

ACT
against exploitation
and child trafficking!

Invisible
children
an unpunished
crime

ACTION RESEARCH IN EUROPE AND MIDDLE EAST

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With Contributions from National Caritas:

Albania, Bosnia and Herzegovina, Kosovo, France, Jordan, Lebanon, Slovakia, Ukraine
and regional Caritas Secretariat: MONA, Europa

CONTACT-PERSONS ON THE ISSUE OF CHILD TRAFFICKING WORLDWIDE

POUR LE SECOURS CATHOLIQUE - CARITAS FRANCE



GENEVIÈVE COLAS

Geneviève created and coordinated the “Together Against Trafficking in Human Beings” Collective (www.contrelatraite.org) - a group of 28 associations in France with a strong network of partner organizations at the international level - on behalf of Secours Catholique. It works by raising public awareness, carrying out prevention activities and advocacy actions, accompanying victims and promoting networking. She is the focal point for Caritas Europa on trafficking in human beings.

Having gained experience in Europe (in the European Union, the Balkans and the Caucasus) and Central Asia (Kyrgyzstan etc.), she now builds partnerships on all continents. She is a member of the EU Civil Society Platform against trafficking in human beings and is involved in running the Coatnet global network created by Caritas Internationalis, which brings together associations from all over the world. Since 2017, she has been a member of the National Consultative Commission on Human Rights (CNCDH), the French National Institution for Human Rights.

In 2014, Geneviève Colas led the production of the publication “The New Faces of Slavery” and in 2016-2017 coordinated the creation of two booklets and films, #INVISIBLES and #DEVENIR, on trafficking minors in France. During this period, she also led an action research on Trafficking In Human Beings in Conflict and Post-Conflict Situations in the Euro-Mediterranean Area in 2016.



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Cécile is a human rights specialist focusing in post-Soviet states. Originally from France, she has a solid professional experience in coordinating programs and conducting analysis and strategic reports related to governance and socio-economic issues in Eurasia.

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She has monitored the political situation, submitted weekly reports related to the democratic process and met with key stakeholders of the political system in Armenia, Bosnia and Herzegovina, Russia, Turkey, and Ukraine.



INTRODUCTORY SUMMARY

According to international organizations UNICEF, there are nearly 13 million children trafficked around the world².

However, the number of officially identified victims of trafficking was 24,000 adults and children combined in 2016³.

The clandestine and highly dynamic nature of the phenomenon of trafficking does not explain this difference in numbers alone.

The lack of training of professionals in contact with the victims, the absence of a specific mechanism for the identification and orientation of child victims of trafficking, or the absence of a proactive approach in the identification of victims, contribute to the very low number of identified child victims.

The increasing number of conflicts, environmental crises and the social and economic fragility of some countries have led to population movements, making many children particularly vulnerable to trafficking.

The number of unaccompanied minor migrants is increasing every year in a context of border closures, encouraging them to use ever more dangerous routes, increasing their risk of being exploited.

² UNICEF, Children account for nearly one-third of identified trafficking victims globally, July, 29 2018, <https://www.unicef.org/press-releases/children-account-nearly-one-third-identified-trafficking-victims-globally>, consulted July, 3 2019

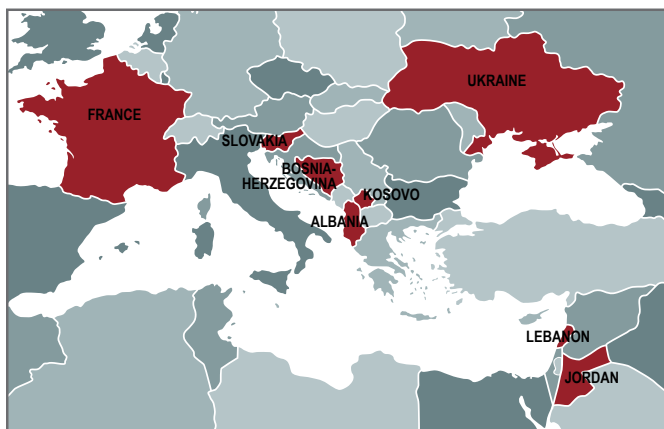
³ UNODC, Global Report on Trafficking in Persons 2018 p. 21

Children who are married early to escape poverty, forced to work, beg or forced to commit crimes to survive and / or contribute to family income, children sold, sexually exploited or used in armed conflict, are all forms of exploitation of which children are victims.

Some of them are even more vulnerable as they are not registered in any register of civil status. Having no access to any health service, any form of schooling, they are simply invisible.

Many of these unidentified children as victims of trafficking are doubly penalized because they are considered by the authorities and the public to be illegal migrants, repeat offenders or victims of cultural practices, especially when it comes to the exploitation of children from discriminated minorities.

Countries involved in the action-research



Although the countries in Europe and Middle East have adopted comprehensive legislation and policies against trafficking, this action research highlights, through the field experiences and studies conducted by the different Caritas, the difficulties encountered in practice to combat the trafficking of minors. Additionally, it looks at the shortcomings of the legal framework and its implementation, and puts forward concrete recommendations to institutions and civil society to better identify and support child victims.

This study aims to pay particular attention to child victims of trafficking and the need to take into consideration their specific needs and rights.

On the ground, increasingly confronted with the questions concerning the trafficking of minors, Caritas engage in raising awareness among at-risk audiences.

They often times work along side of vulnerable minorities, intervening in high schools to prevent early marriages or, by accompanying and welcoming child victims in their accommodation centers.

The Caritas also serve by referring them to dedicated structures through their networking with many institutional and civil society partners.

They can provide training and information to professionals in contact with potential victims (such as border police, social workers, teachers, associations, etc.) about the phenomena of child trafficking and existing identification and referral mechanisms.

This action research is part of this commitment to better understand the mechanisms of the trafficking of minors and its various manifestations in Europe and Middle East, but also to build common dynamics between associations and institutions at the regional level and interregional.



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Global

Scale

of Child

Trafficking

40 million trafficked victims
around the world

One victim out of 3 is a child

\$150 billion annual profit
for traffickers

70 % of victims are women and girls

Only 6,800 persons convicted
of trafficking in persons between 2012 and 2014

24,000 victims identified
in 2016 compared to 20,000 in 2014

A PANDEMIC

There are around 40 million trafficked victims around the world and nearly one victim out of 3 is a child (UNICEF 2019)⁴;

It is a highly lucrative business: with a \$150 billion annual profit for traffickers (ILO Report 2014);

It is one of the largest and most profitable global criminal activities, along with the drug trade, weapons trade, and money laundering.

A gender-based crime: women and girls are disproportionately affected, accounting for 70% of the overall total (UNODC 2018);

A denial phenomenon: the number of human traffickers convicted is alarmingly low. According to the UNODC global report, approximately 6,800 persons were convicted of trafficking in persons between 2012 and 2014⁵ (Data available in 66 countries). Countries with longer standing legislation record have on average more convictions related to trafficking in human beings. There is a relation between how long a country has had proper trafficking legislation and how many convictions it reports.

A phenomenon poorly identified: 24,000 victims identified in 2016 compared to 20,000 in 2014. This increase in the number of victims identified is accompanied by an increase in the number of convictions in many regions around the globe, which reveals an encouraging dynamic. (UNODC 2018)⁶.

DEFINITION

In Article 3(a) of the 2000 Palermo Protocols (2000) ratified by 147 countries, trafficking in persons is defined as the “recruitment, transportation, transfer, harboring or receipt” of a personchild, for the purpose of exploitation.

Article 3(c) states that: cContrary to the term definition “of trafficking in persons”, the definition of child trafficking does not require any mean (threat, coercion, kidnapping, deceit etc.).

The understanding of childhood is much contextual and comes with different expectations. In many communities, the transition from child to adult does not depend on reaching the age of 18 but more on social status, having children, being married etc. Therefore, young people under the age of 18 may not recognize themselves under the term of “children”.

A child is defined as any person under the age of 18 by the the UN Convention on the Rights of the Child and the Palermo Protocol (Article 3 (d)).

⁴ UNICEF, Children account for nearly one-third of identified trafficking victims globally, July 29, 2018, <https://www.unicef.org/press-releases/children-account-nearly-one-third-identified-trafficking-victims-globally>, consulted July 3, 2019

⁵ UNODC, Global Report on Trafficking in Persons 2016 p.34

⁶ UNODC, Global Report on Trafficking in Persons 2018 p.7

MULTIFACETED PHENOMENON

Children are trafficked for many different exploitative purposes⁷

forced to
commit petty crimes



Child
soldiers



Forced
begging



Forced
labours



People are trafficked
for many exploitative
purposes

Sexual
exploitation



domestic
slavery



Forced
marriage



Removal
of organs



Selling
Children



⁷ UNODC, Global Report on Trafficking in Persons 2016 p.8

Child trafficking as a multifaceted phenomenon encompasses many different aspects.

Therefore, there are different approaches when addressing child trafficking, Depending on what we are focusing on: forms of exploitation (Child Labour ILO), combating trafficking (Interpol/ UNODC), child rights and protection (Committee on the Rights of the Child), migration (IOM, UNHCR), or recruitment's methods, etc.⁸ Civil society is interested in these different approaches.



⁸ cf. Appendices International and regional legal framework

SPECIFIC NEEDS OF CHILD VICTIMS OF TRAFFICKING AND THE RIGHTS OF THE CHILD

Due to age peculiarities and level of development, children may often fail to realize that they are victims of trafficking in human beings. The more vulnerable and credulous they are, the less likely they will understand the severity of the situation they find themselves in.

However, so far, child trafficking is mostly addressed as a sub-category of trafficking in human beings and it is encompassed within a diversity of approaches. Children need to be placed “at the center of all trafficking-related interventions,” they should have their rights protected through the United Nations Convention on the Rights of the Child (CRC).

Children have specific needs and rights and it is important to give primary consideration in all actions to child’s best interests.

Children's rights include the right to health, education, adequate standard of living, and to be protected from abuse and harm.

