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**THE FIGHT AGAINST CHILDREN TRAFFICKING
IN EUROPE**

DRAFT REPORT

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* Until this document has been approved by the Committee on the Civil Dimension of Security, it represents only the views of the rapporteur.

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I. INTRODUCTION

1. Human trafficking is a serious threat to security throughout the Euro-Atlantic area. This form of modern-day slavery, in which human beings are treated as commodities, constitutes a serious violation of basic human rights and poses a great challenge for the Euro-Atlantic community at the dawn of a new century. Its effects can be felt in every country in the world and its societal, health and security threats are enormously detrimental. It is believed that trafficking of human beings is the third largest source of revenue for organised crime after drugs and arms and is closely interconnected with both. It affects countries of origin, countries of transit and countries of destination, although distinctions between these categories have become increasingly blurred due to the nature of this clandestine criminal activity.

2. The study of this phenomenon is largely hampered by the absence of systematic or reliable data. Available statistics are produced either on the basis of the number of victims identified in countries of destination and transit, or are calculated from the number of missing people and victims returning to the country of origin. As a result, it is almost impossible to assess the real scale of the problem and even more difficult to gather figures concerning minors and children trafficking. The profound political changes in Eastern Europe since the end of the Cold War and the sharp economic problems faced by these countries have prompted an influx of human beings who are being trafficked towards European destinations. Nevertheless, Asia and most importantly Africa remain predominant regions of origin for trafficking. Overall, a trend towards increased diversity in the countries of origin of individuals trafficked to Europe has been identified in several West European countries. Exploitation is usually sexual and/or economic. Although trafficking human beings is mostly linked to the sexual exploitation of women and girls, it is clear that boys are also being trafficked for the same purpose.

3. The issue of trafficking in regard to human beings has been discussed at the NATO Parliamentary Assembly and Resolution 323 was adopted at its Annual Session in Orlando in November 2003. In this Resolution the Assembly recalled that trafficking of human beings constitutes an intolerable affront to human dignity. It also stressed that despite efforts undertaken by nations and international organisations, the phenomenon continues to flourish and the last decade has seen growing trends both in the incidents of trafficking of human beings and in the number of victims.

4. As a follow up to the first initiative by the Assembly in this field, this report focuses on the case of the trafficking of children. Children are by nature more vulnerable. They are easier targets for traffickers, and this corresponds to a specific and growing demand in wealthy countries. Therefore, your rapporteur wishes to stress in this report the need to give special priority to children in anti-trafficking measures, including provision for legal protection, care, recovery and repatriation.

5. The first part of this report briefly presents an overview of the problem, while the second part will address major international anti-trafficking initiatives and projects. Finally, brief recommendations are proposed in the conclusion. Your rapporteur would like to address his gratitude for the comments submitted by the Romanian and British delegations, which he strived to integrate in this report.

II. OVERVIEW OF THE PROBLEM

A. ROOTS OF CHILD TRAFFICKING

6. There are numerous reasons why children are trafficked. The recent globalisation of markets, technological advances such as the Internet, and increasingly open borders have facilitated push- and pull-patterns, in which there has been an increasing demand for cheap labour and commercial sex.

7. Poverty is undoubtedly the root cause of exploitation in general. Children and their families very often view financial benefits stemming from work abroad and promises by recruiters as the only solution to their economic distress. At the same time, trafficking children is widely perceived by traffickers as a lucrative business. According to the NGO *Terre des hommes*, the price for an Albanian girl trafficked to Italy is between 2.500 and 4.000 USD, 10.000 if she is a virgin.

8. Children from dysfunctional families, where domestic abuse and neglect are common, are particularly vulnerable to exploitation. Children at high risk of being trafficked are usually orphans and children of trafficked women. In Lithuania, for example, children from orphanages, some only between 10 and 12 years old, have been used to make pornographic movies.

9. The lack of education aggravates the problem as well. Education is crucial in alerting potential victims to the dangers of trafficking and the likely methods of those that might lure them into such traps. Children deprived of education and the benefits derived from it (employable skills, risk awareness) are more likely to be victims of trafficking. School attendance also protects children from being targeted by traffickers. One NGO operating in Albania has found searching the streets at the beginning of each school year critical to identifying children who are at risk. The alarming consequence of the fear of trafficking in Albania is a significant decrease in High School attendance among girls over the age of 14 because of insufficient security on their way to and from school.

10. Ethnic and gender discrimination also increases the risk of becoming a victim of trafficking. According to an ODIHR (Office for Democratic Institutions and Human Rights of the OSCE) report, the Roma and Egyptian groups in Albania are particularly vulnerable to trafficking due to their marginalised situation in the country, high percentage of illiteracy, and deep poverty. Gender is also relevant in analyses of child trafficking trends. Gender is also a determining criterion in distinguishing between trafficking modes, since boys and girls are often not subject to similar forms of exploitation.

