



Organization for Security and Co-operation in Europe

Combating Trafficking in Children

18 March 2005, Vienna, Austria

Conference sponsored by the OSCE Special Representative
on Combating Trafficking in Human Beings
and the Anti-Trafficking Assistance Unit
Under the Aegis of the Alliance Against Trafficking in Persons

COMBATING TRAFFICKING IN CHILDREN

On 18 March 2005, over 250 participants from 48 OSCE participating States and Partners for Co-operation took part in a one-day conference on Combating Trafficking in Children at OSCE headquarters in Vienna, held under the auspices of The Alliance Against Trafficking in Persons.

Combating Trafficking in Children is a high priority for the OSCE. The Sofia Ministerial Decision 13/04 tasked the Permanent Council to develop an addendum to the OSCE Action Plan to Combat Trafficking in Human Beings on addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance. An important aim of this conference was to develop a comprehensive approach to combating trafficking in children and thus to provide useful background information to members of OSCE delegations in preparation for drafting this addendum. The conference, bringing together experts from the entire OSCE region, included panel discussions on The Investigation of Sexual Crimes, The Role of Parliamentarians in the Fight against Trafficking in Children, and Sexual Exploitation of Children, Child Pornography and the Internet.

The results of the conference are reflected in the presentations and papers that follow here. (Not all of them were available at the time of posting.)

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AGENDA

OSCE High-Level Conference

Vienna, Hofburg, Neuer Saal
18 March 2005

«Alliance Against Trafficking in Persons: Combating Trafficking in Children»

09.00 – 10.00 **Registration**

10.00 – 10.30 **Welcome Addresses**

- Boris Frlec, Head of OSCE Task Force, Ministry of Foreign Affairs of the Republic of Slovenia
- Jan Kubis, OSCE Secretary General

Introductory Remarks

- Helga Konrad, OSCE Special Representative on Combating Trafficking in Human Beings

10.30 – 11.30 **Child Trafficking and What to Do about It**

- Mike Dottridge, Expert/Consultant on Human Rights and Child Rights

Child Trafficking in the OSCE Region

- Andrea Rossi, UNICEF Innocenti Research Center

Discussion: inputs, comments, reports on good practices by national anti-trafficking coordinators, government representatives and parliamentarians regarding the situations in countries of origin, transit and destination; contributions from IOs and NGO

11.30 – 12.00 **Coffee Break**

12.00 – 13.00 **Role of Parliamentarians in the Fight against Trafficking in Children**

- OSCE Parliamentary Assembly: Giovanni Kessler, Vice President, OSCE PA
- Council of Europe Parliamentary Assembly: Rosmarie Zapfl-Helbling,
- Vice Chairperson of the Committee on Equal Opportunities for Women and Men
- EU Parliament: Lissy Gröner, MP

Discussion

13.00 – 15.00 **Lunch Break**

15.00 – 16.00 **Investigating Sexual Crimes: «Think Offender»**

Ray Wyre, International Expert on Sexual Crime Investigations

Discussion

Moderator: Richard Monk, Senior Police Adviser, OSCE SPMU

- 16.00 – 16.30 **Coffee Break**
OSCE Special Representative
on Combating Trafficking in Human Beings
- 16.30 – 17.45 **Panel Discussion: Sexual Exploitation of Children, Child Pornography
and the Internet**
- Markus Jaeger, Council of Europe, Deputy Director,
Office of the Commissioner for Human Rights
 - Prof. Gert Vermeulen, University of Ghent
 - Valerio Papajorgji, Europol, Serious Crime
Department, Crime against Persons
 - Ray Wyre, International Expert on Sexual Crime Investigations
 - Richard Danziger, IOM, Head of Counter-Trafficking Section
- Moderator: Ambassador Brendan Moran, Chair of OSCE Informal Working Group
on Gender Equality and Anti-Trafficking
- 17.45 – 18.00 **Concluding Remarks**
Helga Konrad, OSCE Special Representative on Combating Trafficking
in Human Beings

Ambassador Dr Boris Frlec, Head of the OSCE Task Force, Ministry of Foreign Affairs of the Republic of Slovenia
Welcome Address

Ladies and gentlemen,

It gives me great pleasure indeed to welcome you on behalf of the Slovenian Chairmanship here in Vienna at the seat of the Organization for Security and Co-operation in Europe to the first OSCE High-Level Conference entitled «Alliance against Trafficking in Human Beings: Combating Trafficking in Children».

Let me first of all congratulate you, Dr Konrad, OSCE Special Representative on Combating Trafficking in Human Beings, and the members of the OSCE Anti-Trafficking Assistance Unit on your fruitful contribution in the area of human trafficking. We wish you wisdom and strength in performing this challenging task in the future. As you well know, the fight against trafficking has become one of the priorities of this organization. Protection of victims, especially child victims, is an essential aspect of the fight against trafficking.

The dedicated efforts of governments, international organizations and NGOs have helped us to gain a more comprehensive understanding of the scope of human trafficking. The focus in the international fight against human trafficking has been shifting from merely criminal prosecution of traffickers to a victim's protection approach. The sad reality that many victims of trafficking are young people, children and minors urges the international community to devote its utmost attention to special needs of this particularly vulnerable group of victims.

There is a saying in Slovenia that children are our greatest wealth. Consequently, we are responsible to protect them in every possible way, since they cannot protect themselves. Trafficking and smuggling of children is clandestine in nature and sometimes it is impossible to perceive the reasons behind a child's behaviour. Children may not be able to define what has happened to them or they may even feel guilty for being abused. They are afraid to tell. That is the main reason why we need to perceive their fears, their distress and their needs. We are obliged to act accordingly.

Children are victims of sexual abuse, different forms of forced labour and servitude, and of organ trade. Child victims suffer gross violations of human rights, including the deprivation of liberty, appropriation of income, illegal working conditions and various forms of psychological, physical and sexual abuse.