There are four general principles given by the UN Convention on the Rights of the Child:

- **Non-discrimination.** For example, every child should have equal access to education regardless of the child’s gender, race, nationality, sexual orientation or other status.
- **The right to life, survival and development.**
- **Respect for the views of the child.** The voice of the child must be heard and respected in all matters concerning his or her rights.
- **Devotion to the child’s best interest.**

Recent global initiatives

***The 2030 Agenda for Sustainable Development** was adopted at the United Nations Sustainable Development Summit on 25 September 2015. One of the 17 Sustainable Development Goals is the end of abuse, exploitation, trafficking and all forms of violence against and torture of children. This target should be measured by assessing the number of victims of human trafficking, disaggregated by age, sex and forms of exploitation (Indicator 16.2.2)⁹. A lot of improvement regarding child identification has been done lately to comply with this target even if it is far from enough.*

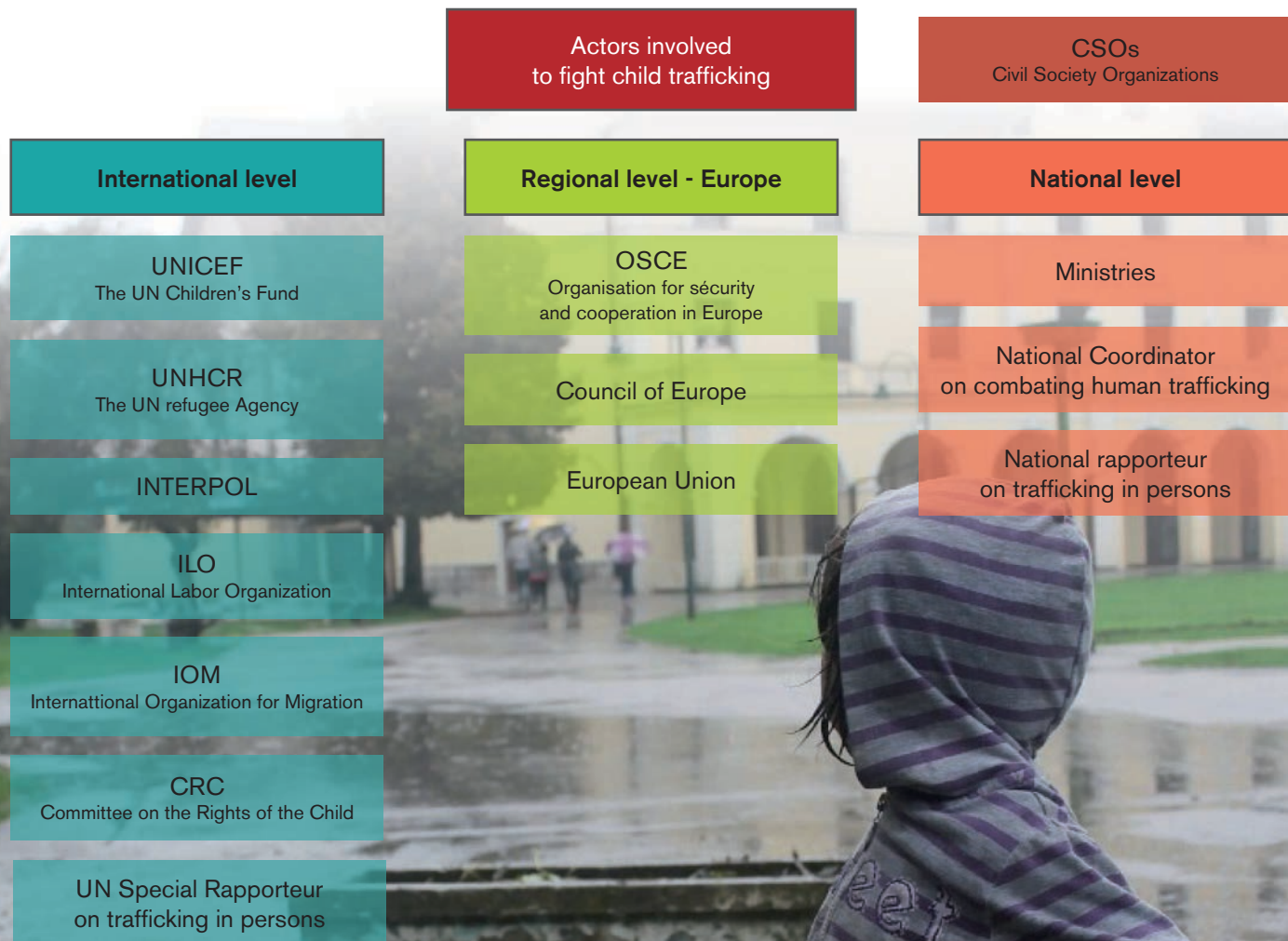
***The New York Declaration for Refugees and Migrants**, adopted on September 19, 2016, it has paved the way for the adoption of 2 new global compacts in 2018: a Global Compact on Refugees and a Global Compact for Safe, Orderly and Regular Migration. Civil society and various stakeholders such as Caritas have been working closely to introduce language concerning the fight against child trafficking, child rights, child protection, non-discrimination into these global compacts. The starting assumption is that there is no safe migration without fighting against child trafficking.*

⁹ UNODC, Global Report on Trafficking in Persons 2016, p. 30

INTERNATIONAL COOPERATION AND OTHER TOOLS TO COMBAT CHILD TRAFFICKING

A large number of stakeholders involved

Recommended principles and guidelines on child trafficking are developed by many stakeholders: civil society organizations, regional and international institutions, with a diversity of mandates and approaches.





Child Victims
of Trafficking

are Rarely
Identified

The vast majority of countries, in Europe and Middle East, are to a large extent countries of origin, transit or/ and destination for child trafficking. Men, women and children are being trafficked mostly for the purpose of sexual exploitation or forced labour but trafficking may also take other forms. Trafficking takes place internally, among countries within the region and to outside destinations.

Although it is illegal, trafficking in human beings and especially child trafficking remains a major issue in the region.

THE CHALLENGES OF DATA COLLECTION AND ANALYSIS OF CHILD TRAFFICKING

The data and analysis present a number of biases and limitations, reinforced by the underground nature of the phenomenon and the highly dynamic dimension of child trafficking, which make the collection of data on child trafficking very complicated.

Statistical limitations

- **Administrative bias:** focusing on certain forms of exploitation such as sexual exploitation depending on the country.
- **Issues of identifying victims of child trafficking:** absence of common guidelines and procedures of identification, age identification difficulties (to distinguish between children under 18 and adults).
- **Lack of mechanisms for systematic, harmonized collection** of quantitative and qualitative data.
- **Child victims of trafficking are most of the time reluctant to talk about their situation** because of the fear of retaliation by their traffickers, distrust of the authorities, or fear of deportation.

- **Others are not conscious about their exploitative situation.** Sometimes, it is difficult for a victim to recognize himself/herself as a victim of trafficking. For many victims, this is the only way they have found to escape extreme poverty and to survive.

The actual scale and scope of child trafficking remain unknown at all levels (international, regional or national) and it is extremely difficult to evaluate how child trafficking has changed in recent years.

Victims of trafficking with the official status are much less numerous than potential victims identified by NGOs, bearing in mind that the real number of victims are once again much higher.



CARITAS UKRAINE

IDENTIFICATION AND ACCOMPANYING CHILD VICTIMS OF TRAFFICKING IN HUMAN BEINGS

During the period 2016-2018, Caritas Ukraine has identified 300 victims of trafficking, among them are 9 children, throughout the 8 Caritas centers in Ukraine. Children victims of trafficking for the purpose of forced begging, forced criminal activities, labour exploitation or selling children. Some of these children have already received the official status of victim with the support of Caritas Ukraine.

This is the first time that Caritas Ukraine which has been committed to the fight against trafficking in human beings for years, is facing child trafficking.

“Before 2017, no cases of child trafficking had been identified by Caritas Ukraine. Children became more visible, or we just pay more attention to child trafficking.

It is possible that previously, children forced to beg were not associated to trafficking, and that awareness has increasingly grown.

The offenders are often relatives and the police rarely document cases of child trafficking, especially in cases of forced begging” .¹²

Statistics of the International Organization for Migration (IOM) are much higher than those published by governments: for example, Ukraine

According to results of the research conducted by GFK Ukraine upon request of the International Organization for Migration¹⁰, over 230,000 Ukrainians have become victims of trafficking in human beings since 1991. Which makes Ukraine one of the leading countries in terms of the number of persons affected by modern slavery in Europe.

From 2000-2018, IOM helped 574 Ukrainian trafficked children. Half of these 574 children had been exposed to trafficking outside Ukraine. In 2017, 1,259 victims had been identified by IOM, whereas the annual report of the National Police¹¹ indicated 346 identified trafficking in human being cases the same year, including 11 children.

Over 90% of all victims of trafficking in human beings identified by IOM are referred by NGOs and not by the State bodies.

Official statistics of both Ministry of Social Policy of Ukraine and the National Police, as well as statistics of IOM show a prominent tendency towards an increase in the number of child trafficking cases over the past years in Ukraine.

Though, a very important issue in this respect consists of the question whether or not this data reflects the tendency towards an increase in the number of child trafficking cases in the country or a positive tendency relating to identification of such cases, i.e. improvement of work by the state and the National Police in particular in this sphere.

¹⁰ GFK-Ukraine, Survey on migration and human trafficking in human beings in Ukraine, 2017

¹¹ Ukraine National Police Ukraine, General characteristics of criminal cases, December, 2017, https://www.slideshare.net/Police_Ukraine/12-2017-86017535, consulted July 3, 2019

¹² Interview with Natalia Holynska from Caritas Ukraine

In the absence of a formal victim identification system, NGOs take over.

In France, since 2015, the MIPROF (Interdepartmental Mission for Protecting Women Against Violence and Combating Human Trafficking) and ONDRP (National Monitoring Center of Delinquency and Penal Responses) have been collecting data of trafficked minors that have been taken care of by French associations.

According to this data¹³, in 2018, 339 trafficked children have been looked after by 21 associations compared to 248 in 2016 and 176 in 2015.

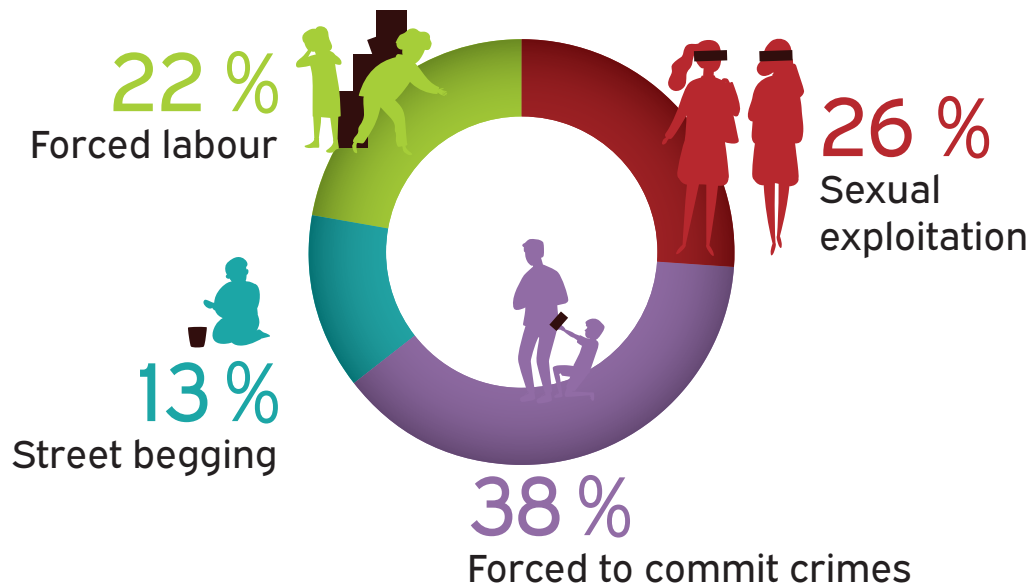
Those victims identified by associations are not necessarily officially recognized as victims. In 2016, the French Central Directorate of judicial police has recorded 154 victims of sexual exploitation, among them were 86 minors (56%) that were officially recognized as victims of trafficking.

