he/she does not realise he/she is being exploited nor wishes to change his/her current condition. In this case, less emphasis should be placed on convincing the child oh his/her victim status, and more on gathering useful information on his/her relationship with the exploiter anf the network of relations developed while exploited.

cultural implications

The child may have certain expectations of the interviewer based on his/her cultural background and stereotyoes based on gender etc. The interviewer should also be aware of his/her own expectations based on his/her role and experience, and take both points of view into account while conducting the interview.

variables and possible reactions

A young victim's reaction during an interview may be unexpected. However, a child should not be made to feel under interrogation, by ensuring he/she understands why he/she is being interviewed and then given time to get used to it. Where he/she still reacts badly to the interview situation, this should be recorded and taken into consideration as possible fur ther evidence of exploitation and/or abuse.

children (7-11 years old)

Children in this age group may demonstrate: mutism, short attention span and difficulty in connecting with the interviewer, extreme agitation, incoherent or inexplicably sexual remarks which are inappropriate for their age. The child should not be placed under any pressure whatsoever but be immediately placed under protection, and referred to a specialised centre.

children (11-18 years old)

Where an older child or adolescent demonstrates extreme reactions, from mutism to open aggression, and/or from his/her body language the child appears to be extremely afraid, anxious or confused, and increasingly unwilling to participate in the interview, the interview should be suspended to allow the child to rest, before considering whether to continue. Support mechanisms should be put in place and colleagues briefed on the child's condition, before evaluating the best way forward with identification process.

The following table describes what professionals should do in the different steps of the interview and also provide a list of topics to be covered and examples of checklists. As stated earlier, indications given shall be considered with flexibility.

IN DEPTH INTERVIEW ON THE CHILD'S EXPERIENCE

First step

The interviewer will start the interview, in the respect of the indications presented in the above tables. He/she will present himself/herself to the child and will discuss about his/her experience in interviewing children. He/she will also introduce other preofessionals who may be present in the course of the interview.

Interviewing the child

The interviewer is aware of the indicators of identification informing the presumption that the child is a victim of trafficking. He/she also gathered the opinion of other professionals that have come in contact with the child. A checklist of questions is available, selected on the basis of an individual case assessment. If personal data and social history information was not collected in the initial interview or when the child was detected, the interviewer will seek to obtain it at this stage. Specific questions will child be asked in relation to the indicators already identified. Further questions will be asked to gain additional knowledge on topics raised in the interview by the child. If it is the child's best interest, the interviewer will focus the discussion only on a limited number of topics and will postpone further questioning.

Topics to be covered

A)Personal situation before and during entry to the country, and in the country of destination

Example of checklist:

1. Did your family know you were travelling? Did someone help you arrange your travel?
2. How long did the journey take? Where were you during that time?
3. Did you have enough to eat and drink?
4. Who did you travel with?

Objective:

- to gather information on the country and area of origin, family, reasons of the child's departure, living conditions during the Journey, persons involved
- to identify elements to classify the situation as trafficking

B) Living conditions

Example of checklist:

1. Do you have any amy family in the country? Who?
2. Do you pay for you accommodation? What is it like?
3. How much money do you earn every week? Is it enough?
4. What do you do during the day?

Objective:

- to gather information on living conditions in the country of destination (persons involved, accommodation, dally activities conducted, network/s providing support to the child - if at all)

C) Means of subsistence (availability of economic resources)

Begging

Example of checklist:

1. Since when have you been involved in begging?
2. Is there any adult you meet dally in this activity?

Objective:

- to gather information on the duration of the activity, persons involved, means of transport to the location where the activity is conducted, money the child is forced to raise, management of the income obtained.

3. How much money do you earn dally? Have you been asked to reach a certain dally amount?
4. Do you keep the money for yourself or do you give it to someone else?
5. Can you describe your working day?

Prostitution

Example of checklist:

1. How long have you been conducting this activity?
2. Do you follow any directions on now to conduct your work?
3. Can you choose your clients?
4. How do you ensure you earn enough to take care of your needs?
5. Can you describe your working day?

Objective:

- to gather information on the activity.

Illegal activities

Example of checklist:

1. How long have you been conducting this activity?
2. Do you follow any directions regarding the activity to be conducted?
3. Have you been travelling within the country?
4. Who are the persons you refer to?
5. Is there any group you belong to?
6. Have you reached any agreement with members of these group - sharing of responsibilities, management of income...
7. Have you ever been stopped by the police because of your activities?
8. Is there any person you go to if you need support?
9. What do you in your spare time?