11. Political conflict and economic transition in Central-Eastern Europe since the demise of communism have considerably eroded social protection, leaving children increasingly vulnerable to violence and exploitation. The flourishing of the black market, corruption, organised crime groups, and unregulated migration has made the smuggling of goods and smuggling or trafficking of people the norm. The disintegration of societal structures, even its most basic unit, the family, in depressed transitional countries has also facilitated the work of traffickers and intensified indifference towards the fate of victims of trafficking within societies and governments. Finally, inadequate legal protection and the lack of laws against exploitative child labour have further exacerbated the problem of trafficking children.

12. Besides these aggravating factors on the supply side, other factors cannot be ignored, that feed the demand for trafficked children in countries of destination. Among these is a sustained demand for cheap migrant labour and, in some cases, for mere "domestic slaves", growth in the sex industry and lax or poorly enforced laws concerning trafficking.

B. FORMS OF EXPLOITATION

13. There are different forms of exploitation of trafficked children. The most documented and prevalent is prostitution. The International Labour Organisation estimates that every year some 1.8 million children are victims of commercial sexual exploitation worldwide. The phrase "trafficking in children" was, until recently, only used to refer to sexual exploitation of children. Although most evidence relates to girls, an increasing number of boys are being trafficked for sexual exploitation. There also is information, especially from Moldova, Romania, and Bulgaria, suggesting that girls are often initially trafficked internally for sexual exploitation from where they are sold to destination countries, usually in Western Europe.

14. Children are also being trafficked for forced labour and domestic work, amounting in some cases to modern-day slavery. These children are usually forced to beg in the streets and work as traders selling small goods. Although the number of children trafficked for begging to traditional destinations by usual routes is decreasing - for example from Albania to Greece - there is information about new destinations and new *modus operandi* of the traffickers, such as trafficking children from Moldova to Russia. There are also concerns regarding children trafficked for pick pocketing, for work in sweatshops, and credit card fraud.

15. Illegal adoption is another form of exploitation. In Moldova, trafficking for illegal adoption is widespread, where children from large, rural families and abandoned children are sold for adoption. There have been instances of trafficking for the purpose of forced marriage and the removal of organs. In 2002, the UK Government reported that, in the previous 18 months, it had dealt with more than 240 cases of forced marriage and helped with the repatriation of 60 young people. In about 15% of the cases, the unwilling partner was the husband. Less reported and more recent forms of trafficking also include smuggling of newborn babies - notably from Bulgaria -, sometimes through exploitation of surrogate mothers and the use of children to support claims for asylum or for welfare benefits.

C. STATISTICAL DATA

16. None of the studies on trafficking of children in Europe are based on systematic data that would provide a clear and comprehensive picture of the actual extent of the problem; any statistical information is thus highly speculative. A modicum of available figures is usually based only on reported cases; children trafficked for sexual exploitation are often included in studies of trafficked women; and there is a widespread reluctance among victims to report their experiences for fear of being deported. The lack of adequate co-ordinating and monitoring mechanisms between European countries further impedes efforts to produce reliable statistical data on the trafficking of children in Europe. Reporting mechanisms not only vary from one country to the other, but even, within the same country, among regional authorities or ministries responsible. Despite these obstacles, it is still essential to interpret official statistics and understand the context in which they are created.

17. Global estimates about the number of children trafficked worldwide every year vary between 2 and 4 million. An estimate by the International Labour Organisation that 1.2 million child labourers are trafficked yearly is usually cited as a credible source, although it only encompasses exploitation in the form of child labour, leaving aside some other forms of exploitation. Other organisations provide more conservative estimates of 210.000 to 400.000 children victims of trafficking. This notable difference helps to identify one important distinction in the way the phenomenon is assessed: most studies focus only on cases of children trafficked across international borders and exclude cases of children trafficked within their country of origin.

18. The same problems are true for Europe. No organisation has ever succeeded to put forward a comprehensive assessment of the extent of the problem in the region; therefore available data is

mostly national. Moreover, it usually refers to various categories, some broader some narrower than the generic term "trafficked children" and some only partially overlapping it. These categories include unaccompanied minors or minors requesting asylum at major ports of entry, repatriated children, juvenile delinquents that have been prosecuted, children in shelters or assisted children, etc. Data concerning unaccompanied minors has become increasingly available in Western European countries. The European Commission has established that during 1999-2000 around 33,500 unaccompanied minors were reported. 5,000 to 10,000 unaccompanied minors reportedly live in Germany. 3000 unaccompanied minors were arrested for begging or pick pocketing in France in 2002. Some 7823 unaccompanied minors were reported in Italy between June 2000 and November 2001.

19. The European Commission has also concluded that estimates of up to 120,000 women and children being trafficked into Western Europe each year have been made. A study on human trafficking in South-Eastern Europe has found that in 2003, 90% of foreign women working in prostitution in the region were alleged victims of trafficking; 10-15% of these women were adolescent girls under the age of 18. Moreover, approximately 3,000 Albanian children have been trafficked to Greece and Italy to beg for money while among the 8,000 Albanian women forced into prostitution in Italy; more than 30% are under 18 years. In Kosovo, as many as 80% of internally trafficked women are under 18. In Lithuania, 20 to 50% of prostitutes are believed to be minors. Children as young as age 11 are known to work as prostitutes. Data provided by IOM Moldova shows that between the years 2000 and 2003, 1,074 trafficked women and children returned to Moldova. 30% of the returnees were recruited when they were minors and 42% of these were still minors when they came back.