According to the Association Act Against Child Prostitution (ACPE), a member of the group “Together Against Human Trafficking” which is coordinated by Secours Catholique-Caritas France, children sexual exploitation is increasing.

The average age of trafficked minors who are taken care of by associations is 15 to 17 years old.

Main forms of child trafficking reported by associations

Source: Third annual report of MIPROF and ONDRP



¹³ VACHER Abigail (MIPROF), SOURD Amandine (ONDRP), La traite des êtres humains en France, Profil des victimes suivies par les associations en 2018, 3ème enquête annuelle (pdf)

There are 3 main forms of exploitation: forced to commit crimes (38% victims are children), sexual exploitation (26%), and forced labour (22%).

In 2016, most of the victims of forced begging and almost all victims forced to commit crimes taken care of by associations are minors^{13b}.

Child victims supported by associations in 2018 are mainly from Romania (49%), Nord Africa (26%) and France (19%). Romanian victims are almost all victims of forced begging and exploited to commit crimes. As for the french victims, they are above all victims of sexual exploitation.

In 2015, thanks to the ONDRP and the MIPROF, this is the first time that data and information from associations on trafficking in human beings have been gathered and analyzed in a study. In France, there is no national system for identifying victims of trafficking in human beings as required by the European Directive, and no harmonized and shared identification procedures and tools.

Limits of data:

- A non-exhaustive number of participating associations;
- A lack of information concerning children: There is missing data from institutions such as the police, the judicial system and the Child Protection System (ASE);
- There is no national statistics and nor is the data separated by age, form of exploitation, origins etc.

However, in octobres 2019, the ONDRP published a study Grand angle N°52 focusing on administrative data on the exploitation and trafficking in human beings in France.

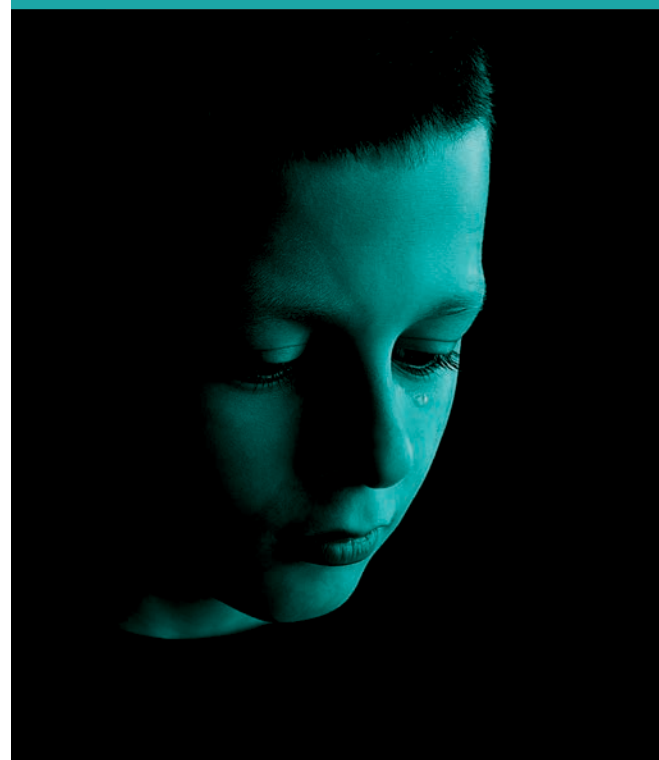
^{13b} SIMON Sophie (MIPROF), SOURD Amandine (ONDRP), Les victimes de traite des êtres humains suivies par les associations en France en 2016. Paris, Grand angle n°48, juin 2018, 80 p

CARITAS FRANCE

ANALYSIS OF DATA ON CHILD TRAFFICKING

Every year, since 2015, Secours Catholique - Caritas France, which coordinates the action of associations in connection with the victims of trafficking in human beings via the group Together Against Human Trafficking, actively contributes to the study Grand Angle, carried out by ONDRP and MIPROF.

Caritas France is helping to better understand the phenomenon of child trafficking in France for a better identification of potential victims.



IDENTIFICATION AND ANALYSIS OF GAPS IN THE LEGAL FRAMEWORK

In Europe and Middle East (Jordan, Lebanon), Countries adopted comprehensive anti-trafficking legislation and policies, including national strategies and action plans aimed at strengthened prosecution of traffickers, enhanced prevention and victim protection, and improved national and regional cooperation. All countries in the region except for Kosovo¹⁴ and Jordan are State Parties to the 2000 United Nations Convention against Transnational Organized Crime. The criminal code of all these countries prohibits sexual exploitation and forced labour and prescribes sufficiently stringent and commensurate penalties for perpetrators¹⁵.

Identification and referral gaps

Even though established institutional structures and mechanisms are aimed at the implementation of relevant legal and policy frameworks, these efforts are often times failing to be fully implemented in practice due to insufficient practical coordination and inconsistent application of procedures for identification and assistance for victims.

Procedures not consistently applied

Kosovo, as well as Albania and Montenegro have developed Standard Operating Procedures (SOPs) for identification and referral for victims of trafficking.

However, these procedures are not consistently nor fully applied by all relevant authorities. Insufficient specialized training, unclear division of roles and responsibilities among various actors (government officials and NGOs), and the lack of practical cooperation therefore further complicate the task of adequate identification of victims and their timely referral to competent authorities.

As a result, the number of identified victims of trafficking is low, in contrast to the suspected magnitude of the problem, especially in the context of sharply increasing (irregular) migration.

Slovakia has the lowest rate of identified child victims of trafficking in human beings. However, it is missing a of proactive approach to the problem, it does not have special procedures for the referral of trafficked children to social protection authorities, nor does it have any specific legal act for child trafficking. Child trafficking is understood as a sub-category of trafficking in human beings, which contributes to the missing statistics for child victims of trafficking.



¹⁴ For the record, Kosovo is not (yet) a member state of the United Nations.

¹⁵ France and countries from the Balkan region (Albania, Bosnia and Herzegovina, Kosovo) and Slovakia are likewise State Parties to the Council of Europe Convention on Action against Trafficking in Human Beings. They report to the monitoring mechanism of the Group of Experts on Action against Trafficking in Human Beings (GRETA). The GRETA evaluates the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. Slovakia and France, as members of the EU, have transposed into their respective national law the European union directive 2011/36/UE, increasing repression of trafficking in children and improving victim's protection.



IN BOSNIA AND HERZEGOVINA IMPROVEMENT OF THE VICTIM IDENTIFICATION PROCESS

In Bosnia and Herzegovina, since 2007 Regional monitoring teams have been set up by the Ministry of Security, the coordinator in the fight against trafficking in human beings.

These teams are multidisciplinary, bringing together representatives of civil society, police, social workers, etc. Some of these teams have mobile units that go out into the field to meet alleged victims.

Since the introduction of this mechanism, the process of identifying victims of trafficking has been improved and the first cases of child victims of trafficking in human beings have been registered. In 2017, 130 street children were identified.

No pro-active approach

In most countries, while specialized websites and hot-lines for potential victims of trafficking are operational, governments tend to rely primarily on “self-identification” by potential victims themselves. For instance, in Kosovo the government does not take the necessary and pro-active steps to effectively screen asylum seekers, and vulnerable local and migrant populations for indicators of trafficking. There is only basic information for identification of potential victims of trafficking among asylum-seekers in the reception centers. Migrants in detention centers are insufficiently screened and are often without victim support or trained social workers.

Victims of familial trafficking identification

According to the Counter-Trafficking Data Collaborative (CTDC)¹⁶, almost half of identified cases of child trafficking involve some family member.

Despite the implementation of institutional work with families and children, and social welfare interventions, the exploitation of children in Kosovo for the purpose of street begging and cars windshields cleaning at traffic lights has not decreased.

This kind of exploitation is visible every day in the streets, in major cities of Kosovo. Social welfare interventions are only ad-hoc with no long-term programs of rehabilitation and reintegration, and social assistance mechanisms are very low. In addition, it is still difficult to establish and convict the phenomena of familial trafficking. In those cases, child exploitation is often attributed as bad parenting, and not as child trafficking cases involving a family member.

¹⁶ Counter-trafficking data brief, 08/12/2017 (PDF) https://www.iom.int/sites/default/files/our_work/DMM/MAD/Counter-trafficking%20Data%20Brief%20081217.pdf, consulted July 3, 2019

IN UKRAINE

THE OFFICIAL DESIGNATION OF TRAFFICKED VICTIM GRANTED BY THE MINISTRY OF SOCIAL AFFAIRS

While the official designation of trafficked victim is granted by a decision of the Attorney General or the police in many European countries (usually because it is within the frame of a criminal investigation). In Ukraine the official designation of victim of trafficking is given by the Ministry of Social Affairs.

It is very difficult to prove that someone has been a victim of trafficking for the police department and people are very reluctant to go to the police.

As well, the overall level of trust is very low in Ukraine. The Ministry of Social Affairs gives the official designation and it is responsible for the victims' protection.

In parallel, Caritas Albania noted that there has not been a single case of parents being criminally prosecuted for exploiting their children for begging¹⁷ in Albania.

There are cases of familial trafficking in Jordan, but they aren't necessarily reported nor prosecuted¹⁸.

It is also the case for Lebanon, whereby "government officials continued to report security forces were reluctant to arrest parents for subjecting their children to trafficking, usually in forced begging, due to a lack of social services available should the child be removed from the family".¹⁹



Law enforcement perspective

In Kosovo, there is common impression that trafficking in human beings is mainly treated by law enforcement measures, in terms of crime and prosecution of the trafficker.

There are very few preventative interventions and rehabilitation programs (in particular for children). Those that do exist, remain weak.

In France, the access to "victim" designation is concomitant to a judicial procedure. This prerogative is left to the police and gendarmerie, which excludes all victims who do not wish to or cannot lodge a complaint. Since 2016, this competence has been expanded to include labour inspectors.

¹⁷ The GRETA report 2016 stated that 'The SOPs (Standards Operating Procedures) provide for a differentiated procedure for identifying children, taking account of their specific situation. Tailored identification criteria have been established, taking into account the possible involvement of the children's families in the trafficking and exploitation.'