Objective:

- to gather information on the activity, transfer within the national territory, relations with groups (including criminal group), relations with other persons, involvement in the penal circuit.

D) Threats and coercion

Example of checklist:

1. Did someone ask you to perform this activity? Who was it and why did they ask you?
2. Where were you contacted? Were any promises made to you?
3. Have ypu received any training prior to performing the activity?

Objective:

- where possible, to follow up on information already given by the children and gather information on forms of recruitment (including persosns insolved, information received) training received, physical or psychological threats, agreements reached with

- | | |
|--|--|
| 4. Can you move freely? Are there any rules you have to respect? | the exploiter, personal freedom, reaction to the described situation, relations with the exploiter or any other person mentioned, concerns, threats of reprisal. |
| 5. Are you scared of anything or anyone? | |
| 6. What would you like to do in this situation? | |

E) Perception of the situation

Example of checklist:

1. What is it like to be?

Objective:

- to gather information on how the child perceives his/her situation.

F) Future plans and expectations

Example of checklist:

1. What do your parents think of your situation? What would they like for you to do? Is that what you want to do?

Objective:

- to gather information on the child's expectations regarding his/her future (incl. feeling that an agreement has to be respected, involvement of relatives).

G) Risk and needs assessment (immediate and in the long term)

Example of checklist:

1. Are you afraid that someone is going to hurt you?
2. Is there anything more you want to know?
3. Do you know what you want to do now?

Objective:

- to assess the child's perception of his/her personal security of the security of other persons related to him/her.
- to know if the child already received support and useful information to allow them to make informed decisions about their future.
- to understand whether the child has an idea about what direction their future will take.

MODULE 4

FIRST ASSISTANCE



Learning objectives

1. Explain what interim protection/assistance should be provided to potential and formally identified child victims of trafficking, and those who are not identified as such, and the scope of crisis intervention care (information, risk assessments, intake and needs assessments, assistance and security plans)
2. Understand importance of longer term assistance: adjustment and stabilisation care
3. Understand main steps in providing assistance and assessments to be made



Resources

UNODC, Vienna, *Justice in Matters involving Child Victims and Witnesses of Crime. Model Law and Related Commentary*, United Nations, New York, 2009, available at:
http://www.unodc.org/documents/justice-and-prison-reform/Justice_in_matters...pdf

ECPAT International, *The Psychosocial Rehabilitation of Children who have been Commercially Sexually Exploited. A Training Guide*, Compiled by Stephanie Delaney & Colin Cotterill, ECPAT International 1999 updated 2005, available at:
http://www.ecpat.net/EI/Publications/Care_Protection/Rehab_TrainingManual_ENG.pdf

IOM, *Direct Assistance for Victims of Trafficking*, Geneva, 2007, available at:
http://publications.iom.int/bookstore/index.php?main_page=product_info&products_id=116.

OSCE/ODIHR, National Referral Mechanisms, Warsaw, 2004.

IPEC: *Child-friendly standards and guidelines for the recovery and integration of trafficked children*, Bangkok, ILO, 2006

UNICEF: Guidelines on the protection of child victims of trafficking, New York, September 2006

UNICEF: *Reference guide on protecting the rights of child victims of trafficking in Europe*, Geneva, 2006 (Implementation guide to accompany the UNICEF guidelines)

The first assistance offered to a child victim of trafficking is an extremely important stage of the protection process. On the basis of basic needs and risk assessments, the child must be afforded initial assistance and protection against any imminent danger to his/her life, while being given the opportunity to receive information about their legal and welfare options for the future.

This assistance may be provided before or after formal identification, depending on national laws and local conditions where the child is detected, hence this procedure is to be considered applicable from the moment the indicators of trafficking are found to apply. Follow up action depends not only on national procedures in place, but also on where the potential victim is detected and the actor who makes first contact and initially considers the applicability of the indicators of trafficking.

It is important to note that in no case should assistance depend on a child's willingness to cooperate with authorities in their investigations.

4.1 INTERIM PROTECTION/CRISIS INTERVENTION CARE

A child should be provided with protection, be it crisis intervention care, or referral to specialised shelters upon identification as a victim of trafficking by formal interview, and during any reflection period granted preceding this interview (in accordance with national mechanisms in place). The grant of temporary stay should not be linked to this reflection period.

The benefit of the doubt as to the child's victim status should be applied prior to a formal identification as such. Then where a child is formally identified as a victim of trafficking in this initial stage, a best interests determination (BID) should be initiated involving all those responsible for the child's welfare, including (but not limited to) the guardian, social services/workers, and shelter workers.

