



Wilton Park



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Report

Research and policy initiatives to tackle the exploitation, trafficking and modern slavery of refugee and displaced children

Monday 20 – Wednesday 22 February 2017 | WP1540

In association with:





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Regrettably, a world where millions of children are displaced presents itself as a long term status quo. How do governments, international agencies, civil society and businesses address the exploitation of these most vulnerable children – both to prevent them from harm and to seek justice for those who have been mistreated or abused? The right of the child to be protected from harm and supported to thrive must be placed at the centre of any policy solution – based on knowledge, and current research and data. Additionally, prosecution of those who perpetrate harm to children requires a collective global approach.

This Wilton Park roundtable drew together policymakers, activists, corporations, academics, technologists, political thinkers and child protection specialists to articulate the scale of the problem and the scope of a multiagency, collaborative response to the multiplier effect of the migration context on trafficked and exploited children. Representatives from source, transit and destination countries contributed expertise and ideas that developed innovative approaches to reducing the harm experienced by vulnerable children.

The meeting's outcomes centred on agreeing strategies to tackle the data challenge; identifying successful programmatic interventions to combat child trafficking and exploitation in the context of migration; pinpointing the specific policy priorities that need to be championed at the different levels; and developing consensus on the immediate and long-term agenda for global, regional and country level action to mitigate against the specific conditions that place displaced children at risk of harm. Participants took part in a range of plenary discussions and more detailed workshops to identify calls for research initiatives and methodologies that will respond to the immediate and longer term policy requirements of tackling this often hidden element of refugee and migrant flows.

Executive Summary

- Trafficking of child refugees is a growing problem in the context of a broader migration crisis in Europe and globally. Current governmental and non-governmental systems for prevention of trafficking and the protection of children are insufficient for addressing this problem.
- There is a particularly pressing need for greater data collection and better data aggregation on this question, in order to know the scale of the problem, the particular migration routes on which it is focused and to develop more effective

policy solutions.

- Increased regional and international cooperation around anti-trafficking measures and cross-border child protection is vital to ensuring that new and innovative policy solutions are put in place and to ensure that there is not a redundant overlap in efforts in some areas and a lack of attention to others.
- All efforts should take a child-centred approach, driven by the need to secure the best interests of the child, and focused on increasing listening mechanisms to better understand children's needs and making the responsibility to protect the child paramount.

International context

Europe and indeed much of the world, is currently experiencing a widespread migration crisis, fed by a number of factors including the conflict in Syria since 2011 and continuing instability across many low income countries in different regions. In this context, there has been a marked increase in trafficking. According to UN figures, 1 in 3 victims of trafficking globally are children. Issues of migration policy, control and regulation are at the top of the agenda in a number of countries, not least the United Kingdom. In this context, the particular problems and dangers faced by children, whether refugees, asylum-seekers or internally displaced, often fail to be given sufficient attention; in particular the danger of trafficking and other forms of exploitation. There is often disagreement between different governments, researchers and non-governmental organisations about the best methods for combatting these problems, in particular whether a general diminution of migration and tighter border controls would help or hinder efforts to stop trafficking. In this context, there is an urgent need for new research and policy initiatives to tackle the exploitation, trafficking and modern slavery of refugee and displaced children.

The need for conceptual clarity

1. Amongst participants, multiple different definitions of trafficking were in play, despite the existence of the UN Palermo Protocol. There was divergence over what constitutes trafficking as opposed to other migration-related phenomena (such as smuggling). The injunction to define trafficking is not merely an academic question. It also has practical implications, as particular definitions of trafficking criminalise certain kinds of conduct and not others and influence the effectiveness of law enforcement as well as access to justice for children. Does trafficking include internal movement or is it always cross-border movement? Does trafficking require labour exploitation or can it occur without the presence of this factor? Must it always include migration or movement? Many of these questions currently remain unanswered.
2. Clearer answers to these questions and broad, inter-governmental agreement such as that provided by the UN Convention on Transnational Organised Crime and its Protocols would facilitate the formulation of effective policy solutions. They would also help us to better comprehend the ways in which the child migration crisis and the child trafficking crisis are overlapping issues. With greater regional and inter-organisational co-ordination on the questions of trafficking, there is a greater opportunity to work to define trafficking clearly and effectively.

Prevent, protect, prosecute

3. In order to successfully combat trafficking, it must be confronted from multiple angles, which can be summed up by the triad 'Prevent, Protect and Prosecute'. On the prevention side, stronger mechanisms are needed to identify vulnerable children both at source and in transit and to embed protection mechanisms for them into humanitarian and peacekeeping missions. The need for strategic intervention at the source is particularly striking in relation to the trafficking of Nigerian women and girls, which is perceived as an especially pressing problem at present from Western and Central African countries into Europe. There is also a grave need for more practical

frontline funding and support, as at present too few of those working with refugee and migrant arrivals are expert in anti-trafficking measures.