¹⁸ Trafficking in Persons Report 2019, U.S Department of State. 2019. p.267 (Jordan)

¹⁹ Trafficking in Persons Report 2019, U.S Department of State. 2019. p.290 (Lebanon)

Not recognizing identification documents: The example of Ukraine and temporarily occupied territories

Ukrainian authorities have no access to the occupied territories of Eastern Ukraine, in Donbas. There is no official border between Ukraine and the occupied territories, only a demarcation line without any real control. Kharkiv Caritas staff raised several issues regarding the lack of control from authorities:

“There are problems associated with of issue and recognition of official documents for persons who leave the non-government-controlled area, and the overall absence of reliable state statistics on internally displaced persons”.

For instance, “A couple with a child fled without specific documents and the child is left without documents, sometimes on its own, and this category of children is very vulnerable to different forms of exploitation”. Children born in occupied territories received a birth certificate, which is not recognized by Ukrainian authorities. These children are therefore invisible for Ukrainian authorities.

Penalization of child victims of trafficking

According to the report Trafficking in Persons (TIP) published in June 2018, the Bosnia and Herzegovina (BiH) government penalized victims for unlawful acts committed as a direct result of being subjected to trafficking.

Observers reported victims of forced begging and forced criminality were penalized with misdemeanor charges for these petty crimes.

The government may have deported, detained, or restricted the freedom of movement of some trafficking victims due to inadequate identification efforts. Subnational laws against “enticement to prostitution” permitted law enforcement to treat children 14 years and older as juveniles willingly engaged in prostitution instead of victims of rape or sex trafficking.

In most countries, the government does not consistently implement victims of trafficking identification and referral procedures thus resulting in victim's re-victimization²⁰.

Importance of using the term of trafficking

Victims of trafficking from third country have limited access to justice

For instance, in Lebanon, there is a trial in some cases, but in most cases, the victims are arrested at the administrative detention center, they are deported, blacklisted, and therefore expelled from entering Lebanon.

They encounter long legal and administrative procedures and have to pay all due taxes and return ticket.



²⁰ Trafficking in Persons Report 2019, U.S Department of State, 2019. p.290

Following the MoU signed in 2005²¹ between Caritas Lebanon and the General Security to provide legal assistance to potential victims of trafficking in human beings, their cases are followed in courts. Some cases are followed even after departure by using a power of attorney given to Caritas Lebanon's lawyers thus allowing them to continue the process in the courts until

there is a final decision. But till dated, no cases was judged according to the Law 164/2011 to Combat Human Trafficking. In Albania, there is no protection program available for victims of trafficking during trial proceedings. Victims can be too scared to make a denunciation of their traffickers²².

France: list of convictions associated with trafficking human being

Group	2011	2012	2013	2014	2015*
Different people concerned broad scope	597	707	688	701	838
Different people concerned trafficking human being scope	16	22	64	83	75

Source : National criminal records office 2016 - *2015 provisionnal data

* Broad scope: inhuman working and / or housing conditions, pimping, exploitation of begging, forced labor etc.

Additionally, the offense of trafficking is rarely used as a criminal offense.

This particular criminal offense is relatively recent in the French Criminal Code (art 225.4.1 of the law of the 18 March 2003, amended by the law of 5 August 2013) and is still too weak in the French judicial culture. The police are not trained well enough on the particulars of trafficking in human beings.

Then the qualification of trafficking in human beings is unlikely to be used when the victim is lodging a complaint. Furthermore, overloaded investigation services prevent the implementation of quick and effective investigations into this type of case.

Besides, it is especially difficult to prove the intentional element of trafficking in human beings, as the offense is usually committed in the privacy of homes or in the discretion of isolated work sites.

As with any crime, in order to characterize the offense of trafficking, it is necessary to prove the intention of the perpetrator to exploit the victim.

The judge often goes for another type of offense more efficient to ensure a condemnation of the perpetrator, such as the offence of "soliciting prostitution of minors", or the offences of "labour and living conditions against human dignity".

Prosecutors typically downgrade trafficking cases to lesser crimes.

²¹ Le The MoU between Caritas Lebanon and General Security allows Caritas to provide social, medical, and legal assistance to all non-citizen detainees in Lebanon.

²² Albania home office report, Country policy and Information Note. Albania: People trafficking, December 2018 (PDF) p.19

In the majority of cases, victims are absent during trials.
Several reasons can explain difficulties or absence of victims during trials such as:



LONG DELAY

The long delay between the complaint and the trial; victims sometimes do not want to relive the past



DISSUADE

The delay is sometimes an opportunity for the trafficker to renew their control over the victim and thus dissuade them from going to the trial



CONFRONTATION

Victims may fear the confrontation with the trafficker



VICTIM ?

For some victims, it is difficult to think of themselves as victims.



ABSENCE

In the absence of victims during trials, it is difficult for the judge to become aware of the reality experienced by victims without hearing their word.

However, the qualification of trafficking is much more protective for the victims and especially when they are minors.

They are systematically assisted by a legal representative during the whole procedure and must benefit from personal care, allowing them thus a better reha-

bilitation as well as measures of help and social aid (accommodation, geographical separation of the trafficker, education or training, individual psychological follow-up, etc.), and administrative assistance (regularization of their situation, granting of residence permit, etc.)

WITH CARITAS

VICTIM ENCOURAGEMENT TO COMPLETE THE LEGAL PROCESS

Their protection, accompaniment, and justice over their history depend in part on their word.

It is important for victims to be informed and encouraged to complete the legal process. Both, for themselves and in the wider interest of the fight against trafficking. This message is already carried by Caritas from different countries and associations to the victims they accompany but also deserves to be systematically relayed by the judicial bodies (police, judges...)²³

²³ Contrelatrite.com, La qualification juridique de la traite, <http://www.contrelatrite.com/node/383>, consulted March 17, 2019

Protection failure of child victims of trafficking

In France, child victims of trafficking are, in theory, taken care of by the Child Welfare Service of local authorities (Aide sociale à l'enfance - ASE).

Protection and welfare services are fragmented and uneven, depending on departmental councils (budget and willingness) The system is overwhelmed without a real national coordination (an unsuited system to the mobility of unaccompanied minors) and there is a long waiting period for minors before having access to the education system.

The child welfare system doesn't offer a sustainable integration method for any child turning 18 years old who is evicted from the Child Welfare Service (ASE). Children placed before the age of 16 can benefit from an extension of their care by the ASE until age 21²⁴. According to different NGOs, French associations are reluctant to leave unaccompanied children into the hands of the ASE (citing not enough care, suffer from a lack of entertainment, educational activities etc.)

It is worth noting the poor response of minors to the education project proposed by the ASE. The difficulty in recognizing the legitimacy of state authorities behind the placing, the fear of official authorities linked to the precariousness of an illegal situation, the perception of the institutional path (long, complicated and constraining) or the ambivalence of minors toward those who exploit them are all reasons which explain why this system is not favored by those children. The high number of runaway minors from shelters/institutions contributes to the discouragement of professionals, who lack specific training and information.

²⁴ Most unaccompanied migrant minors are supported after their 16th birthday. Unaccompanied migrant minors account for 5 to 10% of children in the Child Welfare Service (ASE).

WITH CARITAS JORDAN

A TRAINING OF TRAINERS ABOUT BURNOUT ORGANIZED BY CARITAS JORDAN

Because of the difficult field conditions for humanitarian workers, the chances of aid workers suffering from stress related burnout or compassion fatigue are high in Jordan. This is the reason why prevention burnout training was organized for Caritas Jordan for Caritas staff.

The training objectives were to familiarize with the different concepts such as stress (including positive stress "eustress" and distress responses), burnout and compassion fatigue which occur due to exposure to those suffering from the consequences of traumatic events, and to understand the importance of self-care and to choose appropriate strategies.

Thanks to this training, Caritas members could help other staff members in recognizing the symptoms and to avoid burnout and compassion fatigue.



In Albania, Albanian social services stress the fact that they do not have a strong collaboration with non-state institutions regarding the process of integration of children victims of trafficking, whose care is short-term.

In a very short amount of time the families have returned to a very poor economic state and the children dropped out of school. The process of family empowerment is difficult, lengthy and needs more support and collaboration from other state and non-state agencies.



The reintegration of the child within the family has to be done in a very careful manner to ensure that the family (parents) can effectively take care of the child and will not expose them to any risk to their life including their physical, psychological, moral and emotional integrity.

IN FRANCE

A PILOT PROGRAMME TO SUPPORT CHILD VICTIMS OF TRAFFICKING (JUNE 2016- JUNE 2018)

This pilot programme is managed by MIPROF and implemented by the association Hors la Rue (Off the Streets), Secours Catholique-Caritas France's partner and a member of the group Together Against Trafficking.

The role of this association is:

- **To identify children** by organizing patrols and visiting their living and work places and evaluating their situation as potential victims of trafficking.
- **To report situations** of concern to the competent authorities (the Departmental Unit for Collection of Treatment and Evaluation (CRIP), the Public Prosecutor's Office, the Defender of Rights).
- **To train professionals** in reception facilities in contact with child trafficked victims; In partnership with ECPAT France, the association contributes to the development of training programs for child welfare professionals. With the association Friends of the Bus of Women, Hors la Rue educates Child welfare (ASE) educators on the issues of child victims of trafficking in human beings.

- **To refer suspected victims** to reception facilities. Work facilitated through daily exchanges with the teams of the educational service of the judicial protection of youth.
- **To accompany these minors** once they are oriented in the shelter, in cooperation with the Child welfare (ASE) and the educational team of the host organization.
- **To provide educational support** at the request of professionals and children supported by the hosting structure.

This model will continue in Paris and will be rolled out first in 8 other cities in France.

Between 2016 and 2018, Hors la Rue spotted and / or accompanied 470 minors suspected of being trafficked.

Insufficient number of shelters hosting solutions

As a result of the lack of shelters in Lebanon, some children have been placed in detention facilities.²⁵

In some instances, government officials reported that law enforcement were reluctant to arrest parents for trafficking their children due to a lack of available social services.²⁶

Governments in the Balkan region provide modest funding to mostly NGO-operated shelters providing services and assistance to victims.

In Kosovo, Centres for Social Work are the only recognised institutional custodian authority. They are often understaffed and lack professional approaches and resources to meet the requirements of children in need.

There is limited shelter capacity for children and foster families pose another challenge for assistance.

Lack of institutionalised accommodation often force associations or institutions to decide that children victims should be sent back to their families, the origin of crime and perpetrators, without proper assessment and with no alternatives.

WITH CARITAS LIBANON

ACCOMPANYING CHILD VICTIMS

Caritas Lebanon operates 5 shelters for women and their children with protection issues, which can welcome up to 320 persons.