20. Lack of data concerning victims of trafficking could be at least partially compensated for by data concerning traffickers and criminals arrested for taking part in trafficking. Some of these statistics are available, however studies show no substantial increase in the arrest, prosecution or sentencing of traffickers, which contradicts the general consensus that cases of trafficking have increased.

D. TRAFFICKERS AND TRAFFICKING ROUTES

21. While victims of trafficking are relatively easy to define (mainly females from rural areas, single, with low education, and/or victims of domestic violence), traffickers are not a homogenous group. The majority of traffickers are members of organised, often international, criminal groups, who supervise child trafficking in the same way as the smuggling of goods. Pimps and local criminals are also typically involved during the initial stage of recruitment. This group also includes women who were victims of trafficking themselves, but have started to co-operate with the criminals as middlepersons. Finally, some businessmen, policemen, and politicians have been drawn into the trafficking industry by the appeal of financial gains stemming from the exploitation of children.

22. There has been a recent change in the *modus operandi* of traffickers. Given the greater attention paid to the problem of child trafficking over the past few years, traffickers have developed new strategies and searched for new routes to avoid prosecutions and to secure financial gains from exploitation. Young victims of trafficking are increasingly kept in rented apartments and hotels to which the police have limited access. Similarly, more trafficked children travel under valid documents and visas, which undermines the effectiveness of border control in combating child trafficking. In spite of these new developments, law enforcement agencies in Europe have failed to introduce adequate strategies and sufficient counter-measures. It is the hope that the accession of the new member states from Central and Eastern Europe to the European Union and to NATO will encourage cooperation in the development of anti-trafficking measures.

23. Countries of origin are more diversified – unaccompanied minors from up to 30 different countries in Eastern Europe, Asia and Africa have been found in Germany - and the distinction between countries of origin, transit, and destination in Europe is blurring. Previous countries of origin, such as Poland and Kosovo, are now transit or even final destination countries. General trends show that girls from Eastern Europe are first brought to Bosnia and Herzegovina, Kosovo, or Albania where they are sold to local gangs to be trafficked to Western Europe for commercial sex exploitation. Other countries, such as Kyrgyzstan, Mongolia and to a certain extent the Caucasus, have also become targets of gangs. Albanian children seem to be trafficked primarily to Italy, Belgium, and Greece, and to a lesser extent, the Netherlands and the UK. From Bulgaria, it seems that children are primarily trafficked to Greece, Italy, and Austria. Moldovan women and girls are primarily trafficked to Kosovo and Bosnia and Herzegovina, but within Western Europe are trafficked to Italy, Belgium, and Greece. Romanian women and girls seem to make up the largest group of trafficked persons in Austria and Greece and are trafficked to Italy as well, whereas boys are trafficked to participate in illegal activities such as begging or burglaries to France, Germany or Italy. In Northern Europe, there is a clear pattern of trafficking between the "poorer" Baltic States and the affluent cities of Scandinavia. It will be interesting to study the consequences of enlargement of the EU over the number of children trafficked within the Union.

E. VICTIMS (CONTROL AND CONSEQUENCES)

24. The purpose of child trafficking is to exploit and to gain profit. Deception and coercion both play a role in the process. Trafficked children suffer the abuses common to many forms of exploited labour. Given special vulnerability of children, young victims are controlled through numerous threats, especially against family members left behind and the recognition – reinforced by traffickers and exploiters – that their lack of legal status and parental supervision renders any appeals to outside interventions futile. For example, children trafficked from Albania to Greece to beg are warned by exploiters against Social Services and people who appear to help them as their enemies. Rape and other forms of humiliation are common practices in recruiting and trafficking children in Europe. Of 200 victims assisted by IOM Kosovo in 2000 and 2001, roughly 55% reported having been beaten and sexually abused. In addition; the psychological impacts of sexual exploitation such as shame can also serve as powerful silencing tools.

25. The psychological baggage resulting from the traumatic experience of trafficking is unimaginable. Stigmatization, betrayal, and violence involved in any form of exploitation are damaging to child and adolescent development. This can lead to an impaired ability to form attachments and succeed with interpersonal relationships, or lead to various types of psychiatric damage.

26. Trafficked children also suffer from physical harm. They face various hazards through their work, such as malnutrition, insufficient rest, limited access to health care, and vulnerability to physical abuse from their employers. Children working in the sex industry are at risk of sexually transmitted diseases including HIV/AIDS, pregnancy, unsafe abortion practices, and possible damage to their reproductive health. Additionally, trafficked children are usually denied education, which perpetuates their vulnerability to continued exploitation and prevents them from acquiring skills fundamental to their future job opportunities.