Child trafficking is linked with many problems. When deported to their countries of origin, these children are usually not identified as victims. They are deported without escorts and may return into the trafficking cycle. Law enforcement officials are often unable to define the exact age of a victim. In addition, age is perceived differently in different cultures. Furthermore, the basic requirement that a child victim be treated to the best interest of the child is often disregarded. Governments do not provide for them shelters different than those meant for adults; they do not devise specific residence and repatriation regimes for children or child friendly court systems for child victims who have to participate in criminal proceedings.

The general belief that the child is best protected through the family is, unfortunately, not always correct. Families are often even the source of the problem, despite good intentions, because they are poor or unaware of what is happening to the child. That is another reason why the protection of children's rights should be guaranteed by international standards.

The international community has agreed on some standards of child protection, which are reflected in various international documents. The Magna Carta for the rights of the child nationally and across the world is the UN Convention on the Rights of the Child ratified by 192 countries. ILO Convention No. 182 on the Worst Forms of Child Labour defines trafficking as one of the worst forms of child labour, compelling governments to prevent trafficking of children, rescue and rehabilitate children who have been trafficked, and prosecute those responsible. The issue of child trafficking is addressed in greater detail in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime. Yet, the success of these international documents can only be measured by the extent to which the rights are implemented – respected in practice. This is a task to be fulfilled by the governments of State Parties, in collaboration with international organizations, NGOs and other agencies.

Due to its unique capacity, the OSCE has a comprehensive approach to combating trafficking. We should therefore welcome the OSCE approach to focus specifically on the issue of child trafficking. At its Sofia Meeting last December, the Ministerial Council tasked the OSCE to elaborate an addendum to the OSCE Action Plan to Combat Trafficking in Human Beings, on addressing the special needs of child victims of trafficking for protection and assistance. The OSCE Permanent Council was tasked with elaborating this addendum through the Informal Working Group on Gender Equality and Anti-Trafficking, with support provided, inter alia, by the Special Representative on Combating Trafficking in Human Beings, and other relevant OSCE structures. The addendum will, in line with the commitments made by participating States under existing international conventions to which they are Parties, adequately address the need to take special protection measures for children, taking into account best interest and welfare of the child.

I firmly believe that all of you present here today can help to develop the comprehensive approach we need by sharing your expertise, insight, experience, information and good practices. Human trafficking is not an abstract problem. We can think of it as a criminal law problem, as a law enforcement problem, as an economic problem, as an immigration problem, or as a public health problem. It is each and all of these.

But let's keep in mind that behind each of these problems there is a human face and trafficking constitutes an assault on the humanity. Accordingly, it must be seen first and foremost as a human rights problem with a human face. Even worse, imagine the face of a child. Trafficking in human beings is a horrendous crime and a grave violation of human rights. It is a complex human rights issue and it also represents a threat to security and stability in the OSCE area.

I am happy to see you gathered here, eager to discuss and, hopefully, agree on a course of action that will contribute to mainstreaming child trafficking issues in the OSCE region. In this, we have a common cause; working together, we can create a critical mass of advocacy on behalf of this common cause.

I wish you a fruitful meeting.

Jan Kubis, OSCE Secretary General Welcome Address

Your Excellencies, Ladies and Gentlemen,

The fight against trafficking has become one of the absolute priority areas of this organization, reiterated also in the most recent report of the OSCE-Council of Europe Co-ordination Group meeting.

We have come a long way during the past decade – from raising awareness to establishing a framework of commitments that are guiding us today. From the Moscow Document of 1991 to the Istanbul Charter and the Ministerial Decisions of Vienna, Bucharest, Porto and Maastricht the OSCE participating States have demonstrated their increased awareness of the problem and their commitment to do something about it.

As was rightly pointed out repeatedly in the recent past both by the Special Representative and delegations, it is time for action: the framework is in place, the OSCE Action Plan with its concrete recommendations has been enacted, an Anti-Trafficking Mechanism was established – we need to translate this framework of commitments and recommendations into real, concrete and efficient action. Today shall bring us one step closer to that goal.

An estimated 1.2 million children are trafficked each year. Children are trafficked across international borders as well as within the national borders of countries in Asia, North and South America, Europe and Africa. These children are trafficked for purposes of commercial sexual exploitation, forced labour, begging, military conscription and other cruel and inhuman purposes. National disasters, such as what we have recently witnessed in Southeast Asia, as well as regional conflicts, are particularly devastating for children – who are left extremely vulnerable and easily exploitable by predators all too willing to make a profit by exploiting human misery. And yet, despite these numbers, emphasis on combating child trafficking as one distinct aspect of the global war against trafficking has received too little attention.

Not all countries have yet enacted anti-trafficking legislation and among those which have, the particular needs of child victims of trafficking receive little attention.

Many countries have not yet formulated a definition of child trafficking, thus impeding the efforts of law enforcement officials as well as service providers by their inability to identify, and subsequently assist, child victims of trafficking.

All too often, child victims of trafficking – because they are exploited as adults – are often provided assistance by adults, with little attention to their unique emotional, physical, medical and psychological needs. This situation must change.

Decision No. 13/04 of the OSCE Ministerial Council of Sofia, on 7 December 2004, underscores this organization's unwavering commitment to strengthen protective and assistance efforts on behalf of child victims of trafficking, in particular by calling for an addendum to the OSCE Action Plan to Combat Trafficking in Human Beings. This addendum will be developed through the Informal Working Group on Gender Equality and Anti-Trafficking, now chaired by the Irish Delegation and supported by the Special Representative and the Anti-Trafficking Assistance Unit.

Welcome Address by Jan Kubis, OSCE Secretary General

This work has already begun.

This conference moves us one step closer to strengthening our efforts on behalf of children. We will have the opportunity to learn of the most recent research in this field and learn from parliamentarians about their efforts to address this problem through legislative means. We will have the occasion to discuss the demand which exists for children in particular and we will also be able to learn more about the dark role played by the internet in this area. In all of these discussions, we will look for strategies, solutions and means of cooperation.

I wish all of you a successful conference, fruitful debates and productive results.

Helga Konrad Introductory Remarks

According to estimates by international organisations and NGOs one million or possibly even two million children throughout the world fall victim to sexual or other forms of exploitation. Many of them are victims of human trafficking. And trafficking in children — which is what this crime is called — is human trafficking in its most abhorrent form. And I regret to say that what we see and all we know about it, is nothing but the tip of the iceberg.