Women beneficiaries include migrant workers, and Syrian and Iraqi Refugees.

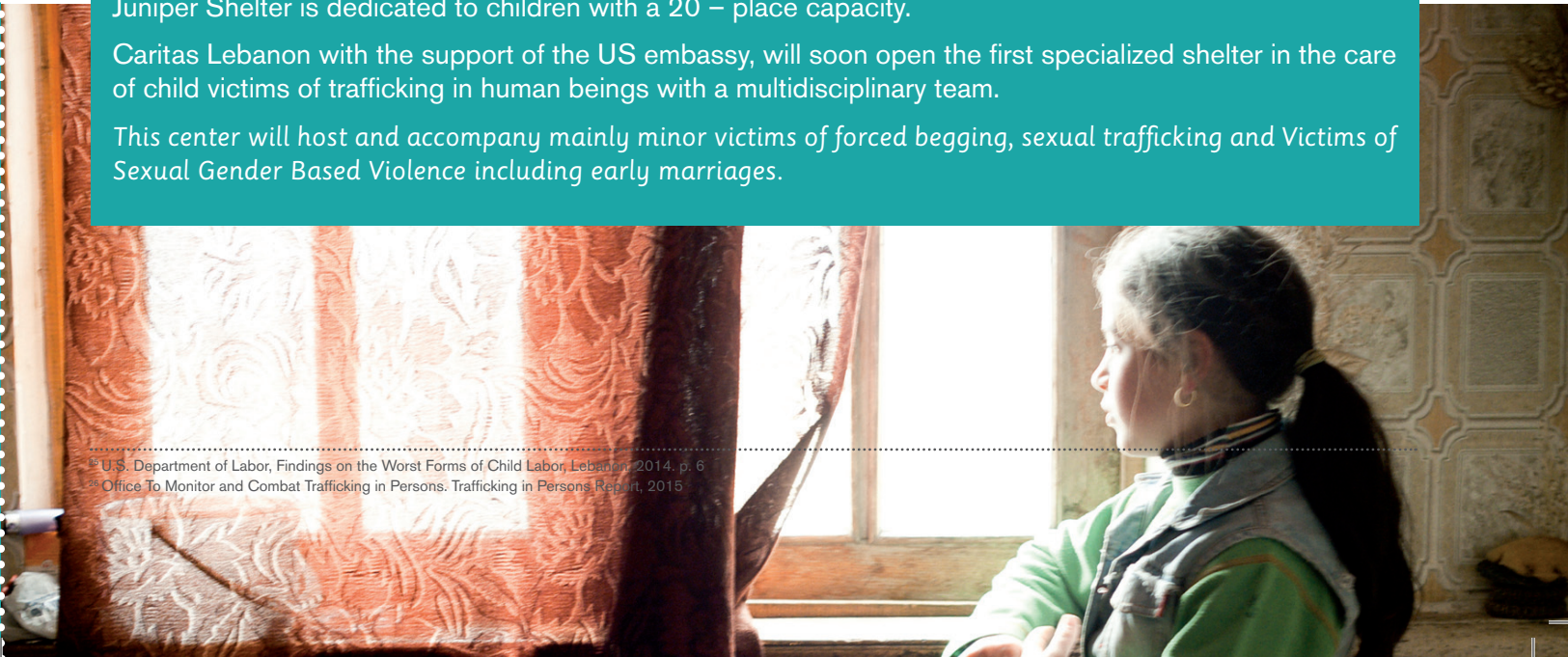
These women, referred by the General Security and other entities, arrive at the shelters in very critical conditions (victims of rape, violence, abuse, etc.), often pregnant or with their children. Another shelter called Juniper Shelter is dedicated to children with a 20 – place capacity.

Caritas Lebanon with the support of the US embassy, will soon open the first specialized shelter in the care of child victims of trafficking in human beings with a multidisciplinary team.

This center will host and accompany mainly minor victims of forced begging, sexual trafficking and Victims of Sexual Gender Based Violence including early marriages.

²⁵ U.S. Department of Labor, Findings on the Worst Forms of Child Labor, Lebanon, 2014, p. 6

²⁶ Office To Monitor and Combat Trafficking in Persons. Trafficking in Persons Report, 2015





Vulnerable
Children
to Trafficking

Studies and reports are pointing out a great diversity in the profile of identified victims of trafficking.

The European Commission has introduced the following clusters of vulnerability:

- - Individual: connected with the child's personal situation and history;
- - Familial: related to the child's familial context;
- - Socio-economic: due to membership of a marginalized population group and lack of access to care and justice;
- Structural: related to the socio-economic situation in the country, the capacity of the national child protection system, or a conflict or post-conflict situation.

HOW DO CHILDREN UNDERSTAND TRAFFICKING IN HUMAN BEINGS? (KOSOVO)

Societal awareness about trafficking in human beings is one of the main prerequisites for fighting child trafficking.

150 pupils aged 13 to 15 filled in a questionnaire sent to 10 different schools in two different municipalities Prizren and Ferizaj.

Those two cities - Prizren and Ferizaj – were chosen because the percentage of human trafficking incidents is higher compared with other cities.

An analysis of answers shows that:

- The family is the main supporting environment for children. Family remains by far the most important cell to seek advice and to help the children when they feel exposed to any form of risk;
- The police are viewed by pupils as a key institution in the fight against human trafficking;
- In contrast, pupils don't point out schools as an entity that can play a role in minimizing human risks.

Any intervention program that aims at minimizing the risks factors of human trafficking among children of this age should also include families and parents.



WITH CARITAS KOSOVO

PREVENTION OF PUBLICS AT-RISK

Caritas Kosovo has conducted a school-based research on children's and teacher's perceptions of trafficking in human beings from September 2018 to March 2019 to identify preventative measures for implementation.

In answering the question “What do you think are the main risk factors that bothers you and your friends?”, human trafficking was mentioned only in 10 respondents out of 150. Bullying, harassment and other forms of intimidation remained the major concern among pupils that need to be addressed. These are some of the risk factors that can indirectly influence other forms of abuse and exploitation that can lead to elements of human trafficking.

When crosschecked with other answers provided (defining trafficking in human beings, knowledge about trafficking case in their community or risk factors) it shows that children do not have a strong understanding of the phenomenon despite the fact that the crisis of trafficking in human beings is integrated in the school curricula as a thematic lesson within the subject of civic education!



It was evident in all of the questions, interviews and focus groups carried out throughout the process that there is a general lack of understanding of elements of trafficking in human beings and other risks.

Any awareness program should try and work closely with schools and teachers. Since schools are considered the most adequate institution at reaching the most amount of child, as well as each individual child's needs.

SOME QUOTES FROM PUPILS UNDERSTANDING OF HUMAN TRAFFICKING

Human trafficking is:

A tragedy for a family

Kidnapping and organ selling.

Suspicious people, narcotic users

Sexual violence

I do not understand well but it is something bad

Marijuana trafficking

Use of narcotics

Selling of women and children for prostitution

Communication with bad people

Unlawful activity

Forced street begging

Human Rights Violation

Selling of people



CHILD TRAFFICKING AMONG THE VULNERABLE ROMA COMMUNITIES (ALBANIA AND SLOVAKIA): Ending the Cultural Stigma

Women and girls originating from the Western Balkan countries are trafficked for purposes of sexual exploitation or domestic servitude within or outside the region.

Female victims of trafficking are increasingly younger and often minors.

In Albania, women and girls are more likely to be trafficked after being tricked into marriage or duped with promises of jobs or even a better education. Children are forced to begging or other forms of forced labour by organized criminal groups. Others are forced into prostitution, in particular on the Adriatic coast during the peak tourist season. The most vulnerable children are those of ethnic Roma, Ashkali and Egyptian descent, but reportedly also children of displaced families and those with socio-economic problems.

An estimated 200 000 of Slovakia's Roma live in isolated and marginalized settlements²⁷.

In Slovakia, there are high levels within the Roma community of poverty, unemployment and discrimination. Very few of them continue on to secondary education. With a high unemployment rate among Roma communities, social welfare is the only income for many Roma families, on which they become dependent.

All these factors increase the levels of vulnerability to trafficking in human beings.

After the UK opened its labour market, it enabled hundreds of people from Slovakia to immigrate to the UK.

Roma people mostly from Eastern Slovakia profited from this situation and started to build networks of trafficking people to the UK and exploiting those that were already in Britain.

They have formed organised crime groups and ganged up with Pakistani and Indian groups to set up an illegal and highly lucrative business²⁸.

Peter, victim of forced labour at 16 years old²⁹

Peter is Slovak of Roma descent. At the age of 21, Peter is already the father of three children. Together with his girlfriend they live with her parents. He was 16 when he became a father for the first time. He had no contract work, just various undeclared or nonconventional jobs. After the birth of his first child, he went to England to work in a factory. The job was provided by a guy from the neighbouring village, travel and accommodation was "free", and he received £ 30 a week for food. After three months, Peter was paid about 500 euros. To this day, he does not realize he could have been abused.

²⁷ Atlas of Roma Communities in Slovakia 2013, Alexander Mužinka, University of Presov, Institute of Roma studies; Daniel Koba, UNDP; Jakob Hurre, Charles University, The centre for urban and regional studies; Kvetoslava Matlovičová, University of Presov, Jaroslav Kling, UNDP (PDF)

²⁸ Caritas Slovakia Concept Note of the Action- Research on Child trafficking, Children of Romani descent within marginalized Roma communities

²⁹ Information obtained by direct interview with the victim

Slovak children of Roma descent are subjected to forced criminal behaviour in the UK and to sex trafficking and forced marriage within marginalized communities in the Slovak Republic.

According to data from the World Bank, 5.8% of the Albanian population lives in extreme poverty³⁰, while 34% live in poverty . In 2014 in Albania, around 2 500 children were living in the street, 70% of them belonged to Roma and Egyptian communities.

The transition period has affected the socio-economic situation of the Roma more than that of other ethnic groups, usually assigned to low skilled jobs. Roma and Egyptians face direct and indirect barriers in accessing public services, stemming from eligibility crite-

ria they cannot comply with, lack of information or understanding of administrative procedures. As well as the stigma and frequent discriminatory attitude from the majority of the population toward them.

Pressure to contribute to family income, early marriages as a way out of poverty, discrimination against other children or their parents, social pressure from those who have already left school, or the need to help with housework, and caring for siblings or the elderly are all reasons for children not finishing school. One of the main concerns is about “invisible” children, those who do not go to school and do not appear in any register of civil status.³¹

WITH CARITAS SLOVAKIA

RAISING AWARENESS AND TRAINING ON THE RISKS OF TRAFFICKING IN HUMAN BEINGS AMONG ROMA COMMUNITIES

Since 2008, Caritas Slovakia has coordinated a national project called STOP Human Trafficking, funded by the Ministry of the Interior, through which Caritas raises awareness among vulnerable populations and provides direct assistance to victims of trafficking in human beings.

