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Child Trafficking in the Nordic Countries: Rethinking Strategies and National Responses

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unite for children



The outline

- Scope and Methodology
- CRC as a framework for protection
- Responses of the Nordic countries to Child Trafficking
- General Principles of the CRC
- Legal, judicial and administrative processes
- Conclusions and recommendations

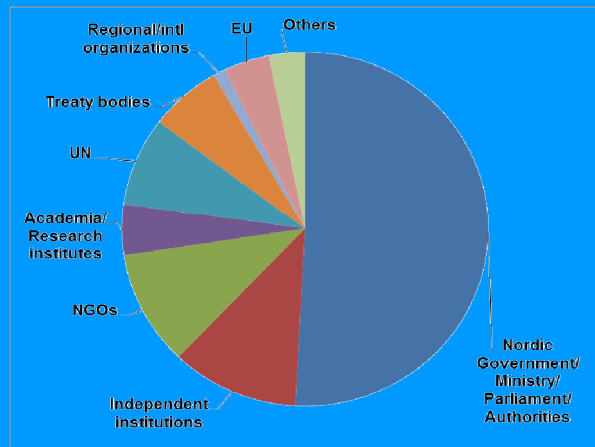


Scope and Methodology

- Better understanding of child trafficking and national responses from a child rights perspective
- 5 country analyses presented in a regional report
- Literature review (October 2011 cut off)
- Key informant interviews (June – October 2010)
- Review process (2010-2011)
 - Preliminary review by country
 - Advisory Group and Steering Committee Meeting
 - Round-table consultations in each country
 - Peer review of the regional report

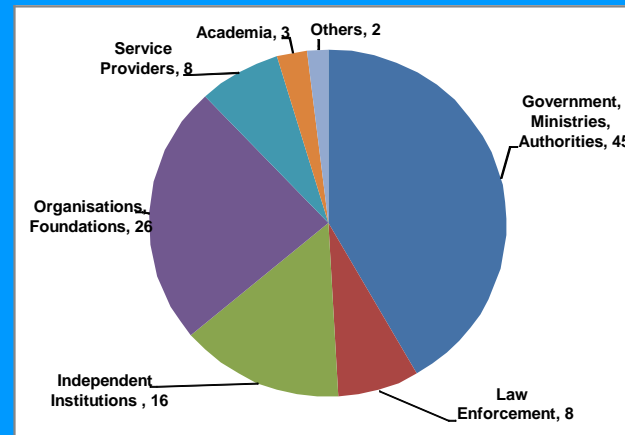


Sources by publisher



N = 450 as 30 October 2011

Key informants



N = 108 as of 30 November 2010



Part 1: CRC as a framework for protection

Definition

Trafficking is...	By means of...	For the purpose of exploitation, including... (at a minimum)
(Action)	(Means)	(Purpose)
Recruitment	Threat	The prostitution of others
Transportation	Use of force	Other forms of sexual exploitation
Transfer	Coercion	Forced labour or services
Harbouring	Abduction	Slavery or practices similar to slavery
Receipt	Fraud	Servitude
	Deception	Removal of organs
	Abuse of power	
	Abuse of position of vulnerability	
	Giving or receiving payments or benefits	

When any one of the elements from each of the three columns above can be applied to the situation of an individual, the individual is considered to be ‘trafficked’.
 Where the individual is under 18 years of age, however, proof of any one of the elements from each of the first and third columns is sufficient.