What we need to know, however, is that unfortunately child trafficking is anything but a negligible by-product of human trafficking, but that it generates huge profits and is consequently expanding dramatically. The crime defined as trafficking in children stands for commercial sexual exploitation of children including child pornography (here I should like to mention explicitly paedophiles who deliberately exploit a relationship of trust to abuse children). It stands for other forms of commercial exploitation of children by forcing them to steal, to beg — there are reports about children being crippled to «earn» more money due to the pity they arouse — and it stands for children working in conditions of forced or bonded labour.

According to surveys conducted in South Eastern Europe, children account for more than 30% of all the victims of human trafficking. This number is expected to grow even further, since traffickers and their accomplices are increasingly targeting ever younger victims, in part prompted by the fear of HIV and AIDS.

Sometimes, tradition is used as a pretext for various ways of abusing and exploiting children. There is the notorious case of the mayor of a small town who, without the slightest compunction regularly «rented» children of poorer families for the performance of all manner of chores. In some African and other regions, for example, children of poorer families are sent to their wealthier relatives to be educated and trained. We know that this practice is, again and again, conducive to child trafficking. And there is the example of young boys being kidnapped and sold to the Emirates as so-called «camel jockeys». They are starved to reduce their weight, trussed unto the camels' backs and sent on races during which they suffer severe mental and physical pain and damage that may even lead to their deaths. Although law banned this practice many years ago, the ban is very loosely and reluctantly enforced.

This takes me to anti-child trafficking legislation in general — to its shortcomings and implementation problems. On the one hand, existing legislative and structural gaps need to be filled; on the other hand, legislation that exists requires more rigorous application. Moreover, there is a whole range of recommendations and guidelines (such as the UNICEF Guidelines, the recommendations of Save the Children, Terres des Hommes and others) which, if applied, could be important tools in remedying the situation, and the most important of which we would like to discuss here today, since I believe that the time has come to translate recommendations into obligations and action.

Helga Konrad Introductory Remarks

Without further dwelling upon this in my introductory remarks, I feel it deserves mentioning that meanwhile — at the most recent session of the OSCE Parliamentary Assembly (as reported by the Special Representative of the OSCE PA, Chris Smith) — 32 countries have laws allowing prosecution of their citizens for sexual abuse of children committed abroad.

What is needed in addition to this zero-tolerance attitude when it comes to the prosecution of the perpetrators and offenders are comprehensive measures of prevention with a view to preventing children from being abused and trafficked.

Studies highlight the link between poverty and the risk of children being trafficked. Frequently it is poverty that prompts parents to sell their children or to hand them over to traffickers for a few dollars or euros. But the problem cannot be reduced to poverty, nor can poverty be used as an excuse — there are many root causes to be taken into account and comprehensively addressed — which is another point I would hope we can discuss here today.

In the assistance and protection of trafficked children, account has to be taken of their special needs. We have to be aware that their chances of finding help are restricted by the mere fact that they are children. To this inherent vulnerability others are frequently added, for example when they travel as unaccompanied minors or as the children of illegal migrants or as refugees, or when they belong to marginalised ethnic cultural and religious groups. And, last but not least, gender may also be a factor exacerbating the vulnerability of trafficked children.

What we should like to discuss here today are protection measures tailored to the needs of trafficked children, such as the appropriate identification of child victims of trafficking, appropriate housing including the quality of reception, the appointment of legal guardians, family reunification, repatriation versus legal residence status, etc, etc. — all of which, by the way, ought to be linked to state child-welfare programmes. In one word, measures that are in the best interests of the child.

The international NGO ECPAT, the international organisation UNODC and our Office of the Economic and Environmental Coordinator have mounted and promoted an exhibition on the problem of child abuse, exploitation and child trafficking under the motto, «Don't ignore the problem, acknowledge it». This is truly what it's all about — no problem has ever been solved by denying or ignoring it. The problem needs to be acknowledged, analysed and comprehensive counter measures have to be instituted.

All those responsible on the spot, government authorities, law enforcement and civil society are called upon to combat child trafficking within institutionalised cooperation structures in order to ensure that all facets, all dimensions of child trafficking are properly addressed. It goes without saying that many different sectors have to be actively involved in the fight against trafficking in general and against trafficking in children in particular. It is a fact that the degree and the mechanisms of cooperation at the national level, and ever more so at the transnational level are frequently still unsatisfactory.

The role of NGOs is of particular importance, as they provide both research and a wide variety of services in the protection of victims. NGOs should be considered vital partners of state institutions within a structure of well-defined relations and division of responsibilities

with a view to mutually reinforcing know-how and competence. Multi-disciplinary working groups involving the relevant actors entrusted with the drafting of multi-year strategies and national action plans would facilitate a comprehensive approach and periodic self-assessment.

It goes without saying that we are not starting from scratch when we address this issue. The commercial sexual exploitation of children was dealt with at two world congresses, one in Stockholm in 1996, the other in Yokohama, two years ago. The South Eastern European countries participated last year in the Platform on Combating Trafficking of Children in Europe, mounted together with the Commissioner for Human Rights of the Council of Europe and the SPTF. Relevant programmes have been developed by the European Commission; the Council of Europe has issued recommendations on the protection of children, including the International Cybercrime Convention, international organisations and NGOs also contributed to the efforts against child-trafficking through research, awareness raising, preventive measures and return and reintegration programmes. All these activities have sought to sensitize and train national partners and strengthen their capacities.

From the above it is obvious that the whole range of efforts have already been made, measures and actions taken. The challenge is now to fit the pieces of the puzzle together, to interlink the various activities and to move on to a massive, integrated and coordinated response. Focusing on less than a comprehensive picture will lead to failure.

This conference here today is important also as an opportunity for all of us to reaffirm that children are not a commodity to be bought and sold, that their rights must be safeguarded with determination and sensitivity, and that their voice must be heard in the observance of these rights.

With this conference we would also like to take another concrete step towards practical implementation.