The last “Don’t get enslaved” campaign was aimed at organizing awareness training for leaders of Roma communities and professionals working with them.

Two videos and a song that was sung by a famous group of Roma were produced. These trainings were mainly conducted in the poor regions of southern and eastern Slovakia, where many isolated Roma communities live. These areas are marked by a high unemployment and low levels of education.

The objective was to inform the participants about the operational risks associated with certain job offers and to enable them to identify different indicators of trafficking in human beings.

³⁰ World Bank Group, Migration and Mobility, Europe and Central Asia Economic Update, October 2017 (PDF)

³¹ National Report on the Situation of Children’s Rights in Albania 2013-2014, Ministry of Social Welfare and Youth, The State Agency for the Protection of Children’s Rights and UNICE. (PDF) p.51

In Bosnia and Herzegovina, international organizations reported that law enforcement agencies and social workers at centers for social welfare justified cases of potential forced child begging, forced labour, and forced marriage involving Roma as traditional cultural

practices and customs. They have noted that sometimes Roma child victims were directly sent back to their families even when parents were involved in the exploitation³².

WITH CARITAS ALBANIA ACCOMPANYING VULNERABLE MINORITIES AND RAISING AWA- RENESS ON THE RISKS OF TRAF- FICKING IN HUMAN BEINGS

Caritas Albania has a daily center for the Roma community where they provide informal education for children and adults, social activities for mothers, inclusion of children in the education system, professional courses as well as providing school equipment for needy students.

In this center, Caritas organizes meetings between children, parents and representatives of the Child Protection Unit, to discuss the different types of exploitation that many children in the community face: such as child labour, early marriages and forced begging.

The holiday camps organized by Caritas Albania are also a means of raising children's awareness on the risks of trafficking in human beings and informing them of their rights.



³² Trafficking in Persons Report, U.S Department of State, 2018. p.105 (Bosnie-Herzégovine)

EARLY MARRIAGES (ALBANIA, JORDAN, LEBANON, BOSNIA AND HERZEGOVINA): Set a minimum legal age and recognize children born of these mariages

International Conventions	
Target 5.3 of the Sustainable Development Goals	Eliminate child, early and forced marriage by 2030
Convention on the Rights of the Child	Set a minimum age of marriage of 18
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Compel States to ensure free and full consent to marriage



Child marriage is defined as a formal or informal marriage before the age of 18.

“Child, early or forced marriage is a human rights violation and a harmful practice that disproportionately affects women and girls globally, preventing them from living their lives free from all forms of violence”³³.

In line with the Convention on the Rights of the Child, under the age of 18, children are not able to give their free and full consent to marry.

In many countries, child marriage is a traditional practice.

*Each year, globally around 12 million girls are married before the age of 18.*³⁴

“While child marriage is rooted in gender inequality, high levels of poverty and lack of educational opportunities for girls also exacerbate this practice”³⁵.

³³ OHCHR, Child, early and force marriage, including in humanitarian settings, <https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/ChildMarriage.aspx>, consulted April 19, 2019.

³⁴ Girls not brides, About child marriage, <https://www.girlsnotbrides.org/about-child-marriage/>, consulted June 3, 2019.

³⁵ International Catholic Migration Commission, Undocumented, unseen, and at risk: the situation of Syrian refugees lacking civil and legal documentation in Jordan, September 2017 (PDF) p.11

³⁶ Girls not brides, About child marriage, <https://www.girlsnotbrides.org/about-child-marriage/>, consulted June 3, 2019.

³⁷ World Health Organization, Adolescent Pregnancy, February 23, 2018, <https://www.who.int/news-room/fact-sheets/detail/adolescent-pregnancy>, consulted May 22, 2019.

Early marriage Globally: Facts and Figures

Source: Girls not brides^{37b}



12 million

Each year,
12 million girls are
married before the age
of 18.



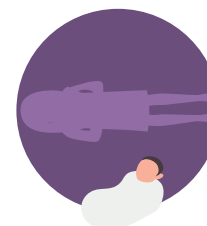
16 million

16 million girls aged
between 15 and 19
give birth every year.



2 million

2 million girls under
15 years give birth each
year in developing
countries.



70 000

Around 70,000 girls die
during pregnancy and
childbirth; « Pregnancy and
childbirth complications are
the leading cause of death
among 15 to 19-year-old girls
globally»^{37c}.

^{37b} Girls not brides, About child marriage, <https://www.girlsnotbrides.org/about-child-marriage/>, consulted June 3, 2019.

^{37c} World Health Organization, Adolescent Pregnancy, February 23, 2018, <https://www.who.int/news-room/fact-sheets/detail/adolescent-pregnancy>, consulted May 22, 2019



In Jordan, child marriage is not a common practice among Jordanians, yet it is an accepted and common practice among the Syrian community, especially in rural areas of Syria.

Child marriage and the social pressure associated have been exacerbated with the Syrian Crisis.

A study made by the Higher Population Council in Jordan³⁸ in 2017 shows that early marriage is increasing especially among Syrians

the ratio of married girls under 18 rose from 33.2% in 2010 to 43.7% in 2015.

Several studies denounce forced marriage or temporary forced marriage among Syrian girls to Jordanian men and men from the Gulf.

Marriage under the age of 18 is forbidden in Jordan but under the Jordanian Personal Status Law, marriage involving any party aged between 15-18 years old is permitted by Sharia court only in special situations in which it is deemed to be “the best interest of the child”. In fact, the presiding judge approved these marriages in the vast majority of cases.

The marriage of a girl under the age of 15 is an illegal marriage under Jordanian Law.

Which does not permit legal authentication and sets in motion a range of other documentation problems. Such as the issuance of birth or death certificates, and also a divorce certificate to be able to get married once again”.

The consequence of these marriages compromises the rights of women and the whole family.

Illegal and unregistered marriage’s negative impacts on girls³⁹

- Girls have less possibilities for legal redress for incidents of gender-based violence within their marriages;
- Children born within unregistered marriages are denied the right to an official identity, a recognized name and a nationality. This potentially reduces the child’s ability to access school and health services;
- The man may argue that the couple weren’t married and send the girl back to her family after having sexual intercourse. Therefore, the girl would be almost unlikely to marry again, and her reputation and the one of her family would be damaged by the associated stigma.

³⁸ Higher Population Council in Jordan, A Study on Child Marriage in Jordan, www.share-net-jordan.org.jo/sites/default/files/A%20Study%20On%20Child%20Marriage%20in%20Jordan%202017.pdf, consulted July 30, 2019

³⁹ Care, «To protect her honor »: Child marriage in emergencies – the fatal confusion between protecting girls and sexual violence, May 2015. (PDF) p.8

Early marriage traditionally perceived as a protection

Early marriage continues to be understood in the Syrian community as a form of protection and is seen as a problem only due to Jordanian Law⁴⁰.

The following testimonies were gathered by the associations CARE and The International Catholic Migration Commission.

"We know that here no one is allowed to get married before the age of 15, but where we come from (De-ra'a), it is normal for a girl to get married anywhere above 13 years old. I was married at 14, and all my sisters were married between the age of 13 and 16 years old, and we are fine!" She continues to explain: "People like to get married early because then you have big families and the older generations can see the family grow. Look at me, I have 15 children!" (Um Ma'ale 35 years old).» (Um Ma'ale 35 ans).⁴¹

A pervasive opinion and traditional views on women's sexuality is that by marrying a girl as a child they are protecting her and keeping the "honor" of their daughters, to ensure her virginity at marriage.

"There is a huge amount of shame associated with a woman or girl losing her virginity outside of marriage (whether she has given informed consent or whether as a result of sexual violence, of which there is an

increased risk in conflict and emergency situations)
" 42»

"The men in our community want to get married between 18 and 21 years old. And the men will always want a younger bride, so the girls will always be younger than they are. This is the way it works, if you wait too long you will miss out, and you never know what type of trouble you will invite into the family". (Um Hussein, 40 years old Syrian in Jordan)⁴³.

In Lebanon, there is no law that sets a minimum age to get married as the marriage law is under the religious courts.

In Lebanon there are 18 religious' denominations, which represent 18 different marriage laws.

Currently, there are various NGOs who are campaigning to have a draft law to stop early marriage⁴⁴. Since the mass arrival of Syrian refugees in Lebanon, early marriages increased to obtain protection.

While some have been subverted for temporary marriage, as a way of concealing forced prostitution.

The UNHCR reported that as of mid-February 2019, more than half (55%) of the 946,000 Syrians who have sought refuge in Lebanon are children⁴⁵.

Lebanese schools can't absorb the demand. Syrian children have limited access to education and their families face extreme poverty, making them vulnerable to trafficking.

⁴⁰ International Catholic Migration Commission, Undocumented, unseen, and at risk: the situation of Syrian refugees lacking civil and legal documentation in Jordan, September 2017 (PDF) p. 11

⁴¹ International Catholic Migration Commission, Undocumented, unseen, and at risk: the situation of Syrian refugees lacking civil and legal documentation in Jordan, September 2017 (PDF) p.13

⁴² Care, «To protect her honor»: Child marriage in emergencies – the fatal confusion between protecting girls and sexual violence, May 2015. (PDF) p. 11

⁴³ International Catholic Migration Commission, Undocumented, unseen, and at risk: the situation of Syrian refugees lacking civil and legal documentation in Jordan, September 2017 (PDF) p.20

⁴⁴ The Daily Star Lebanon, UN launched campaign to end child marriage in Lebanon, November 25, 2018. <http://www.dailystar.com.lb/News/Lebanon-News/2018/Nov-25/470045-un-launches-campaign-to-end-child-marriage-in-lebanon.ashx>, consulted April 7, 2019..

⁴⁵ UNHCR, Operational portal, Refugee situations, May 31, 2019, <https://data2.unhcr.org/en/situations/syria/location/71>, consulted April 7, 2019..

Organizations such as Care (Lebanon and Jordan) utilize a peer education approach to inform on the real health (childbirth mortality, physical assault, rape and sexual assault by an intimate partner), protection (denial of education, increased gender inequality) and psychosocial impacts of early marriage. For the record, it is notable that the countries with the highest maternal and child mortality rates are those same countries where child marriage is widespread prevalent⁴⁶.

In addition to an advocacy campaign lead by the secular NGO called Lebanese Democratic Women's Gathering - RDFL⁴⁷ to raise awareness to this issue, a draft law that would establish the legal age of marriage in Lebanon at 18 years was adopted in 2017.