4. More data is needed to assess the efficacy of certain prevention methods. For example, some governments currently argue that a broader diminution of migration, alongside stricter border control and surveillance of incoming children and adults, is necessary to prevent trafficking. Other researchers and stakeholders argue, however, that what is needed in part is an increase in safe and legal migration routes, which would decrease the vulnerability of children and allow for greater protections (see “Safe and Legal Routes” below), and a stronger focus on support for survivors and potential victims to make headway in dismantling criminal activity.
5. International law offers a panoply of protections, for example those offered by the European Commission’s Guidance for the Identification of Victims of Trafficking in Human Beings (https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/thb-victims-identification/thb_identification_en.pdf). These do not require the identification of an individual who forced the child to work in order to trigger protection of the victim. There needs to be more knowledge of the guidelines and the opportunities they offer for the protection of children, even when it is not possible to bring a perpetrator to justice.
6. On the issue of prosecution, there is a need for more robust penalties for traffickers and sustained international cooperation on this issue, along with a better understanding of the types of offenders that target children. However, the need to ensure non-criminalisation of child victims of trafficking is also paramount and should form the basis of an anti-trafficking response. This becomes particularly important in the context of migration where children who are moving irregularly or with a particular destination in mind may consciously avoid contact with the authorities, or have been coached to do so by their traffickers. More broadly, the harmonisation of states on this issue would facilitate successful prosecution, alongside a commitment to put the child’s best interests at the centre. Putting the child first could include ensuring that victims do not have to give evidence in person, in order to avoid re-traumatisation.
7. There is also considerable scope for innovative legal strategies which engage both national and international legal frameworks to ensure that traffickers are prosecuted at a national level and that any profits made as a result of trafficking are garnished, and that these garnished profits are used to compensate the victims. In terms of international legal frameworks, we can turn to the UN Palermo Protocol, the Council of Europe Convention on Action to Combat Trafficking in Human Beings, the ASEAN Convention Against Trafficking in Persons Especially Women and Children, the 2002 OHCHR Recommended Guidelines and Principles on Human Rights and Human Trafficking, the 1926 UN Slavery Convention, and the ILO Convention on the Worst Forms of Child Labour among others, as legal tools to obtain justice for victims of trafficking. However, these legal regulations and tools are heterogeneous and fragmented. It would help the cause of prosecution to develop regional best-practice guidance documents on the prosecution of trafficking which drew on these instruments but was not limited to them, such as the current OSCE Anti-Trafficking Guidelines (<http://www.osce.org/odihr/17566>).

Data collection: opportunities and limitations

8. There are a number of large data sets concerning trafficking - including the trafficking and exploitation of children - collected and collated by researchers or by organisations such as the IOM. However, there are no mechanisms for aggregating these data sets and large scale tests based on this data (such as Controlled Randomised Tests to test particular response mechanisms) are few and far between. Furthermore, there are unavoidable flaws in many datasets, based on problems such as a lack of full birth registration of children (including in Europe), effective identification mechanisms at national and regional levels, and the fact that UN refugee statistics only record around

60% of known child refugees. As a result we do not have a strong sense of the scope of this problem, its historical contours, its evolution and change over time or its geographic reach and we do not have enough information to develop truly evidence-based solutions.

9. Accordingly, more rigorous, extensive and co-ordinated approaches to collecting data on trafficking are needed, both to assess protection responses and to facilitate a more robust understanding of the issue and trends. The range of data needed is broad, encompassing both qualitative and quantitative information and there is a particular need for better listening systems that would capture the experiences of vulnerable children and victims of trafficking themselves. The aggregation of large data sets, such as those available through the IOM and other UN agencies, would contribute to this effort, as would the standardisation of data collection efforts across different nations, agencies and research projects. Ultimately, governments need to take a more proactive approach to the collection of this information and for developing the systems to share this information. Conceptual clarity is also needed to facilitate the collection of data.
10. Further, researchers and other stakeholders need to begin to develop evidence-based solutions to the problem of trafficking and to collect data on the question of what works as a method of protecting children on the move from trafficking and exploitation. This requires more extensive research into the effectiveness of particular interventions. We need to be able to answer such questions as:
 - What puts some children at greater risk of being trafficked than others?
 - How do risks differ between children and adolescents?
 - At which stage of their journey are children at greatest risk?
 - Which structural drivers most influence the risk of being trafficked or exploited?
11. We need to move beyond merely analysing 'push' and 'pull' factors when it comes to migration and trafficking and start to develop a more rigorous understanding of the influence of socio-economic norms and inequalities, individual, family, community and structural factors, employment norms and the global economy on the practice and prevention of trafficking