Mike Dottridge Child Trafficking and What to Do about It

In this presentation about child trafficking I am going to talk about patterns of child trafficking and the harm inflicted on children. I will go on to focus on what governments can do about the problem. I will also mention some responses to child trafficking which have proved counter-productive.

Children who are trafficked experience many different sorts of abuse, depending on what sort of exploitation they are subjected to. The key aspects are that a trafficker takes control of someone else's child — any age below 18, boys as well as girls — and moves from one place to another to be exploited so that someone else makes money.

Whereas the recruitment of trafficked adults is associated with some degree of coercion or deception, this is not necessarily the case for children. The aim of the trafficker is to get them away from the environment they are familiar with so that they are vulnerable and can be made to do as they are told.

Furthermore, we know the principal group of adults affected are women trafficked for commercial sexual exploitation; while this affects many teenage girls, there are other ways of making money out of children.

Habitually we think of trafficking as involving people taken from one country to another, but there are plenty of cases in which children are trafficked within their own country.

The types of exploitation which trafficked children and adults experience are listed in the Trafficking Protocol adopted by the United Nations in 2000, supplementing the Convention against Transnational Organized Crime. They include:

- The «exploitation of the prostitution of others» (commercial sexual exploitation) and other sexual exploitation;
- Forced labour or services;
- Slavery, servitude and practices similar to slavery;
- And the removal of body organs for illicit transplant.

In the case of children, trafficking also involves babies and young children trafficked illicitly for intercountry adoption. In such cases the children are not subjected to «exploitation»; it is the process of marketing babies for adoption illicitly which makes money for the intermediaries involved.

In practice, this means children are trafficked to be used in OSCE countries in six distinct ways:

1. Commercial sexual exploitation;
2. Adoption;
3. Live-in domestic servants, kept in «servitude» in virtual captivity;
4. Begging, to earn money for a «controller» rather than simply to meet their own needs (both by straightforward begging and by playing musical instruments or hawking petty goods in public places);

5. Illicit or criminal activities, including stealing – taking money out of parking metres is one example;
6. And other hazardous «worst forms of child labour», as the International Labour Organization calls them.

As you see in these examples, trafficking affects three different age groups:

- Adolescents who are «almost adults», mainly 16 or 17-year-old girls, trafficked for sexual exploitation;
- Pre-puberty children trafficked for their labour, albeit in illicit activities;
- Babies trafficked for adoption.

People tend to think these cases belong to quite different categories, although all the children involved have been trafficked and have the same right to protection. Most people perceive the involvement of adolescents in commercial sex to be abusive, whether the children involved are above or below the legal age for giving consent to sexual intercourse. However, many do not know how to react to children playing music in the streets and asking for money: you might think they are genuinely destitute and in need of money. Most of us perceive children committing crimes, such as stealing, to be criminals who should be punished, not victims in need of care and protection. And we do not notice the final group at all; children living and working in private residences were invisible until activists in Paris and elsewhere noticed their existence and denounced it as «modern slavery».

So, if you think there are no trafficked children in your country, perhaps no-one has yet looked carefully enough.

I cannot offer you meaningful statistics about the number of children trafficked into or within OSCE States.¹ A few years ago, the ILO estimated that there were 1.2 million children being exploited around the world who had been trafficked. This does not mean there are thousands of children being trafficked into your country: it may be just a few hundred a year. Even so, these are tragic cases requiring urgent assistance and protection.

Governments have specific responsibilities in relation to trafficking, set out in international conventions, protocols and guidelines.² The UN's Trafficking Protocol is a key stone. You are undoubtedly familiar with the OSCE's Action Plan to Combat Trafficking in Human Beings (2003). There are ongoing discussions at the Council of Europe and elsewhere about what protection to give adult victims, but as far as children are concerned the UN Convention on the Rights of the Child presents the basic principles, which are spelled out in UNICEF's Guidelines for Protection of the Rights of Children Victims of Trafficking.

These were developed in Southeastern Europe, but set out procedures which are equally applicable to other OSCE States.

These responsibilities mean you should be taking action:

1. To prevent trafficking and the exploitation associated with it;
2. To identify the children who are victims and come to their assistance;
3. To protect the child victims;
4. To find a durable solution in the best interests of each child.

This implies that you have much more to do than stopping crimes from being committed by traffickers.

Your opportunities to prevent child trafficking and to protect the child victims are linked to the different phases which victims of trafficking go through. This is because trafficking in human beings is a process, not a one-off event. Consequently, even within one country, many different agencies are needed to address the problem, requiring coordination by a «National Referral Mechanism»

The phases involved in trafficking are chronological ones which offer different opportunities to intervene.

There is (firstly) a phase before trafficking occurs, crucial for prevention; (secondly) a phase when a child moves and can be intercepted; (thirdly) the phase of exploitation, from which some are rescued, while others escape by themselves; lastly there are the recovery phases, when children need protection to avoid falling back into the hands of traffickers, as well as against other threats, such as intrusion into their privacy by journalists, being stigmatised because of their experience or inappropriate action by officials responsible for protecting them.

I now want to talk about what government agencies can do about child trafficking, particularly to protect the children involved.

You can do many different things to prevent trafficking, at the level of individual children or to address the root causes. In many countries, border points are seen as a key opportunity to prevent children from being trafficked and to identify and protect those who might be. However, it is very difficult to distinguish children destined for exploitation from other categories of children on the move and it would be wrong to stop older children from visiting new countries.

The others include asylum seekers, unaccompanied children, children travelling with an adult who may not be their real parent, and young people looking for work. None of these categories are by definition victims of trafficking, but all can be.

The protection to which exploited children are entitled is summarised in UNICEF's Guidelines. In brief, it means:

- taking children out of an abusive situation;
- ensuring they are not subjected to further abuse;
- and enabling them to recover and get on with their lives.

In line with commitments made by most OSCE States when they ratified the Convention on the Rights of the Child, all decisions taken about a trafficked child must make the child's 'best interests' a primary consideration.

Once trafficked children are identified, they need protection while they recover. Trafficked children suffer many forms of abuse and harm, when they are in transit, while being exploited and even after being rescued. Throughout, they may be subjected to coercion

and physical punishment, while young children are kept in a state of dependency to make them do as they are told.