Problems with definitions

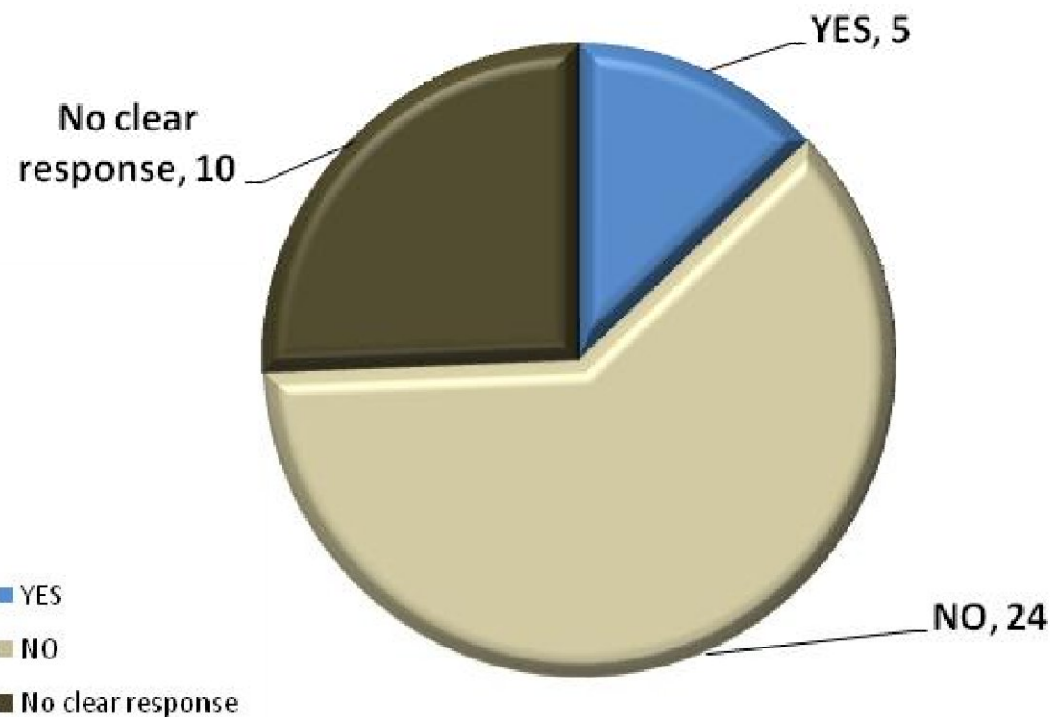
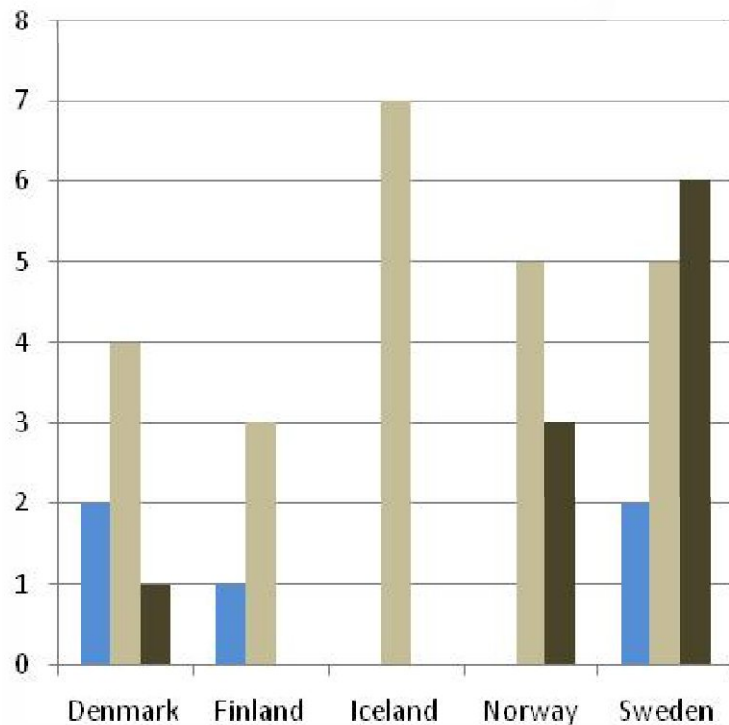
- Term exploitation is not defined in the UN trafficking Protocol (different countries interpret differently)
- Differences in understanding among policy makers and practitioners
- The issue of consent for children
- Movement and Cross-border movement



Is 'movement' considered to be part of the trafficking concept?

Key informants' responses

Is movement part of the trafficking concept?



N=39

Difficulties in identifying trafficked children

- Some difficulties related to definitional issues
- Different agencies involved in identification with different screening tools
- Difficult to identify children trafficked within EU
- Accompanied children might not come to the attention of immigration authorities or police
- Child victims do not always exhibit stereotypical behavior
- Children may resist being 'labeled' as trafficked
- All of the above supported by statistics in the Nordic countries (small numbers – Denmark 2006-2011 6 verified child victims)



Issues facing other vulnerable children

- Migrant children exploited at source, transit and destination countries
- Separated asylum-seeking children have aspirations to work often in gray market that puts them at additional risk of trafficking and exploitation
- Children missing from reception centres (due to their asylum application or re-recruited into exploitation?)
- Evidence of children exploited through drug selling, begging, pocket lifting
- Undocumented migrant children particularly vulnerable
- National children victims of exploitation
- Multiple vulnerabilities and movement between different 'categories'
- Question: Is there an underlying protection (and child rights) value of trafficking categorization?



Moving beyond the trafficking framework

- Focusing services and assistance on the nature of exploitation of the child
- Potential victims of trafficking a concept that allows prevention and early support
- CRC transcends definitional and conceptual difficulties irrespective of the status of the child
- Individual needs assessment and safeguarding *all* rights of all children is crucial



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Part 2: Responses of the Nordic Countries to Child Trafficking

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Serious endeavors and positive initiatives

- All countries ratified UN Trafficking Protocol, CRC, and other relevant international instruments
- Special sections in the legislation, action plans
- General principles of the convention incorporated in constitution, child rights statutes and sectoral laws
- Examples of good practice and innovative interventions across the region
- Co-ordination mechanisms established in all countries
- Existence of strong child protection services at the local level



Areas of concern

- Different institutional mandates offer specialized services but may lead to fragmentation of services
- Not always clear how different action plans relate to each other – potential overlap or areas that slip through the cracks
- Best interests assessments for the child (both for short term and long term solutions) carried out sectorally
- Lack of clarity of local level services for non-resident children including those who may be victims of exploitation and trafficking.