⁴⁶ Care, «To protect her honor »: Child marriage in emergencies – the fatal confusion between protecting girls and sexual violence, May 2015. (PDF)

⁴⁷ RDFL, RDFL submits a draft law aiming to protect children in Lebanon from early marriage, April 5, 2017, <https://www.rdfwomen.org/eng/rdfi-submits-a-draft-law-aiming-to-protect-children-in-lebanon-from-early-marriage/>, consulted July 15, 2019

WITH CARITAS LEBANON

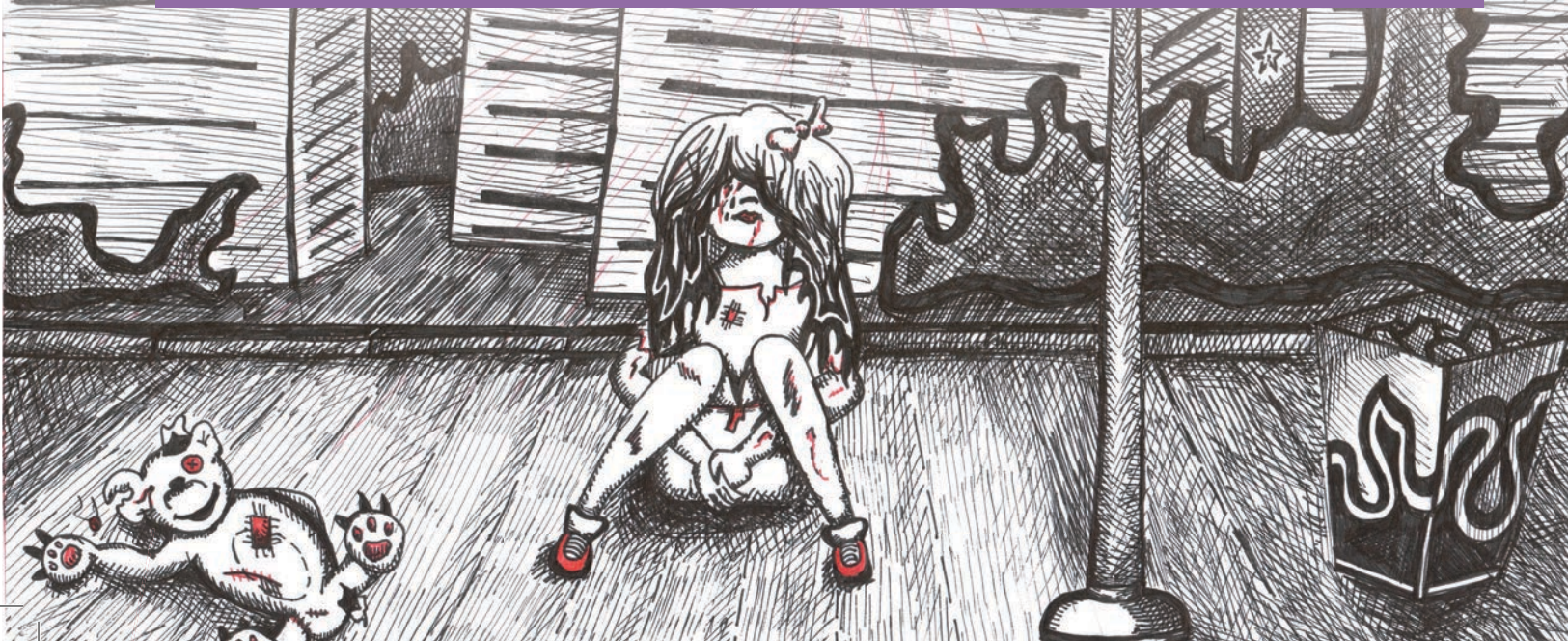
SUPPORT FOR GIRLS WHO ARE VICTIMS OF FORCED MARRIAGES AND SEXUAL EXPLOITATION

In 2016, a scandal broke around the brothel “Chez Maurice”.

75 Syrian women were gradually brought to Lebanon for the purpose of being sexually exploited. Locked up and abused, they were forced to have sex.

22 of them were minors at the time of the events. All were forced into marriage to facilitate their entry into Lebanon before being forced into prostitution. The husbands were the traffickers.

Caritas Lebanon gathered the 22 girls in one of its shelters and supported them both socially and medically.



According to national statistics, 10% of girls in Albania are married before their 18th birthday.

Available studies suggest that child marriage is most common among the Roma ethnic group and in poor, isolated and rural areas.

Marriages involving children are not registered, which makes it difficult to obtain accurate statistical data.

The traditional views that women not married at 25 years old bring shame to a family is still pervasive in rural areas and especially in North of Albania.

According to Albanian Children's Alliance, many girls in remote, mountainous communities leave school at the age of 12-13 in order to take on domestic work and get ready for marriage. Some poorer families in rural areas still marry off their daughters in order to obtain a dowry.

Parents do not see any future for their daughters beyond the role of a wife, mother and housekeeper.

Usually, the husband is chosen by the girl's father and the girl doesn't really have a say in the matter.

Girls more often get married when they reach puberty to preserve family honour, to avoid any premarital sex and therefore shame to the family.

However, the main reason of early and arranged marriages remains the absence of future in the country. Girls are looking for a man well integrated in Europe with European papers.

There is a high number of divorced cases. Because the wife gets married very young, she has a very poor educational background and then could be easily subjected to trafficking. There are international agencies that provide arranged marriage between men especially from Slovenia, Serbia and Macedonia with young Albanian girls.

Early marriage is a common practice for the Roma community.

From an interview with a father from Roma community:

"Lucky to find a man for his young girl! How could it be wrong for our children when it worked for us?"

Because of this, many of them are not included in the health and education systems. **The majority of Roma children are invisible.** They can't get officially married and because they are not registered themselves, they can't register their children.

They give birth at home and are not at a hospital where the registration is easier and more automatic.

It is difficult for a young girl of the Roma community to prove that the baby is really hers and that he was actually born in Albania. Often because they are too young to register their babies, young mothers dread the authorities.



During its 2016 review, the CEDAW Committee expressed concern about the persistence of child marriage in Albania, particularly among Roma and Egyptian communities, families choosing husbands and the payment of the dowry in rural, remote areas.

It recommended that the government strictly prohibit child marriage and raise awareness among children, parents, community and religious leaders of the harmful impact it has on the health and development of girls.

In Slovakia, in 2018, for the first time, early marriages were brought to trial

Referring to European Parliament resolution of 25 October 2017 on fundamental rights aspects in Roma integration in the EU⁴⁸, which calls on member states to pay attention to the challenges faced by Roma women and girls, seven cases related to early marriage were prosecuted in 2018.

Seven Vlachiko Roma girls, aged 12 years old, were forced into marriage in exchange of a dowry. In addition, in two cases, victims were also sexually exploited.

These child victims were placed in an institutional care facility according to the regional court's decision.

Vlachiko (Olah) Roma is a sub-ethnic subgroup of the Roma community, and although early/forced marriages are illegal in Slovakia, it is still a tradition.

This phenomenon is deeply rooted and is well known among Slovak authorities as very difficult to combat. Lot of state actors and human rights defenders have been involved to stop early-forced marriage for the last two years.



⁴⁸ European parliament resolution of 25 October 2017, on fundamental rights aspects in Roma integration in the EU, fighting anti-Gypsyism (2017/2038(INI))

CHILDREN ON THE MOVE (FRANCE): Migration Policy Based Mainly on Security at the Expense of Children's Protection

In 2017, 50% of the refugee population consisted of children below the age of 18, which represents almost two times the number of displaced children ten years ago.⁴⁹

300,000 unaccompanied and separated children were recorded in 80 countries in 2015-2016, compared to the 66,000 documented in 2010-2011⁵⁰.

The increasing flow of children travelling alone has left many exposed to sexual abuse and exploitation, military recruitment, child labour at the hands of traffickers.

In France, the number of unaccompanied minors is on the rise.

In 2017, officially, 15,000 unaccompanied migrant minors arrived in France, an increase of 85% over the previous year.

Legal context

One specific mechanism has been set by the Protocol of 31 May 2013 on the sheltering, assessment of age and situation and orientation of unaccompanied minors to the child welfare system.

This protocol provides a territorial distribution of unaccompanied minors among departmental councils, in charge of the child welfare system.

Furthermore, in the framework of the recent child protection system reform, a new law dating 14 March 2016 established a presumption of minority in accordance with the UNCRC.

This principle states that as long as the status of the young migrant has not been formally determined, and as long as doubt remains, this young migrant should be treated as a child in legal terms, by default.⁵¹

Border reinforcement and precariousness of unaccompanied minors: The situation of unaccompanied minors at the Franco-Italian border⁵²

Border control has been reinforced since 2015, officially for security reason to fight against potential terrorist attacks. In the field, all stakeholders agree that the main reason is to control migration flows.

Since 2015, there is an almost systematic refolement of migrants to Italy without any kind of evaluation of the migrant isolation situation or age assessment. Border police officials send migrants back to Italy, putting them on the train to avoid a double check by the Italian border police.

When it is too late in the evening for the train, migrants are kept in a room for the night with no mattress or meal in unhealthy conditions. Some nights, this room can receive 30 to 40 migrants and doesn't offer either a separate room for children and women nor the access to a lawyer. This room doesn't have any official status.

⁴⁹ UNHCR, Global trends, Forced displacement in 2017, <https://www.unhcr.org/statistics/unhcrstats/5b27be547/unhcr-global-trends-2017.html>, consulted July 4, 2019.

⁵⁰ ONU, Refugees and migrants, Number of unaccompanied refugee and migrant children hits « record high » - UNICEF, May, 18, 2017. <https://refugeemigrants.un.org/fr/node/100043340>, consulted July 4, 2019.

⁵¹ Info MIE, Centre ressources sur les mineurs isolés, La présomption de minorité, September 19, 2016, <http://www.infomie.net/spip.php?article1697&lang=fr>, consulted July 4, 2019.

⁵² Interview with Agnès Lerolle, coordinator of local actors dedicated to migrants at the French-Italian border

Once, a heavily pregnant woman wasn't allowed to see a doctor. This room can be viewed as a lawless place.

A young Eritrean migrant, who was 16 years old, was arrested after spending 5 days in a shelter in Nice and was sent back to Italy without any evaluation of his situation.

He wasn't given one clear day needed for the allocation of a legal representative. Police border officials changed his birth date on his document of refusal of entry, making him an adult without any evaluation.

According to associations, this sort of practice was systematic until February 2018.

Many principles and rights are or were flouted such as the procedure of evaluation (involving assessing age and situation of the minor), the non-refoulement of minors principle, the presumption of minority and the appointment of legal representative.

WITH CARITAS FRANCE

MOBILIZATION AND NETWORKING

Thanks to a large-scale mobilization of associations, including Secours Catholique – Caritas France, Doctors of the World, Doctors Without Borders, la Cimade, l'Anafé and Amnesty International, to support migrants and to condemn illegal refusal of entry of unaccompanied children, 20 complaints of illegal refusal of entry have been filed in the court and the judge has recognized the illegality of those refusals.