Children trafficked to beg in one country are reported to have been starved, beaten, punished with cigarette burns, made to swallow shampoo and forced to sleep in the open air. They describe themselves as being like «robots», programmed to do as they are told.

Sexual exploitation brings its own special problems, because of sexual violence and physical harm, and because of the many behavioural effects of sexual abuse.

Even the recovery period brings dangers, because of threats from traffickers and also because of ill-treatment or inappropriate treatment by the police or others.

The steps needed to protect trafficked children can be divided roughly between emergency needs, in the place where a child is found, and longer term needs which involve finding a «durable solution» for each child.

The steps are not too complicated, but are rarely applied systematically. In the short term one of the most urgent is to appoint a temporary guardian – an adult with a specific responsibility to look after the child's best interests while she or he remains in the country where they have been trafficked.

They need protecting from traffickers who want to regain control of them. They must have an urgent needs assessment to see if they require medical or other urgent attention. They need temporary, safe accommodation. It is a priority to regularise their status by granting children without a passport or without a right to be in the country a «temporary humanitarian visa» to last while they recover and while a durable solution is worked out. There are three options for a durable solution:

1. Local integration in the country to which a child has been trafficked;
2. Return to the child's country of origin and reintegration;
3. Moving to a third country for integration there.

It is widely assumed that the second option, returning to the child's country of origin, is the most appropriate, just as it is assumed that children will be best off returning to their parental home. This is by no means always the case.

The principles on which decisions about durable solutions should be based are fairly clear and come from the Convention on the Rights of the Child. First, the child's best interests should be a primary consideration. This is why a Guardian should be appointed and take part in the decision-making process, and also why a social welfare authority, rather than the immigration service, should have ultimate responsibility for decisions. Children have a right to return to their own country, but also a right to protection, and this right (to protection) may take precedence over the right to return home when this involves unacceptable risks.

Traffickers treat children like commodities, so it is important that government agencies should not do the same: this means listening to children's views, finding out what they

want, and taking their views into account, particularly on critical issues, such as domestic abuse which may have caused them to leave home in the first place.

Returning to their country of origin voluntarily and with the assistance of others is often the best durable solution. However, every return is conditional on three criteria:

1. Firstly, the child is not a refugee and has not asked for asylum;
2. Secondly, that a suitable carer is available and willing to take responsibility for the child [or that alternative arrangements are available for older teenagers];
3. Thirdly, and routinely overlooked, that both a security assessment and a risk assessment have been carried out - at the initiative of the authorities in the country where the child is located, but also involving the authorities in the child's home country. Before a child returns home, assessments should confirm there are no significant risks, such as threats from traffickers or a likelihood of abuse or aggression by relatives or others in the community.

Family reunification works best when welfare specialists [from a social services department or an NGO] are involved and can offer follow-up support and monitoring to see if further action is necessary to prevent a child being trafficked again.

So there is a lot you can do to protect children who are trafficked. Equally clearly, there are some policy responses which either add to the trauma experienced by trafficked children or actually increase the chances that they will end up back in the control of traffickers.

These include:

- Blanket responses which result in violations of human rights;
- Criminalizing trafficked children by detaining them, or charging them with offences in connection with their illegal status or their activities while under the control of traffickers; and
- Summarily deporting them – whether they are young children who clearly cannot look after themselves, or older teenagers who are still entitled to protection.

One way in which you could proceed would be to organise a review at national level to assess how your current practices compare to those suggested by the OSCE Action Plan and UNICEF's Guidelines. You could ask the review panel to recommend the steps needed to bring practice into line with the Action Plan and Guidelines and thereby contribute to stopping the abuse which occurs at the moment.

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1. Some reliable statistics are available on trafficked children passing through the hands of specific agencies. For example, between 1999 and 2004, the International Organization for Migration (IOM) is reported to have assisted some 4,000 people categorised as victims of trafficking to return to Moldova: 12 per cent (about 480) were under 18 when they were trafficked. Some sense of the proportion of children among women and girls trafficked into commercial sexual exploitation comes from statistics issued by shelters: for example, a shelter for women and girls returning to Albania reported providing shelter to 121 people during the first half of 2003, of whom 19 were under 18 (16 per cent).
 2. The principle international instruments are:
 - the Convention on the Rights of the Child (1989) and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000);
 - the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the «Trafficking Protocol»), supplementing the UN Convention against Transnational Organized Crime (2000);
 - the ILO's Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999);

Mike Dottridge Child Trafficking and What to Do about It

- The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention No. 33) (1993).

The principle guidelines are:

- the World Health Assembly guidelines adopted in 1991 establishing international standards in relation to organ transplants and the possibility of commercial trafficking;
- the UN High Commissioner for Human Rights' Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002);
- UNICEF's Guidelines for Protection of the Rights of Children Victims of Trafficking in Southeastern Europe (2003).

Lissy Gröner

Child trafficking

Background Information

Worldwide, estimates of the number of women and children trafficked annually range from 700 000 to 4 million. According to the United Nations, 1.2 million of these victims are children.

The European Union is also affected by this phenomenon. The European Parliament, and in particular the Committee on Women's Rights and Gender Equality, has a great interest in this issue and it devoted a report to it in 2000. But, since then, many new developments have occurred both at the international and EU level. The Committee thus decided to draft an own-initiative report on this subject in 2005, entitled «Strategies to combat trafficking in women and children who are vulnerable to sexual exploitation».

It should also be reminded that, on a more precise topic, the Committee on Women's Rights and Gender Equality decided to order an external study on «National legislations on prostitution and the trafficking in women and children» during its meeting of 23 September 2004. This study aims at evaluating the impact of the national legislations concerning prostitution on the amount of trafficking in women and children and will be available in the forthcoming months.

Most of the victims tend to be female, generally ranging in age between 18 to 30 years old. However, much younger female victims, as young as 13 or 14 years old have been trafficked, and in some cases young boys as well.

As far as children are concerned, the main regions of origin are similar: Central and Eastern Europe (e.g. Moldavia, Romania and Ukraine), West Africa (e.g. Nigeria and Sierra Leone) and Asia (e.g. China, Afghanistan and Sri Lanka).