Leading central administration institutions for policy planning on child rights issues (example of multiple services)

Responsibility for policymaking on:	Denmark	Finland	Iceland	Norway	Sweden
Child protection / welfare	Ministry of Social Affairs	Ministry of Social Affairs and Health	Ministry of Social Affairs, with Government Agency for Child Protection	Ministry of Children, Equality and Social Inclusion	Ministry of Health and Social Affairs
Unaccompanied asylum-seeking children	Ministry of Refugee, Immigration and Integration Affairs, with the Danish Immigration Service	Ministry of the Interior, with the Finnish Immigration Service	Ministry of Justice	Ministry of Children, Equality and Social Inclusion, Child Welfare Service (children aged under 15 years) Ministry of Justice and the Police, Norwegian Directorate of Immigration (children aged over 15 years)	Ministry of Justice, with the Swedish Migration Board
Child victims of trafficking	Ministry for Gender Equality, with Danish Centre against Human Trafficking, Ministry of Justice, Ministry of Employment, Ministry of Interior and Health, and the Danish Ministry of Taxation	Ministry of the Interior, with the Finnish Immigration Service	Ministry of Justice	Ministry of Justice and the Police	Ministry of Integration and Gender Equality
Coordination of implementation of the CRC	Ministry of Social Affairs and Integration	No information available	No information available	Ministry of Children, Equality and Social Inclusion	Ministry of Health and Social Affairs



Denmark:

- Convention on the Rights of the Child has a status of a source of national law
- Denmark developed a new action plan 2011-2014 with allocated budget – children feature prominently
- Support for anti-trafficking initiatives globally - a positive feature of the plan
- Further refinement and co-ordination of national mandates needed (welcome)
- Status of a potential victim? While it exists as a concept it is not a legal status
- Extension of outreach services welcome for identification of victims and extending services to potential victims
- Opportunities to offer expertise to the local level through the national mechanisms



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Part 3: General Principles of the Convention on the Rights of the Child

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The right to non-discrimination

- Present in all national laws
- In practice discrimination still exists
 - in relation to the legal and administrative status of the child
 - Based on how the exploiters are charged (Sweden, Finland)
 - Age – different services for different age groups (Norway)



Best Interest of the Child: Strenghts

- Strong provisions in laws and policies relating to
 - Child protection and social services
 - Custody
 - Alternative care
 - Asylum procedure
- Child Welfare Act Finland (positive example):
 - Issues to be considered when best interests are being assessed



Best interests of the child: Challenges

- Sector-specific approach: Fragmented mandates
- Complex concept: No common understanding
- Some children are excluded
 - Children who have been exposed to trafficking or are at risk of it may not benefit from a best interests assessment
 - Not consistent for all children and take into account all rights including the right to be heard
- UNHCR operational guidance offer suggestions
- **Country example Finland:** Development of a psycho-social interviewing model to assess the best interests of the child in the asylum procedure



The right of the child to be heard

- Different age limits (Denmark 12)
- Gaps in systematic recognition at all levels and all groups of children in particular in relation to legal and judicial processes
- Little information from children and how they are being consulted in respect to service provision
- Problems with interpretation
- Child sensitive complaint mechanisms



The right to life, survival and development

- Difficulties in accessing the same level of services for different categories of children
- Guardianship and durable solutions as an example of relevance of all principles



Part 4: Legal, judicial and administrative processes

Non punishment and deprivation of liberty

- Issues around children exploited in criminal activity or begging – not always considered victims
- Offences committed by children in connection to their situation e.g. carrying false documentation should not be criminalised
- Children deprived of liberty for various reasons (immigration detention, children demonstrating self-harming behaviour, children at risk of being re-trafficked) – contrary to the Convention
- Children missing from open reception centres a problem but solution through closer monitoring and supervision, prompt guardianship and outreach work



Return, transfer and stay

- Guiding principles under EU Return Directive and Gen. Comment 6
- In practice: return does not always follow Best Interest Determination
- Risk assessment and follow up could be beneficial (e.g. Norway)
- Differences for EU and non-EU citizens (Denmark)
- Transfers Under Dublin II sometimes problematic – not same standards in all EU countries
- Reflection period for child victims of trafficking too short
- Temporary residence permit often depend on willingness to cooperate with authorities
- Child specific grounds for asylum allow application on the basis of *all* forms of exploitation (not only trafficking)



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Conclusions and Recommendations

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Conclusion

- Clear categorization of children is not possible. Though the status of the child should not be relevant in practice it still is
- Is there or (should there be) a specific benefit from identification and verification of the child victim of trafficking? (from a child protection and child rights point of view) Or should evidence of exploitation of the child be sufficient?
- Should there be specific and targeted approaches to child trafficking? Or should there be integration of services for child victims of trafficking into other structures while at the same time developing targeted and issue specific approaches?



Recommendations for Denmark

- Uniform guardianship system for both unaccompanied and trafficked children – financial support and equal knowledge and training
- Independent institution for children (Ombudsperson) highly recommended
- Non-punishment of children in relation to offences committed when in situations of exploitation or trafficking
- Reduce fragmentation of authority mandates
- Establishment of Children's Houses



Thank you