However, even where a child is found not to be a victim of trafficking, the usual procedures for ensuring the welfare of unaccompanied or separated minors should be applied so that children are guaranteed emergency medical assistance, material assistance,⁴⁴ etc, simply due to their status as a child and regardless of their nationality and immigration status.

Where a child is assessed as being a victim of trafficking by an NGO or shelter, protection should be provided by that shelter, unless it is in the best interests of the child to be transferred to a another shelter, in which case this should occur immediately. However, where a child is assessed by law enforcement agents, a secure, secret shelter should be found and a referral mechanism implemented to ensure their immediate protection.

Initial crisis intervention care includes:

- provision of safe accommodation, meals, clothing, psychological counselling and assistance, medical and social assistance, measures to ensure the child's personal security;
- information on all assistance options and obligations/conditions attached, which should be explained to the child with an interpreter or cultural mediator to ensure effective communication;
- an intake and needs assessment: to be conducted by the guardian to evaluate the service and security needs of any victim of trafficking. Information necessary includes personal data, basic needs, an assessment of current and past safety concerns, health needs and legal status. In an interview setting, the Guardian must first ask the child's opinion on

⁴⁴ See Separated Children in Europe Programme, Statement of Good Practice, International Save the Children Alliance UNHCR, Geneva, 2004, available at: www.unhcr.org/refworld/pdfid/415450694.pdf, particularly p.14 (hereinafter "SCEP 2004").

these matters, in particular if they are fearful of someone harming them. The Guardian should then consult with service providers who have been in contact with the child up until the moment of the interview, before turning to the Assistance and Security Plan;

- development of an assistance and security plan: the guardian or other responsible contact person according to national law,⁴⁵ should assess the child's needs and recommend options for short and long term care, and be in contact, where necessary, with the authorities of the child's country of origin to finalise the BID for a durable solution for the child;
- implementation of consent procedures which give space for a child to be consulted on their assistance plan, while placing the onus on the guardian to consent to the final plan.

Where a child is identified as a victim of trafficking while in the penal circuit, the competent authorities should immediately be informed of the situation, and this status be taken into consideration in any criminal proceedings against the child. A proper assessment of the child's criminal responsibility in light of their victim status should occur, and the child should be informed of any further legal options, including the possibility of bringing proceedings against their exploiters. The child should be advised in what way they may receive protection for him/herself and for their family should proceedings go ahead. Where possible, alternative measures to detention should be considered.

Information

As mentioned earlier, relevant information should be provided to those children who are not identified as victims of trafficking and they should be referred to those services able to provide them with protection.

On the other hand, children identified as victims of trafficking must be provided with all relevant information regarding their options, including the ability to stay in the country of destination or return to their country of origin, and their opinion be sought, as part of a wider BID. Language that is appropriate to the child's age and maturity should be used to ensure that the information provided is understood.

4.2 ADJUSTMENT AND STABILISATION CARE DURING EVALUATION OF DURABLE SOLUTION (BID)

Protection measures contemplated by the law in each country should be evaluated and applied as part of a wider best interests determination (BID) of a durable solution for a child, whether or not children are willing to cooperate with the authorities or other actors within the network.

During and after the BID, children should:

- receive protection subject to the crisis intervention care plan;
- have suitable accommodation until such time as they are inserted into protection programme in the country of destination or they are repatriated or sent to a third country;
- receive access to education, language support, health and other care necessary for their welfare (regardless of their nationality or immigration status).

In considering return to country of origin, the following principles should be taken into account:⁴⁶

⁴⁵ For specific duties of such a person, see SCEP 2004 at p.16

⁴⁶ SCEP Position Paper on Preventing and Responding to Trafficking of Children in Europe, 2008, p.12-13

Children who have been trafficked should be returned only if **return is in their best interests, safe and assisted**. Children should be fully informed and consulted at all stages and provided with appropriate counselling and support. Trafficked children should never be returned to their country of origin if:

- following a risk assessment, there are reasons to believe that the child's safety or that of his/her family is in danger, taking into consideration *inter alia* risks of re-trafficking, reprisals from the traffickers, exploitation, abuse, involvement in armed conflicts, persecution;
- the family has not been traced or does not agree or is not able to provide the child immediate and long-term care; other suitable care-givers different from the family may be considered only if the child agrees.