Children are particularly vulnerable to trafficking as it is easier for traffickers to target them through coercion, deception or manipulation and as they are more dependent on adults and have fewer possibilities to escape an exploitative relationship. Most of them come from family structures that are either broken or have a significant level of internal conflict and they have often experienced a high degree of violence prior to migration. These children often report that their parents readily accept, and sometimes actively encourage, their migration as a form of sustenance for the entire family.

A final consideration has to be made in terms of child trafficking. Although there is a clear consensus that trafficking in children is growing it is yet difficult to quantify. Children are often invisible in data and statistics, which usually use adults as a unit of analysis.

EU Actions

The European Union has recently been active in this area. The first step was the introduction by the Treaty of Amsterdam of a reference to the trafficking in human beings in the treaties. Article 29 of the Treaty on the European Union now states that «without prejudice to the powers of the European Community, the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice (...). That objective shall be achieved by preventing and combating crime, organised or otherwise, in particular (...) trafficking in persons and offences against children».

The issue is also addressed in the Treaty establishing a Constitution for Europe. Trafficking in human beings is thus explicitly addressed in a number of provisions. Article II-65(3) of the Charter of Fundamental Rights states that «trafficking in human beings is prohibited». According to Article III-267(1) the Union shall develop a common immigration policy aiming at «the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings». Article III-267(2)(d) demands framework laws establishing measures in the area of «combating trafficking in persons, in particular women and children» and article III-271(1) states that minimum rules concerning the definition of offences and the sanctions in the area of «trafficking in human beings and sexual exploitation of women and children» should be adopted at the European level.

The most significant EU action in this area is the Council framework Decision on combating trafficking in human beings of 19 July 2002. The UN definitions form the basis for this Decision which approximates the criminal laws of the Member States. It obligates the member countries to ensure that trafficking in humans for forced labour as well as for sexual exploitation are criminalised, as are the instigation, aiding, abetting and attempt of such activity. The decision also includes stipulations on the maximum penalty (six years of imprisonment) and on aggravating circumstances. The issue of co-operation between the member states is also addressed.

The other milestones for the European Union are the adoption of the Directive of 29 April 2004 on a temporary residence permit for victims of trafficking who cooperate with the authorities and, with regard to some aspects of trafficking in human beings, the Framework Decision of 22 December 2003 on combating the sexual exploitation of children and child pornography.

Some European programmes are also aiming at improving the prevention of and the fight against trafficking in human beings. The European Union's STOP II programme for 2001-2002 was intended to prevent and combat trade in human beings and all forms of sexual exploitation of children. It was also designed to help the victims of these criminal activities. It followed from the initial STOP programme which ran from 1997 to 2000 and aimed at developing a coordinated, multidisciplinary approach to preventing and combating trade in human beings and the sexual exploitation of children. The STOP II programmes expired at the end of 2002 and was replaced by AGIS. It runs from 2003 till 2007 and supports projects aiming at preventing and combating trafficking in human beings. Like previous STOP-funded projects, many of the AGIS projects related to human trafficking focus on prevention measures, awareness raising, training, support and protection for trafficked persons, networking among support organisations and cooperation between law enforcement agencies. The other program dealing with this is the DAPHNE Program (for which Lissy Gröner is the Rapporteur).

You find the Daphne Toolkit here: www.daphne-toolkit.org

Ray Wyre

Investigating Sexual Crimes: «Think Offender»

FEELINGS

- The success or failure of an investigation is sometimes down to a new thought.

THINK OFFENDER

- If I was trafficking to sexually abuse and rape. How would I do it in order to avoid the consequences? How would I control the woman or child? How would I control the environment that I abuse in. What would I do to stop the victim from reporting? And how if she did report would I make it difficult for anyone to believe her? How would I seek to hinder the investigation, the enquiries and the interview.
- It does not matter what crime. Know the offender, the battle, the warfare and the weapons to use.
- As an organisation we appear in the family courts where we are not asked to comment on the dilemma. We are asked to give answers.

WISH LIST

- Training with purpose. It measures it evaluates, it tests the level of learning, the level of competency after the training. It tests that people learn not just attend and there is a willingness to fail people who do not learn.
In Ireland we are working with the offender and the non abusing partner. Two social workers have been asked to learn by being with us when we undertake the work.

WHAT SHOULD THIS TRAINING BE

- Understanding the different types of sex offenders
- Understanding the world of secrets and the affect of corruption
- Understand patterns of behaviour
- Assumptions to make and test
- Patterns of behaviour
- Interview skills
- Sex, sexuality, deviant, illegal sexuality
- Victim and survivor information

CYCLE OF BEHAVIOUR

- Motivation
- Fantasy
- Distorted thinking
- Beliefs
- Overcoming internal inhibitors
- Targeting
- Initiating contact

- Overcoming external controls
- Overcoming victims resistance
- Redefining victim behaviour
- Secondary distorted thinking
- Secondary fantasy
- Re-targeting stage
- Ending stage

DEVELOPMENT OF SEXUAL CRIME INVESTIGATION SO THAT

- Specialism leads to enhanced skills.
- Passing of culture and good practice and good governance are maintained.
- Appropriate supervision of staff and induction programmes that facilitate learning and the passing on of skills. It also leads to using the expertise of staff and maintaining the corporate memory so that one does not have to keep reinventing the wheel.
- To maintain not just the protocols but to make sure they operate them.
- Keeps staff long enough to begin to use their expertise in a different way.

MEDIA AND COMMUNITY ISSUES

- Influence of the media so that public opinion can be changed. Sensationalism can lead to politicians responding to public opinion and changing policy that has nothing to do with the real issues. Let us look at how you can give accurate information and influence appropriately so that politicians implement the right policies.

LANGUAGE

- We need to change out language. E.g. Stop using the word paedophile and use the words child molester. A man can rape a child to get back at the mother. It has nothing to do with sexual arousal towards children.
- Stop using the words prostitute to describe someone who is trafficked, controlled, held emotionally hostage, beaten and abused.
- I am working with a woman at the moment who up until recently got money for sex. She is an incest victim, she was abused in care and she was pimped and taken to various cities in England. She said to me: «You are told that you are shit, you're a slut, a whore, that's all you're good enough for, I believed that that was all that I was good enough for. If a man was hitting me during sex, or beating me or tying me up or whipping me, that's what I believed I deserved that what I believed I was worth». Despite being paid she is not a prostitute. This was not a choice.