27. Young victims of trafficking are also stigmatised and victimised in the process of assistance and re-integration. Almost all young victims of trafficking suffer from severe mental and behavioral problems and need long-term psychological counselling, which is often unavailable. Moreover, upon repatriation, trafficked children are usually sent back to their countries where they face the same problems and threats (poverty, discrimination, abuse, etc.). Therefore, the only option usually offered to the victims of trafficking is to return to the situation, which, quite often, put them at risk in the first place. Finally, more traditional communities stigmatize girls who have been trafficked, hindering their re-integration into families and societies.

III. LEGAL FRAMEWORK AND INTERNATIONAL INITIATIVES

A. DEFINITIONS

28. Although the trafficking of children is not a new development in Europe, the design of a comprehensive legal framework to address the problem has been a relatively recent phenomenon. Numerous international organisations, unilateral official documents, and co-ordination agreements have acknowledged the complexity and acute nature of the problem of child trafficking, and on the necessity to bring the exploitation of children to the top of the political agenda. The extensive elaboration of the legal aspect of the problem has not, however, been accompanied by adequate enforcement mechanisms, which has significantly hampered the effectiveness of anti-trafficking actions.

29. A panoply of international documents defines a "child" as every human being below the age of eighteen years. Most provisions regarding the trafficking of children have been incorporated into legal acts concerning the wider issue of trafficking of human beings in general. This points to an important dividing line in this matter, which distinguishes international legislation meant at protecting victims of trafficking ("human rights-based approach") from legislation aimed at putting an end to traffic and dealing with traffickers ("law and order approach"). The latter approach is usually adopted when dealing with trafficking in human beings as part of the broader issue of organised crime. It is the one prevailing in the cornerstone document, the Palermo Protocol – a supplement to the UN Convention Against Transnational Organised Crime. Both approaches are rarely combined in a same document, which partly explains why victim protection in the field of trafficking in human beings still lags behind.

30. The most commonly accepted definition of trafficking of children has been included within the Palermo Protocol. The document identifies child trafficking, a special case of the trafficking of human beings, as "the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation" with or without the use of coercive or deceptive means and regardless of the consent given by the child in question. Trafficking thus happens whenever a child is moved in any of the ways listed above and exploitation of this child includes "at a minimum the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs".

31. The terms "trafficking" and "smuggling" are often used interchangeably, despite their distinct definitions. Smuggling of migrants refers to "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident". While smuggling does not inherently involve exploitation, smuggled persons are very often at risk of injury or death. Trafficking, on the other hand, specifically targets the trafficked person as an object of exploitation and inherently involves a violation of human rights.

B. LEGAL PROVISIONS AND INTERNATIONAL INITIATIVES

1. European Union

32. The EU has adopted a broad palette of legislation against trafficking and exploitation of children. It has introduced legal acts, which oblige Member States to review their criminal laws to ensure the criminalisation of trafficking and to encourage judicial co-operation. The *Treaty on the European Union*, in its *Provisions on Police and Judicial Co-operation in Judicial and Criminal Matters*, calls for "preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children [...]". A special meeting of the European Council held at Tampere, Finland, in October 1999 stressed the urgent need for more efficient

prevention of all forms of trafficking and greater assistance to countries of origin and transit to combat those engaged in the trafficking of children. The draft Treaty on a Constitution for Europe, agreed upon by Heads of state and government in Brussels last June considerably reinforces the legal framework for Community action against trafficking and for the protection of the rights of children. In particular, article II-32 explicitly prohibits child labour in the Union.

33. All relevant EU institutions (the Council, the European Parliament, the European Commission) have acknowledged the problem of trafficking, exploitation of children, and child pornography. They have specified law enforcement and prosecution procedures, explicated victim assistance and protection measures, and identified exploitation of children as a punishable criminal offence. Additionally, a wide range of Community acts has called upon the member states to emphasise root causes of the problem (poverty, gender inequality, failing states or states experiencing a difficult transition), strengthen European networking on victim assistance, improve awareness raising and information campaigns, facilitate the exchange of data between different national law enforcement agencies within the EU, and provide expertise and technical support for anti-trafficking investigations and operations. The EU has also recognized the divergence of legal approaches in the member states and the need to strengthen judicial and law enforcement co-operation against trafficking and exploitation of children in Europe. On 19 April 2004, the EU adopted a directive in the framework of its immigration policy allowing member states to issue short-term residence permits to third-country nationals who are victims of trafficking in human beings and who cooperate with the competent authorities. The directive contains special arrangements concerning children. If this directive can be seen as a first step towards preventing the hasty repatriation of victims of trafficking, it also poses a certain number of problems, including the need for appropriate means and infrastructures to assist those victims.