Taking a child-centred approach

12. While trafficking and exploitation are broad problems that accompany many forms of migration, children are particularly vulnerable to trafficking and require particular solutions. In the context of the Syrian refugee crisis, for example, organizations working with refugees in Lebanon have found that, among the 2.5 million children who have crossed the border from Syria, there is a stark lack of educational opportunities and access to healthcare, as well as food and the basics for survival. Further, many refugee children are not registered with the UNHCR, so they are not captured in official statistics or provided with help and subsidies.
13. Clearly, a child rights-centred approach is crucial to efforts to combat trafficking and exploitation and to achieving a sustained and successful response. There are a number of UN treaties which already provide the framework for such an approach, starting with the UN Convention on the Rights of the Child. In addition, it is necessary to advocate for governments to conduct risk assessments of children prior to any removal of them from a country, as well as conducting tracing and appropriate support of these children, which is accepted practice under a rights-based approach. Finally, we need to broaden our lens as to the children at risk of trafficking, including refugees, internally displaced and stateless children. Often stateless children are particularly at risk of falling through the cracks of protection mechanisms as they do not have citizenship.

Confronting demand

14. At present, most proposed solutions to the problem of trafficking in the context of migration focus on 'push' factors and the supply side, looking at the growing population of refugees and the structural conditions which place these refugees in conditions of vulnerability. However, there is also a considerable 'demand' component, whereby there is a demand for cheap (or free) labour and the exploitation of children in certain industries in order to increase profit margins and contribute to underground and illegal financial flows. International businesses confront this problem on a regular basis, whereby it is difficult to gain information about supply chains abroad and many supply chains are subsequently found to have involved trafficked and other forms of slave labour.
15. Better mechanisms and policies need to be developed to confront demand for trafficked labour and the exploitation of children. Demand must be examined at multiple levels: the immediate level, the intermediate level and then at the broader root causes of demand. We must assess what the major drivers are of exploitation in countries of origin, in transit and at countries of destination. If it were not profitable for criminal organisations to use trafficked labour or to exploit children they would not do so; in this case, we must confront the problem at this level of ending profitability. This effect would also require far greater scrutiny of supply chains.
16. Confronting demand also requires listening to and working with stakeholders on the ground, who understand labour conditions and the structure of the labour market in origin, transit and destination countries. This requires not only governmental buy-in, but also the commitment of businesses which trade in the products of this labour, to enhance their commitment to scrutinising supply chains and working with anti-trafficking groups in countries where their goods are sourced. Recent experiences have suggested that it is also in businesses' best interest to start working as soon as possible with organisations that scrutinise supply chains in countries where these businesses source their goods, as it saves time and money to go straight to those organisations which understand local conditions best.

Innovative policymaking

17. While many states and non-governmental organisations have been aware of trafficking as a problem for over one hundred years, so far there has been a lack of effective policies developed to combat it. Part of the problem is that it is difficult for static systems of governance and regulation to respond to a child population that moves. In addition, there is no one-size-fits-all policy, as different policies are needed to address particular refugee populations and particular migrant routes.
18. As a result, new approaches to innovative policy making are required in order to ensure children on the move can access and enjoy all of their rights. These need to connect global, regional and national scales of policy making. The priorities for policy are:
 - the protection of refugee and displaced persons from trafficking and exploitation
 - the support of countries to build strength and capacity by sharing expertise and resources
 - the establishment of a research fund to explore the nexus of trafficking and migration, to collate the evidence and to increase data collection
 - to develop a central body that would facilitate regional and international cooperation (see below under Enhancing Regional Cooperation).
19. Better data collation and aggregation would help to drive more innovative policy making in the above four directions.

A broader vision for human mobility in the best interests of the child

20. While trafficking and exploitation are broad problems that accompany many forms of Human migration is a mass phenomenon that is an inevitable product of an increasingly globalised world. It is increasing, rather than decreasing and as such it provides a constant backdrop to any policy making on questions of trafficking and forced labour.
21. Policies should be developed on the basis that migration is a constant, as opposed to a 'problem' that can be solved. Protecting child refugees, displaced children and stateless children from trafficking and exploitation must be embedded within this broader vision for human mobility. This involves understanding that children will always migrate (and have done so for centuries) and that child movement should not be framed as a 'problem'. What we need instead is a comprehensive vision for helping children on the move from origin, transit and destination countries that will mitigate the risk of trafficking, while upholding the right of a child to move.
22. This vision should be informed by the work of the IOM and by the recent New York Declaration for Refugees and Migrants. Trafficking in persons is included in Annex II of the New York Declaration as an element to be addressed in the Global Compacts on Refugees and on Migration, which require effective protection of the human rights and fundamental freedoms of migrants and refugees, combatting trafficking in persons and contemporary forms of slavery and identifying those who have been trafficked. Engaging with the New York Declaration and the IOM serves to remind us that efforts to stop child trafficking and exploitation in the context of migration/forced migration are not beginning from scratch; rather, the broader migration and refugee community, in the form of civil society, migrant and diaspora organizations, academia, the private sector and unions and regional consultative bodies, is able to contribute their knowledge and experience to this process.