COURTS AND LEGISLATION

- Seeking to change legislation.
- Seeking evidence not confession.
- Confession is not enough truth is what we want. The offender is the expert, he is the only one that knows everything.
- Proactive investigation where one seeks to prove offending. We have trained police officers to be undercover paedophiles.
- One of the reasons for proactive investigation is that we know a person is behaving criminally and we need to target them.

EXAMPLE

Winston 28 years old

- Any investigation would show that his life style is not supported by his known income: expensive car.
- Targets teenager in night club. Teenager under age using false identity card. Youth hostel identity card (false).
- Gives special attention. Introduces her to a lifestyle she is not used to.
- She likes being seen on his arm.
- Becomes the «girlfriend».
- Good food. Drink. «Recreational» drugs.

Subject

- Is encouraged to disobey. Stays out late, told to ignore parents.
- When parents criticise her relationship they are accused of racism.
- Is encouraged to leave parents.
- His attitude starts to change. Potential for violence seen or experienced.
- Sex takes place at «party» with one or two friends and another girlfriend.
- Later informed that if she loves him she will have sex with «his friend». says its cultural.
- Isolation from friends.
- Threatened. First slap, punch, kicking, violence.
- What to eat, feel, think, believe, wear.
- Feelings of shame, dirty, worthless, no escape, guilt, drugs. offending behaviour. Held captive. Moved around.
- No escape.

FIRST CONVICTIONS FOR TRAFFICKING

- Shaban Maka 24 years old Macedonia
Sentenced to 18 years imprisonment
- Lir Barjami 25 years old Kosovan
Sentenced to 15 years imprisonment
- Xhevahir Pisha 21 Albania
Sentenced to 7 years imprisonment
- New offence brought in to stop trafficking for sexual exploitation
- All recommended for deportation after completion of sentence

CHALLENGE

- Challenge experts who only present dilemmas and not solutions.
- Often a solution can be criticised because it contains compromise. A common criticism is lack of resources. If you are one of the people who will only criticise, will only offer dilemma, who will not seek answers or a way forward, then why be part of the OSCE?

Valerio Papajorgji

Combating the Sexual Exploitation of Children on the Internet

Current general activities

Europol\SC3 Unit

The strategic activity of the Europol/Crimes against Persons Unit/Trafficking in Human Beings (THB) Group in the field of the sexual exploitation of children on the Internet is mainly devoted to the production of intelligence reports like the bimonthly Intelligence Bulletin. This is a product restricted to law enforcement agencies on new software exploited by child sex offenders, lack of legislation in the Member States (MS), recommendations to the EU MS etc. The Europol THB group also participates in EU Presidency initiatives like the COSPOL project. Yearly Expert Meetings on Child Sexual Exploitation are also organised by Europol.

- Strategic analysis (production and dissemination of strategic assessments);
- Projects, seminars and meetings in cooperation with other Institutions and/or with national governments; Training, workshops, etc.

European Training Course on Combating the Sexual Exploitation of Children on the Internet

The first European training course on combating the sexual exploitation of children on the Internet was organised in 2000. At the last course in 2004, two magistrates attended for the first time (one from the Netherlands and one from Sweden). Investigators from Belarus, Cambodia, Canada, Ukraine, USA and Interpol have also attended in the past.

- Operational hands-on training course;
- Open to EU and non EU MS, law enforcement officers and the judiciary;
- Special workshop on victims, offenders and locations identification;
- Building up a network of investigators willing to share best practice and to exchange information and intelligence.

Operational activity

AWF Twins - Background

Within the framework of the Analysis Work File «Twins» a sophisticated network using advanced techniques to hide the members' identities (anonymous proxies, encryption of their postings, short time of their postings, clean-up software to delete traces, etc.) was discovered.

- Investigation initiated by Sweden in 2001 monitoring a BBS facilitating the exchange of child abuse content;
- Rapidly extended to other countries for the existence of users geographically distributed worldwide;
- Starting investigations in 12 countries; EU Member States and non EU like Australia, Canada, Japan, Switzerland and USA.

Operational activity

AWF Twins - InfoEx and analysis

The exchange of information involved the interested EU MS and non EU MS with which Europol has an operational agreement.

- Exchange of information among the EU MS and between the EU and third countries involved;
- Support to law enforcement analysis for international cross-links;
- Image analysis for victim and offender identification.

Operational activity

AWF Twins – Results (provisional)

Since the opening of AWF Twins (August 2001) there have been three simultaneous actions and isolated house searches and arrests. Approximately 200 individuals have been identified as members of this criminal network and many of them have been arrested and convicted.

- Simultaneous actions on 02 July 2002, 07 May 2003, 26 February 2004, 13-14 October 2004;
- Several arrests from isolated actions from 2001 to 2004;
- Nearly 200 individuals investigated;
Real abuse of minors discovered;
Huge amount of seized material.

Current situation

AWF Twins

The investigation is still focusing on similar Internet systems. Some links between the child pornography crime and the forced prostitution of minors abroad and vice versa have been found and therefore Europol is willing to combat all forms of sexual exploitation of children perpetrated by organised crime networks.

- New cases under investigation in 2005;
- Hundreds of suspects detected;
- Similar Internet environment but different modus operandi;
- Possible inclusion of different areas of crime (i.e. forced child prostitution).

G8 – AGIS funded project

International Child Sexual Exploitation Images Database

The G8 countries, Denmark, the Netherlands and Sweden are members of this project. The International Child Sexual Exploitation Images Database will be located at the Interpol General Secretariat in Lyon (France).

- Initiative of the G8 countries under the Italian Presidency of 2001;
- Feasibility study concluded and implementation phase initiated;
- Involvement of the G8 countries together with Denmark, the Netherlands, Sweden, Interpol and Europol;
- International database to be set up at the Interpol General Secretariat – Lyon.