34. Since 1997, the EU has designed two programs to tackle the problem of child trafficking. Firstly, the European Union's STOP Program (STOP Program for the years 1997-2000, and STOP II for the years 2001-02) was intended to prevent and combat trade in human beings and all forms of sexual exploitation of children, including child pornography and the violence associated with it. It was also designed to help the victims of these criminal activities. The program covered such activities as training, exchanges and work experience placements, studies and research, meetings and seminars, dissemination of the results obtained under the program. A total sum of €4 million was allocated for the period 2001 to 2002. By 2002 it had been replaced by the AEGIS (AIDS Education Global Information System) initiative.

35. Secondly, the Daphne program was launched to prevent violence against children, young people and women, to provide support to the victims of violence, and to prevent their future exposure to violence. 303 projects were funded under Daphne I from 2000 to 2003 with a total budget of €20 million. Daphne II was adopted on 21 April 2004 and should run until 2008. The budget for the program was substantially increased to a level of €50 million to face the needs of enlargement and finance a broader range of projects.

36. Europol and Eurojust have been given a mandate to deal with the problem of human trafficking in cases concerning two or more member states. Europol has two major tasks: first, to gather information and to analyze data in Member States, usually in Organized Crime Reports; second, on the operational level, to aid Member States in implementing the mandate. It has been quite challenging for Europol to carry out its mandate because it relies heavily on co-operation with member states, which are not always willing to share their intelligence information and get Europol involved in their own operations. Additionally, Europol's role is limited simply because the main responsibility for dealing with human trafficking lies with Member States and their law enforcement agencies. Europol's annual report for 2003, though claiming that human trafficking is one of the fields in which member states provide the highest level of cooperation, accounts for remarkably low achievements. It can be hoped that the accession of seven of the ten new member states of the

EU to Europol will lead to stepped-up and not weaker cooperation of member states in the field of human trafficking.

37. Further progress in the development of EU legislation to fight trafficking in children can be expected in the near future. The EU appointed in August 2003 an Experts Group on Trafficking in Human Beings, bringing together representatives from member states and experts from various international governmental and non-governmental organisations. The group is expected to deliver a comprehensive report by the end of 2004.

2. NATO

38. NATO has recently developed a policy to coordinate the efforts of its Members in the sphere of human trafficking. At the beginning of March 2004, the United States and Norway launched a debate within the Alliance on the problem of human trafficking and its implications for NATO operations. A special seminar on human trafficking took place at the NATO Headquarters on March 3-4, 2004. Most of the specific recommendations that were put forward during the two days of discussions have been integrated into the *NATO Policy on Combating Trafficking in Human Beings* which was adopted by the North Atlantic Council at its meeting in Istanbul last June. This document enacts a "zero-tolerance" policy for all NATO and non-NATO personnel involved in NATO-led operations, combined with education and training programmes. NATO and non-NATO troop contributing nations are encouraged to "develop and implement measures that discourage the demand by their military and civilian personnel that fosters all forms of exploitation of persons", as well as provide support for the local governments' efforts in the fight against trafficking. The policy also calls for increased cooperation between NATO and other organisations, especially the EU. NATO Guidelines have already been adopted for the implementation of the policy on combating trafficking, on the development of training and education, and on preventing the promotion and facilitation of trafficking. Discussions as to the form of the implementation mechanism are still ongoing within the Alliance. However, the training component of the new policy is already receiving some level of implementation. Training materials are being developed in cooperation with the Geneva Centre for Security Policy, with the NATO School and Defence College expected to play a leading role in their dissemination and integration in member states' military curricula. Despite the progress, further efforts are essential to craft an alliance-wide policy against human trafficking, which would go beyond mere "moralisation" of NATO personnel and operations.

3. OSCE

39. The Organization for Security and Co-operation in Europe (OSCE) has developed a comprehensive legal structure that prioritises the following areas for anti-trafficking action: victims' assistance and protection (national referral mechanisms, network of shelters), legislative reform (harmonising national laws), return and re-integration programmes, training and capacity building, prevention, raising awareness, as well as research and data collection. Several institutions within the OSCE have developed initiatives to combat trafficking in human beings, including trafficking in children.

40. On 13 May 2004, the OSCE appointed a Special Representative in Combating Trafficking in Human Beings. The Special Representative's role should be to raise awareness, provide advice and guidance to governments, as well as monitor their efforts to implement anti-trafficking policies. The new Special Representative, Helga Konrad, has indicated at several occasions that she favours the development of specific policies to address the issue of child trafficking. Moreover, she has set as a priority to achieve a better coordination between international organisations involved in the fight against trafficking. An "Alliance against Trafficking of Persons" was convened for the first time in Vienna in July 2004, bringing together representatives from some 15 different organisations and should meet on a bi-annual basis in the future.

41. The OSCE Parliamentary Assembly also appointed a Special Representative of the President on Human Trafficking Issues in February 2004. U.S. Congressman Christopher Smith's mandate entails collecting information, advising the Assembly and promoting dialogue with other OSCE entities on issues of human trafficking.