Safe and legal routes

23. Research and anecdotal evidence suggests that the risk of trafficking is increased when children migrate clandestinely, particularly where children are forced to rely on smugglers – and in some cases traffickers - to move. In these situations, they are often not afforded the protections of governments in departure or destination countries and are more reliant on third parties to facilitate movement. These third parties in turn can exploit child migrants; for example, taking away their passports and forcing them to work to pay off supposed 'debts' incurred by the migration process.
24. An increase in safe and legal routes for children is one potential way of facilitating efforts to combat trafficking. The example of the large number of women and girls traveling from Nigeria to Italy highlights the vulnerable position in which the criminalisation of certain migration passages places migrants. As this demonstrates, new migration routes are constantly evolving which raise new challenges for anti-trafficking policy, as we need deep and detailed knowledge of each route to understand the particular dangers faced by those in transit. Thus, anti-trafficking work should include efforts to anticipate where routes will intensify and where new routes will appear. At the same time, there is a need to utilise legal mechanisms which regulate safe and legal routes such as, in the European case, the Dublin III Regulation, according to which an unaccompanied child's asylum case can be transferred to another EU State if the child has family members there.
25. It is worth noting that in a recent debate in the House of Commons, the Home Secretary said repeatedly that taking in unaccompanied refugee children from other countries acts as a pull factor for children to be trafficked. Thus, by extrapolation, this argument would suggest that an increase in safe and legal migration passages also results in an increase in trafficking. This is a highly contestable claim which a significant number of researchers and stakeholders dispute, and there is not data or evidence to back up the government's argument. Many children themselves report that they make

the decision to irregularly migrate due to a lack of other safe and legal routes available to them.

Enhancing regional cooperation

26. Many governments and non-governmental agencies have anti-trafficking policies in place, and according to the UNODC, 158 countries now have statutes in place that criminalise the forms of trafficking in persons set out in the UN Palermo Protocol (88%, as compared to 13% in 2003). However most national legislation is relatively recent and prosecution rates remain low as a result. Moreover, the policy situation is fragmented and there are often few central co-ordination bodies at the national or regional level. Many governments have conflicting motivations when developing anti-trafficking policies, citing concerns around border control or resource allocation, and some seek to shift responsibility for protecting children and preventing countries onto neighbouring countries, or on to countries of origin rather than destination (or vice-versa). As a result, there is an urgent need for a central body to co-ordinate anti-trafficking policy, data collection and to facilitate regional and international cooperation.
27. One such model for such a body would be the United Nations Commission on the Status of Women. A Commission on the Status of displaced children could drive the policy conversation more usefully than multiple fragmented bodies.

Recommendations

- Regional and global co-operation would be facilitated by the creation of a centralised body dedicated to co-ordinating anti-trafficking efforts. This could be set up on the model of the Commission on the Status of Women. A Commission on the Status of displaced children, run through the UN, would be one example of a body which could serve this purpose
- A dedicated research fund should be established in order to co-ordinate far greater efforts in data collation, standardisation, aggregation and dissemination
- Governments and non-governmental organisations should have an extensive conversation about the possibilities of increasing safe and legal routes
- The prevention, protection and prosecution model for combating child trafficking and exploitation should be embedded in the broader vision for human mobility that is represented by the New York Declaration for Refugees and Migrants and in the Global Compacts on Refugees and on Safe and Orderly Migration
- Anti-trafficking efforts should be embedded within frontline humanitarian missions which work with refugees, for example in the refugee and IDP camps in Lebanon and Iraq.
- Child-centred approaches should take precedence in all attempts to prevent, protect and prosecute trafficking. These approaches would prioritise the best interests of the child, create listening mechanisms that capture a child's own experience and channel this into policy making and operational delivery, taking all efforts to protect and avoid re-traumatising a child and endeavouring to achieve justice for child victims of trafficking Governments should consider what more can be done to create and strengthen cross-border child protection mechanisms, including in the identification of children at risk of trafficking, children who have been trafficked or exploited, and to support measures such as safe family tracing and reunification.

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