Before returning a child to a country of origin, states shall ensure that return is in the best interests of the child by:⁴⁷

- considering a comprehensive assessment (including risk assessment), which has been carried out by an independent and professional organisation of whether it is safe to return the child to his or her home country, and of the family situation;
- consulting with the child's carer and guardian/adviser in the host country to ascertain whether it is in the child's best interests to return;
- confirming that the child's parents, relatives or other adult care-taker agree to provide immediate and long-term care upon the child's arrival in the country of origin ensuring that the child is fully informed and consulted at all stages and is provided with appropriate counselling and support;
- taking the child's views and wishes on return into consideration, in accordance with his/her age and maturity;
- providing an account for how the best interests determination was made and conclusions reached, also reflecting how the view of the child was taken into consideration.

National procedures should be developed and followed which specifically detail who will be responsible in the country of destination for monitoring the child in the first few months after his/her return.

Adjustment and stabilisation care should begin as the BID is in process and as a longer-term care plan is in formulation so that children are not left in the crisis intervention stage care for any longer than necessary, and are provided with “minimal standards of health care and other forms of care necessary for a child's welfare”⁴⁸. Mid-term rehabilitation/reintegration assistance and return will fall under the responsibility of the child's legal guardian and social services in the country of destination and then, when the child is handed over, the same bodies in the receiving state.

4.3 SUMMARY OF MAIN STEPS IN THE FIRST ASSISTANCE PROCESS

Given the best interests of the child must be at the forefront of any action involving children, between detection, identification and various assistance stages for potential child victims of trafficking, many procedures or steps in the process may overlap. It is important, however, that due care is used when acting to protect a child, and that proper assessments are undertaken which involve the child, giving them a chance to receive information, be consulted and give consent. Below is a summary of the principle occasions when assistance must be provided, from when the child is detected to the end of the “first assistance” stage.

⁴⁷ See more at CRC General Comment No 6.
⁴⁸ ICMPD guidelines p.42

TRAINING MANUAL

AGIRE. Austria, Greece, Italy and Romania. Acting for stronger private-public partnerships in the field of identification and support of child victims and at risk of trafficking in Europe

Assessment	Information	Assistance	Action - Protection
Basic needs assessment (BIA)	Provision for basic needs not dependent on willingness to cooperate	Crisis intervention care	First aid, counselling, psychological support
Risk assessment (BIA)	-possible protection and legal alternatives available -provision of protection not dependent on willingness to cooperate	Crisis intervention care	Removal from harmful environment Placement in a safe, secure shelter
Indicators of trafficking (several BIAs regarding interview timing, setting, participants; possible reflection period)	-for interview, see guidelines in Module 3 -consent procedures	Maybe reflection period Yes - crisis intervention care No assistance given to any minor	Placement in a safe, secure shelter Placement in a shelter for unaccompanied or separated minors (for those who not identified as victims)
Intake and needs assessment (follow up BIA to earlier basic needs and risk assessments)	-risks identified -possible alternatives -consent	Crisis intervention care, quickly followed by mid-term adjustment / rehabilitation and stabilisation care	Continuing shelter and protection services provided Possible referral to other relevant service providers
Assistance and Security Plan	- options for short and long term care	Adjustment / rehabilitation and stabilisation care Planning for long term care (durable solution in the best interests of the child)	Continuing/ongoing
Consent procedures	- short term care decided upon - following the BID (including consultation see below), final durable solution decided upon	Adjustment / rehabilitation and stabilisation care Planning for durable solution	Continuing/ongoing
Best interest determination	- interview to outline BID process and hear child's opinion - explanation of options and request for consent (see above)	Adjustment / rehabilitation and stabilisation care Planning for durable solution	Continuing/ongoing

TRAINING MANUAL

AGIRE. Austria, Greece, Italy and Romania. Acting for stronger private-public partnerships in the field of identification and support of child victims and at risk of trafficking in Europe