42. Finally, the Stability Pact for South Eastern Europe Task Force on Trafficking in Human Beings (SPTF) was established to encourage and strengthen co-operation among the countries of South Eastern Europe in order to accelerate existing efforts to combat human trafficking in the region. Working under the auspices of the OSCE, the SPTF is dedicated to promoting collaboration and integration of anti-trafficking activities in South Eastern Europe to improve their long-term effectiveness and to avoid a duplication of effort. The SPTF pursued and achieved the adoption of the *Multi-year Anti-Trafficking Action Plan for South Eastern Europe*, which constitutes a comprehensive framework for all the relevant actions and addresses the main areas of concern. In addition, member countries were called upon to create subgroups within the national working groups to deal specifically with the issue of child trafficking. In December 2003, the SPTF adopted guidelines for the adoption by member countries of *National Plans of Action (NPA)* against trafficking in children in which they should identify their respective priorities and strategies in the fight against child trafficking. This process is still ongoing.

4. Council of Europe

43. The Council of Europe has drawn up a legal text dealing specifically with trafficking of children – *Recommendation No. R (2001) 16* on the protection of children against sexual exploitation. Between June 2002 and April 2004, a Group of Specialists on the Protection of Children Against Sexual Exploitation, established under the auspices of the Council of Europe, met six times to evaluate the status of implementation of its commitments with regard to child trafficking. So far the Group's work has focused on assessment of legislation, building a network between Ombudsmen for children and European national bodies, and promoting the ratification of international instruments for child protection and youth participation. A mid-term review of member states' achievements towards the completion of the Yokohama commitments should be organised in July 2005.

44. Above all, the Council of Europe set up an Ad Hoc Committee on Action Against Trafficking in Human Beings (CAHTEH) to prepare a draft Council of Europe Convention on action against trafficking in human beings. This draft was made public in July 2004. This convention aims at creating a legally binding instrument for European countries to combat any form of trafficking in human beings, be it national or transnational, related to organised crime or not. If adopted, this document would constitute a great step forward in the adoption of common legal standards against trafficking in human beings. It would effectively complement the UN Palermo Protocol, by adding a "human rights" approach to the Protocol's "law and order" perspective. The convention explicitly aims to prevent and combat trafficking; protect the human rights of the victims; and promote international cooperation. Trafficking in children and minors falls within the scope of the convention and, thanks to initiatives from children organisations, especially UNICEF, many provisions in the convention include a clause to adapt its content to the specific situation of children and minors ("child-sensitive approach"). In particular, reference is regularly made to the best interests of the child and a higher level of protection is guaranteed to children victims of trafficking regarding identification, protection of private life, assistance, residence permits, etc. Although the notion of "best interests of the child" is used in other international documents – most prominently in the UN Convention on the Rights of the Child and in the UNICEF Guidelines – its use in a legally binding convention with a monitoring mechanism raises questions as to whether it can and will receive common centralised definition.

45. Eventually, the strength and efficacy of a European convention against trafficking will strongly depend on the mechanism put in place to monitor its implementation. In the current draft,

two options are presented, which could potentially lead to very different outcomes. In the first option, a report would be prepared by a group of experts assessing the implementation of the convention by a member state and the experts group would be the competent authority to adopt conclusions and decide whether they should be made public. In another option, the Committee of Ministers would be the competent authority to decide on the expert group's report. This latter scenario would certainly give more strength to the decision. The text of the convention should be finalised by the end of 2004. Whether governments will or will not water down the original draft may fundamentally change the quality of the final instrument. Key issues include the format of the implementation mechanism, but also the preliminary question of whether trafficking in human beings is to be always considered as a violation of human rights.

5. ILO

46. The International Labour Office (ILO), a UN agency which seeks the promotion of internationally recognized labour rights, has addressed the issue of trafficking of children in the context of forced labour and the worst forms of child labour. *Convention No. 138* prohibits all economic activities by children under the age of 12 and permits light work only for 12 and 13-year olds in developing countries and 13 and 14-year olds in the developed world. Moreover, *ILO Convention No. 182* prohibits and targets the worst forms of child labour for all children below the age of 18. The ILO has stressed that, from the European perspective, trafficking of children relates not only to prostitution but also to other sectors, such as unskilled labour, begging, and soliciting.

47. ILO developed a sub-regional program to combat trafficking in children and young people for labour and sexual exploitation in the Balkans and Ukraine, which, however, is still in its first phase of implementation. It has recently been conducting a study on trafficking patterns in Albania, Moldova, Romania, and the UK based on surveys of returned migrants, as well as comprehensive case studies of France, Germany, Russia and the UK. The outcomes of the latter should be made public in the next global report for 2005. They are already inspiring initiatives geared towards law and policy guidance, training and capacity building, including through the development of manuals. Finally, the ILO has also conducted an economic study of the costs and benefits of eliminating child labour. Total economic benefits, in addition to the social benefits, resulting from eliminating child labour in transitional countries in Europe is estimated to be \$111.1 billion. Although the study does not include policy recommendations, the findings in the report suggest that governments should focus their efforts on eliminating child labour, especially the worst forms such as those directly linked to child trafficking.