Potential functionalities of the database

The Database will allow the connected Member States to directly perform queries and to receive automatic replies from the system.

- Integrated and secure database connecting the central (Interpol) and local points of contact (Interpol MS);
- Automated search managed by national law enforcement agencies;
- National databases automatically feeding the international database;
- Increasing contributions from the Interpol MS.

Short biographical notes on the speakers in agenda order

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Jan Kubis

OSCE Secretary General

Helga Konrad

OSCE Special Representative on Combating Trafficking in Human Beings

Mike Dottridge

Independent Consultant on human rights and child rights issues based in the United Kingdom. From 1978 until 1995 Dottridge worked in the International Secretariat of Amnesty International. He was subsequently Director of the United Kingdom's oldest human rights organisation, Anti-Slavery International, until 2002. His work has focused both on civil and political rights and on economic and social rights. Since 1995 Dottridge has given particular attention to exploitation involving children and to human trafficking. In 2002 he was one of the experts invited by the UN High Commissioner for Human Rights to prepare a set of Recommended Principles and Guidelines on Human Rights and Human Trafficking (issued by the High Commissioner in May 2002). He is author of a report published by the International Federation Terre des hommes: *Kids as Commodities? Child trafficking and what to do about it.* (Lausanne 2004)

Andrea Rossi

Research Coordinator at the UNICEF Innocenti Research Centre, Florence. He is an economist with a particular focus on development and applied research. He is coordinating research projects on child trafficking in Africa and Europe and developing specific research methodologies on children's issues. He has previously worked for the International Labour Organization (ILO) in the East Africa Area Office, Tanzania.

Giovanni Kessler

Vice President of the OSCE Parliamentary Assembly. Lawyer and member of the Italian Judiciary since 1985. Public prosecutor in Trento, Bolzano and in the Anti Mafia Department in Sicily. In 1998 and 1999, Deputy Head of the OSCE Kosovo Verification Mission in Pristina. Expert on judicial and criminal matters for the EU Commission and the Council of Europe, he has participated in the activities of the SPOC (Stability Pact for South Eastern Europe's Initiative against Organised Crime). Member of the Italian Parliament since 2001; member of the Justice Committee.

Rosmarie Zapfl-Helbling

Member of Group of the European People's Party of the Council of Europe Parliamentary Assembly since 2000. She is First Vice-Chairperson of the Committee on Equal Opportunities for Women and Men and a Member of the Sub-Committee on Violence against Women, of the Sub-Committee on Migration, Refugees and Population, the Committee on Economic Affairs and Development and the Sub-Committee on International Economic Relations.

Lissy Gröner

Member of the Socialist Group in the European Parliament (since 1989), Member of the Committee on Culture and Education, Member of the Committee on Women's Rights and Gender Equality. Lissy Gröner is also Vice-President of Socialist International Women and Vice-Chair of the Children's Alliance. She is PSE spokeswoman on women's rights; spokeswoman for SPD Members of the European Parliament on youth policy. She is Rapporteur for the EU budget on women's interests; problems of children in the European Community, poverty among women in Europe; equal opportunities programme (interim report), the Youth Action Programme 2000-2006; White Paper on youth.

Ray Wyre

Expert in the field of sexual crime. He began working with sex offenders and other criminals as a member of the Probation Service in the 1970s and between 1981 and 1986, developed one of the first group work programmes for sex offenders in a top security prison. He left the Probation Service to establish the «Clinic for Sexual Counselling,» a hospital based programme. In 1988 he founded the Gracewell Institute and Clinic based in Birmingham. Wyre set up as an Independent Sexual Crime Consultant and Chief Executive of Ray Wyre Associates Ltd, a company that employs experts and consultants working with all aspects of sexual and interrelated crime. He now has regular commissions in many parts of the world and has trained staff in Australia, Philippines, Tasmania, France, Norway, Finland, Belgium, Italy, Sweden, Scotland, Portugal, Germany, Kyrgyzstan, Austria, Switzerland, South Africa, Ireland and the USA.

Markus Jaeger

Deputy to the Director of the Office of the Commissioner for Human Rights of the Council of Europe. He studied law, philosophy and political sciences in Germany, France and Switzerland. In the field of law, his interest has gradually shifted from transnational commercial as well as inter-State arbitration to human rights. He was also involved in the setting up of the GRECO (Group of States against Corruption) and «9/11» found him in the position of Acting Legal Counsel of INTERPOL.

Gert Vermeulen

Professor of Criminal Law and Director of the Institute for International Research on Criminal Policy (IRCP), Ghent University (www.ircp.org), teaching substantive criminal law, advanced study of (substantive) criminal law, international criminal law, European institutions of criminal policy, European political development (in the area of Judicial and Home Affairs), Rights of the Child. Involvement in dozens of research projects over the past years in the field of (international and European) criminal law and policy, trafficking in human beings and sexual exploitation of children. Consultant to the Council of Europe, the European Commission and the Belgian (2001) and Dutch (2004) Presidencies of the EU.

Valerio Papajorgji

Second Officer within the Crimes against Persons Unit - Serious Crimes Department; Project Manager of the AWF «Twins» (the Europol AWF on child pornography); Europol representative with the G8 law enforcement working group for the implementation of the International Child Sexual Exploitation Images Database (AGIS programme); Europol designated expert on child pornography for the COSPOL project (initiative of the 2004 Dutch Presidency of the European Union).

Richard Danziger

Head of IOM's Counter Trafficking Service Area. Prior to that he served as IOM's Regional Representative for West and Central Asia, and Chief of Mission in Indonesia and Afghanistan. He has been involved in the management of a number of counter trafficking initiatives throughout Asia since 1999. While representing IOM in Indonesia, Mr Danziger was IOM's original Liaison Officer with the Government of Indonesia for the Bali Conference on People Smuggling, Trafficking in Persons and related Transnational Crime in 2002. This Conference paved the way for the creation of a regional migration management process involving 35 countries in the Asia and Pacific region in which several OSCE Member States are observers.

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This list reflects, to the best of our knowledge, participation as confirmed to us. Please note that the deadline for submission of corrections has now expired.

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