GLOSSARY

Child victim of trafficking ⁴⁹	A child who has been formally assessed and identified as a victim of trafficking in accordance with Art.3 of the UN Protocol or national anti-trafficking legislation in the country where the child is found.
Presumed victim of trafficking	A child who could, from the indicators, be a victim of trafficking, but who has not yet been formally identified as such
Potential victim of trafficking	A child who is identified before being exploited and who shows strong signs of being in the trafficking process
A child “at risk” of trafficking	A child who has not been trafficked but, given his/her profile or the appearance of certain indicators, faces a greater possibility of being trafficked in future
Assistance and protection	Measures, programmes and services aimed at the recovery of trafficked persons (as outlined in Art.6 of the Palermo Protocol). These may be offered by non-governmental, governmental and international organisations in countries of destination, transit and origin. These measures include, but are not limited to, accommodation/housing, medical care, psychological assistance, education, vocational training, employment, legal assistance and transportation. <i>Such protection and care shall not be made conditional upon the capacity or willingness of the trafficked child to cooperate in legal proceedings.</i>
National referral mechanism (NRM)	A mechanism on a national level which is in place to identify, assist, and protect victims of trafficking by way of cooperation between different government institutions and non-governmental actors.
Transnational referral mechanism (TRM)	Mechanisms and systems of national and transnational cooperation for the comprehensive assistance and transnational support of victims of trafficking. TRMs link the full process of referral from initial identification, through return and assistance between countries of transit, destination and origin, and involve cooperation between different government institutions, intergovernmental and non-governmental actors.
First Point of Notification	A role within the central coordinating body of an NRM who is informed upon the identification of a child victim of trafficking
National Coordinator/National Focal Point	Role as reference point for the coordination of anti-trafficking procedures being part of, or linked to, relevant responsible institutions
Country of origin	country a trafficked child comes from
Country of transit	country a trafficked child travels through to reach the country of destination
Country of destination	country that is the final destination of a trafficked child

⁴⁹ Each country may have different terminology for trafficked persons, particularly those considered 'at-risk' of trafficking and those considered to be trafficked but not formally identified as such by authorities. In addition, different organisations also often employ different terms for these categories. In this manual, we use the terms 'potential victim' and 'presumed victim' as outlined in the definitions below, taken from the AGIRE Methodology.

(Legal) Guardian	The individual who acquires the primary (legal) responsibility for the well-being of a child and coordinates the efforts of all involved agencies to ensure the best interests of the child. This individual also serves as the case manager in the cases of referral of child victims of trafficking.
Reflection period	A sound period of time to allow the presumed trafficked person to recover, escape the influence of traffickers/exploiters and take an informed decision about her/his future in full compliance with the respect of the human rights regulations. No expulsion order should be enforced against the presumed trafficked person during this period. The length of the reflection period varies from country to country and is subject to definition by national legislation.
Return	To return to one's country and/or community of origin. In the context of anti-trafficking work, return involves not only the physical transportation of the victim but also mechanisms to ensure that the return is voluntary, assisted, safe and dignified.
Service providers	Organisations and individuals that provide one or more of the support and assistance measures supplied to trafficked children. These may include social workers, psychologists, shelter staff, medical personnel or legal professionals from NGOs, IOs and GOs.
Shelter/residential facilities	Premises where child victims of trafficking are accommodated. Shelters may be open or closed; offer short- or long-term stay. They should be run by qualified and specifically trained staff and be appropriate in terms of children's specific needs.
Multi-agency approach	a joint and coordinated effort by different agencies to combating trafficking according to agreed, standardized procedures, be it for prevention, protecting victims, or investigating and prosecuting the traffickers.
Protocol agreements between law enforcement agencies and IO-NGO shelters	Set of agreed arrangements between law enforcement officers and investigators as to the management of the roles and responsibilities of each side in relation to the protection of the victim.
Memorandum of Understanding	formal protocol agreements between law enforcement agencies and the IO-NGO sector for the support of trafficked victims.
Basic needs assessment	a procedure to identify and assess a potential trafficked child's immediate and elementary needs for survival (leading to the provision of “crisis intervention care”), generally being food, clothing, shelter, medical and psychological assistance.
Risk assessment	a procedure to identify and assess the risks associated with the trafficked child's situation in order to eliminate/minimize/respond to the risks identified.
Crisis intervention care	assistance provided to satisfy the basic needs of a potential child victim of trafficking or exploitation once they have been intercepted
Intake and needs assessment	a procedure to identify and assess the trafficked child's overall physical and emotional state and consequent needs upon placement or acceptance into a shelter
Assistance and Security Plan	a plan or agreement developed to satisfy a trafficked child's protection needs, defining such aspects as goals, activities and services, to which informed consent is given

Adjustment/Rehabilitation and Stabilisation Care	ongoing care of a trafficked child to be provided until such time as s/he is inserted into a protection programme in the country of destination or repatriated or sent to a third including but not limited to accommodation, access to education, language support, health and other care necessary for their welfare (regardless of their nationality or immigration status)
Consent procedures	Procedures by which informed consent from a child is sought to any action undertaken for their benefit or on their behalf
Separated Child	children under 18 years of age who are outside their country of origin and separated from both parents, or their previous legal/customary primary caregiver. (SCEP 2004, pg.2)



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