6. Interpol

48. Interpol has placed combating human trafficking as one of its top priorities. The Trafficking in Human Beings Sub-Directorate (THB) was created in 1989 to raise awareness of children's rights within law enforcement communities worldwide. Numerous initiatives have followed since: the Interpol Specialist Group on Crimes against Children, the Working Group on Trafficking in Women for Sexual Exploitation, and the Interpol database for Identification of Images of Sexually Abused Children. Operation Cathedral, co-ordinated and managed by Interpol, was one of the first international investigations dealing with sexual abuse of children throughout the world. John Staale Stamnes, Interpol's Crime Intelligence Officer within the Trafficking in Human Beings Sub-Directorate of Interpol General Secretariat, has acknowledged that, "the number of arrests based on the information forwarded through Interpol is enormous." However, there is still an urgent need to accelerate the bilateral exchange of information, as local police authorities are often reluctant to send vital information about their own citizens.

49. Despite significant progress achieved in recent years with regard to the legal provisions and initiatives in the area of child trafficking, there is still inadequate recognition of the rights of children victims of trafficking and virtually no recognition of the problems faced by the children of trafficked

women. Furthermore, there is an urgent need for improved co-ordination mechanisms to avoid the duplication of efforts. While all relevant institutions working on the issue of child trafficking employ similar strategies based on the same international law and the same definition of trafficking, the overlap of responsibilities is apparent. As a consequence, further initiatives are essential to promote collaboration and integration of anti-trafficking activities in order to improve their long-term effectiveness and to avoid repetition.

7. UNICEF

50. UNICEF deals with different aspects of trafficking in children as part of its general mandate to promote children protection worldwide. Through direct actions on the ground and country projects and programs, UNICEF takes initiatives to tackle the root causes of trafficking (such as poverty or lack of education), as well as to ensure the recovery and reintegration of children victims of trafficking.

51. UNICEF's activities and policy recommendations also aim at strengthening legislation in the field. UNICEF contributed to the drafting of the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* presented in the report of the UN Office of the High Commissioner on Human Rights to the Economic and Social Council in May 2002. Guideline 8 in particular contains "Special measures for the protection and support of child victims of trafficking". At the request of the OSCE Stability Pact Task Force on Trafficking, it prepared Guidelines on the Protection of the Rights of Children Victims of Trafficking in South Eastern Europe, which were adopted in March 2003 and should guide member states in the preparation and implementation of their national action plans against trafficking.

52. More recently, in April 2004, UNICEF made public a *Handbook for Parliamentarians on Child Protection*, which was prepared in the framework of the Inter-Parliamentary Union. This document provides very useful information, guidelines and recommendations to direct action by national parliaments on issues of child protection including the sexual exploitation of children and the trafficking and sale of children.

53. UNICEF's research arm, the Innocenti Research Institute is also conducting a comprehensive research project on child trafficking. Information relating to this project is made available through the website www.childtrafficking.org, whose goal is to provide news, documents and networking opportunities for experts and organizations involved in the fight against child trafficking. A separate and specialized project on Europe has been launched and is still ongoing. It aims mainly to examine the extent to which the enlargement of the EU can impact in changing trafficking flows and patterns, and possible effects on policy responses and to analyse strategies to strengthen co-ordination and synergies in trafficking related policies within European countries in order to achieve more effective responses.

IV. CONCLUSION: TENTATIVE RECOMMENDATIONS

A. LEGAL REFORM AND PROSECUTION

54. Governments should:

- Ratify and implement the existing international laws and principles concerning child trafficking, such as the UN Palermo Protocol, the *ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Form of Child Labour* and the UNICEF Guidelines on the Protection of the Rights of Children Victims of Trafficking in South Eastern Europe;

- Ensure that in-country human trafficking is a criminal offence to cover the situation where children are exploited without being moved across borders;
- Ensure that provisions of criminal codes and procedure on human trafficking incorporate a children-sensitive approach, taking into account the particularities of child trafficking – including the differences in legal definitions, the specific needs of children and the gravity of offences committed against children;
- Ensure comprehensive human rights-based legislation to provide assistance to the victims of trafficking, drawing on the rights recognised by the UN Convention on the Rights of Children – in particular the principles of the best interests of the child and of non discrimination;
- Monitor and evaluate the existing system to ensure the implementation of new anti-trafficking laws, including guidelines, training, and information for law enforcement agencies and judiciaries;
- Review and, if necessary, reform all relevant areas of the law impinging on trafficking, witness protection, labour, aliens, etc.;
- Outlaw the dissemination of child pornography in mass media, especially the Internet;
- Grant children victims of trafficking the legal status of victims and provide legal and all other necessary types of assistance and representation for them accordingly
- Ensure that criminal legislation includes adequate provisions to tackle the demand for sexual services, those could include provisions targeting customers of these services.

B. AWARENESS RAISING AND PREVENTION

55. Governments, international organisations, and NGOs should:

- Further develop research and analyses information in relation to both internal and cross-border trafficking of children, the situation of children from high-risk groups, unaccompanied children, migration and trafficking;
- Provide more comprehensive statistical data on the extent and nature of “offer and demand” for child trafficking and for child labour in Europe;
- Design awareness campaigns differentiating children from other target groups and taking into account the comparative necessity and efficacy of large-scale and small-scale campaigns.
- Evaluate the materials, methods, and capacities of organisations conducting campaigns;
- Address the ethic dimension of child trafficking in awareness raising campaigns;
- Support projects aimed at combating the root causes of child trafficking in countries of origin – such as violence against children, discrimination, and feminisation of poverty –, as well as in countries of destination – target the demand for cheap labour, sexual services and illegal adoption;
- Ensure that the changing modus operandi of traffickers (child prostitution in rented apartments and hotels, trafficking children under valid documents and visas) are monitored and as far as possible addressed in legislation, law enforcement and prosecution.

C. VICTIM IDENTIFICATION AND ASSISTANCE

56. Governments, in co-operation with NGOs and international organisations, should:

- Establish clear rules and standards for identifying victims of child trafficking;
- Adopt measures to facilitate the identification of migrant children, including passport and visa regulations, the limited use of biometrics data and systems of data registration to record unaccompanied minors.
- Establish investigation-led policing, focusing on collecting evidence against traffickers, preparing cases, and organizing actions aimed primarily at arresting traffickers.

57. Governments, international organisations, and NGOs should:

- Ensure legal protection for the victims/witnesses and their families;
- Ensure that all identification and assistance programs aim primarily to protect the child's rights and dignity, including security, confidentiality, informed consent and provision of tailored, long-term support; Ensure that all victims, regardless their status, have access to shelters and to medical, social and legal assistance.

D. NATIONAL AND INTERNATIONAL COORDINATION

58. Governments should:

- Ensure proper coordination between national authorities in charge of counter-trafficking and assistance to victims of trafficking, including all relevant public and private actors, possibly through clear national action plans against trafficking in children;
- Provide the highest level possible of cooperation within regional and international structures, including law enforcing agencies like Europol and Interpol, and ensure that there is no unnecessary overlap between initiatives taken in different forums;
- Develop bilateral and multilateral mechanisms to increase exchange of information between countries of origin, transit and destination to help assess the extent and modes of child trafficking in Europe;
- Develop exchanges of best practices;
- Harmonise national legislation and penalties applicable to trafficking – including in the field of adoption - so as to avoid jurisdiction gaps and provide appropriate levels of investigative and judicial cooperation. In this regard, governments should fully support the process of drafting and implementation of the Council of Europe Convention against Trafficking in Human Beings and parliamentary action should take into careful consideration relevant provisions of the *UNICEF Handbook on Child Protection*;
- Develop twinning programs for repatriation following the models experimented between some member countries of the Stability Pact for the Balkans.

E. RE-HABILITATION AND RE-INTEGRATION OF VICTIMS

59. Governments should:

- Create reintegration program/activities and ensure co-operation between governmental and non-governmental institutions;
- Include victims of trafficking in existing initiatives for disadvantaged groups (scholarships, programs of job placements, social support, re-schooling, etc.) and ensure non-discriminatory access to structures specifically designed for children.

60. Governments and international organisations should:

- Monitor and evaluate the existing reintegration programs for effectiveness;
- Research the needs and expectations of returning victims.
- Follow-up on the repatriation of victims to ensure lasting re-integration away from trafficking networks.

F. TRAINING

61. Governments should:

- Include information about trafficking and victim's rights in the curricula of schools, police academies, law schools, and social worker training centers;

- Provide general training for international military, police peace-keepers and related civilian contractors on the subject of child trafficking;
- Pay special attention to training in the area of trafficking in children, child rights, and special protection measures for child victims of trafficking.

62. International organisations and NGOs should:

- Adjust training programs to local needs at country level and reflect both the development of local anti-trafficking initiatives and the changing regional situation;
- Ensure that training initiatives provide information to develop guidelines for identification, referral, assistance and the protection of the rights of trafficked persons for the use of specific agencies (police, social workers, health professionals, NGOs, etc).

G. SPECIFIC RECOMMENDATIONS TO THE NATO PA

63. The NATO PA should:

- Ensure that its reports and activities promote, whenever adequate, the fight against trafficking and, in particular, trafficking in children.
- Disseminate through the member states' parliaments the principles put forward in the NATO policy on combating trafficking in human beings, as well as the provisions contained in the *UNICEF Handbook on Child Protection*;
- Ensure that it offers to the member states' delegations a forum to discuss the consequences of trafficking on the civil dimension of security.
- Use its structures, such as the Mediterranean Special Group and other working groups to develop a dialogue with Mediterranean partners and observers to the NATO PA on the global issue of trafficking of human beings.
- Contribute whenever possible to the promotion of coordination and exchange of information and best practices at the international level.

APPENDIX 1

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