Since then, minors are oriented to PAJE an association mandated by Nice.

This repressive and security-based approach could be harmful to children, even more exposed to traffickers.

Border closures, aggressive pushback measures, overcrowded shelters have only served to exacerbate the risk of child exploitation, encouraging unaccompanied minors to take highly dangerous routes to reach their destinations and to raise the cost of the passage and the risk of trafficking in human beings.



Main protection gaps for unaccompanied migrant children



Migration policies based on security at the expense of children's protection.



In many countries, unaccompanied migrant children are routinely denied entry to or detained by border or immigration officials.



One of the main protection gaps is the lack of information concerning unaccompanied migrant children.



Gaps in registration and identification of unaccompanied migrant children leading also to gaps in referral to the appropriate protection services.



Gaps in the guardianship system: a lack of trained legal representatives, overstretched guardians/ ad hoc administrators, no immediate allocation of a guardian, etc.



To Combat

Child

Trafficking:

Take Account
of Recruitment
Methods and Forms
of Exploitation

An example in France

"At age 16, Rose is a candidate for Europe.

Her life was rocked a few hours before the ceremony ("juju", a ritual of black magic), when "a friend of the family" she "considers as a mother" approached her while she walked alone on the outskirts of the village: "Rose, would you be up to study in France? "

The penultimate of seven siblings, the teenager saw her older sister go to Europe a few years earlier to join school bench.

Dreaming to walk in her steps, she immediately accepts. "You're leaving Nigeria today, says the woman. My sister will be there to welcome you in Paris".

- But, a visa is not long to get?

- Everything is ready, do not worry about that.

When she asks to call her parents, the woman refuses. She prefers to keep her phone, explaining to Rose that she will not need it. "I'll tell your father when you're on the road." (...) Rose does not suspect anything. She's already dreaming of her new school.

But this young woman, who has just been promised a bright future, is about to join hell. From her village to Paris, via Niger, Libya, the Mediterranean, Italy and the sidewalks of Poitiers, Rose will fall into the hands of smugglers, before being a victim of trafficking in human beings thousands kilometres away, in the country of human rights."⁵³

RECRUITMENT METHODS

Victims are usually caught up in personal contact with traffickers, using friends or acquaintances of the victim, but they are often recruited by advertising on the internet or by private employment agencies.

The perpetrator (recruiter) may lure their victim by promising of a good job, a diploma or a marriage to get out of precariousness or a difficult family situation.

The ways in which traffickers keep control of the victims are changing from strict control of movement and physical violence to the use of threats, intimidation or blackmail of the victim but also of her family.

Such changes are logical, as traffickers have over time realized that in criminal proceedings it was very difficult to prove the use of non-violent means of coercion towards victims.

⁵³ Extract from the portrait of Manon Paulic" Route of a sex slave "published in the newspaper Le Un on Wednesday, October 17, 2018.



THE INTERNET AND CHILD TRAFFICKING: Make the Choice of Prevention Methods

International and regional legislation	
The 2007 Lanzarote Convention	The Council of Europe Convention on Protection of Children against Sexual Exploitation of Children and Sexual Abuse also known as the Lanzarote Convention specifically criminalizes online child sexual abuse and exploitation.
The Directive 2011/93/EU	on combating sexual exploitation of children and child pornography
The 2014 African Union Convention	on cyber security and personal data protection.

Internet, a broadcast media ...

There were 855,000 reports of illegal content confirmed to be child sexual abuse material in 2014⁵⁴.The majority of children are of Caucasian origin: 66,5% coming from Europe and North America. It is highly depending on widespread internet access and developed technologies.



To quote Björn Selleström from Swedish Cyber Crime Centre “The faster new technology and internet connectivity develops around the world, the more material we will see from Africa, Asia and South America”⁵⁵.

As a reminder, only 27,7% of the African population is using the internet.

In Ukraine, many cases of teenagers (16-17 y/o) that are involved in sex exploitation through their mobile phone or the internet have been recorded. The police are reluctant to register them as victims of sexual exploitation, because most of the time teenagers prove that it is their will and not their pimp's will.

From testimonies of social workers and teachers, the internet is becoming more and more popular as a recruitment tool.

⁵⁴ ECPAT, Online child sexual abuse and exploitation, current forms and good practice for prevention and protection, June 2017 (PDF) p.3

⁵⁵ ECPAT, Online child sexual abuse and exploitation, current forms and good practice for prevention and protection, June 2017 (PDF) p.4

...But also, a recruitment tool

“Anila Trimi, from the Office of the National Coordinator for Combating Trafficking in Persons at the Ministry of Interior, told the Home Office fact-finding team that people (in Albania) are mainly recruited through marriage, and increasingly through the use of social media. She said they are also starting to see girls recruiting girls on behalf of the trafficker. She explained that typical women are 18-25-year old, but there are also younger victims”⁵⁶.

In October 2018, in France, a network of 10 young people, pimps including two girls, were tried by the Criminal Court of Créteil for having prostituted eight teenage girls between 13 and 17 years old, between April 2016 and December 2017.

Within this network, girls often recruited their victims from among their girlfriends, and the boys were responsible for renting hotel rooms, particularly on Airbnb, accompanying girls and ensuring their safety.

They provided them with makeup, food, condoms and sometimes narcotics.

The ads were posted on sites like Viva Street. These girls were in a situation of family breakdown, and some of them had romantic relationships with their pimps.

According to Armelle Le Bigot-Macaux, President of Action Against Child Prostitution (ACPE)⁵⁷, this phenomenon is not new, and this resounding trial is just the tip of the iceberg.

Victims are getting younger and are caught in smaller networks that are very difficult to detect.



Generally, prostitution of minors starts with the “lover boy”. That’s why the victims are initially willing, fantasizing the role of an escort girl. In addition, they are under the influence of drugs to support the many encounters, these girls underwent up to 10 encounters per night and 300 in the month.

With the internet, everyone can be affected by this phenomenon. The sexual exploitation of minors does not occur only in cities.

So far, the lack of harmonized cybercrime legislation is facilitating child trafficking through the use of the internet. Today it is difficult to know the extent of this phenomenon. It is probably well spread in rather heterogeneous social groups.

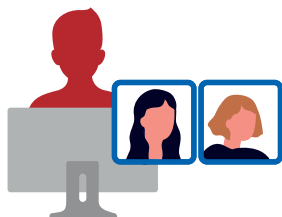
⁵⁶ Albania home office report, Country policy and Information Note. Albania: People trafficking, December 2018 (PDF) p.15

⁵⁷ Interview of Armelle Le Bigot-Macaux, President of of Action Against Child Prostitution on the radio RMC, <https://www.acpe-asso.org/affaire-creteil-interview-de-armelle-le-bigot-macaux-chef-bourdin/>

The different roles played by the Internet in trafficking in human beings⁵⁸

Victims recruited for sexual exploitation

"Lover boys" and other traffickers use the internet as a method and as a recruitment tool



Traffickers study the Facebook profiles of teenage girls and identify the vulnerable ones.



They create a fake account adapted to these profiles.



They get in touch with these young girls.



They exploit their innocence and need for affection in order to obtain material they will later use for blackmail (naked pictures...). They start gaining control.

Compared to the traditional lover boys who used to operate in real life (high schools, villages), the internet allows them to get in touch with hundreds of girls very quickly.

The geographic distance is no longer an impediment, and virtual relationships lift inhibitions.

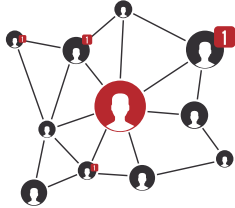
THIS IS FRIGHTENINGLY EFFECTIVE AND HAPPENS IN A SPACE THAT IS INVISIBLE TO RELATIVES.



⁵⁸ Contre la traite, Traite et Internet, http://www.contrelatraite.com/internet_traite, consulted July 4, 2019.

Juvenile delinquency's growth

In the context of inciting young girls to commit offenses, mentoring is one of the main recruitment vectors.



It operates on social media (WhatsApp, Instagram, Facebook, Messenger, etc.) using virtual relationships maintained between acquaintances.



Traffickers seduce young people by sharing pictures and videos where they show off easy money (e.g., bundles of money, jewellery) to encourage young people to get in touch with them.



Those virtual relationships feed and maintain the victims' impression that they can contribute to the social prestige of their family or clan. Those young victims, who often struggle academically and don't have perspective, feel valued in this virtual environment.

Recruitment for the purpose of economic exploitation



Legal agencies offer jobs via the internet.



They recruit in a number of countries to exploit workers abroad under disgraceful conditions.



They use legal loopholes to avoid legal proceedings.



Legal aspects of those agencies are more and more elaborated and very difficult to identify.



The main sectors affected are construction, the restoration industry, the care/ beauty (hairdressing, manicure) sectors and domestic servitude.



PERMANENT CONTROL FROM A DISTANCE



Victims get the impression that they are constantly being watched and threatened through social networks, as there is no more space or time limit through the internet.



Today, it is difficult for young people not to use social media. When they successfully escape from a form of exploitation, traffickers can easily find them through their new profiles.



EXPLOITATION IN FORCED CRIMINAL ACTIVITIES (FRANCE): Recognize Trafficking and Avoid Incarceration

In France, the presence of minors from the former Yugoslavia countries that are forced to commit crimes or offences (pickpocketing, burglary...) was observed starting from the 80s and 90s. This phenomenon evolved in the 2000s with the emergence of other groups, many from Romania but also from Bulgaria, with other forms of crime (theft of mobile phones, and theft at the cash machine).

More recently, we have witnessed the arrival of unaccompanied minors from African countries, including Algeria and Morocco, affected by the same phenomenon (robbery, sale of cigarettes or narcotics).

The presence of Albanian or Vietnamese minors forced to commit crimes has also been noticed in several cities in France. The nature of delinquent activity often appears to be a function of areas of origin or family or community groups.

The hold on these minors will also depend on recruitment conditions and exploiters.

For groups where the influence is more family-based and community-based, exploitation may not be felt as such and minors may not spontaneously report victimization and even claim their delinquent activities. In some groups, the hold on girls may exist through the constraint of having children, who will sometimes be returned to their home country. There may be a form of emotional blackmail with this child. For boys, the influence can also be done through promotions, with the possibility to advance in the network. Levers are linked to the possibilities of societal climbing and the idea of __contributing to the prestige of the family.

This grip leads to a strong sense of accountability and loyalty, making it particularly difficult to denounce exploitative facts, as it would tarnish these family ties.

In groups where recruitment takes place directly in the countries of destination by persons outside the family, the psychological influence seems less strong, but relies on other means such as the dependence of these minors on narcotics or the existence of a debt toward their exploiters.

According to the Council of Europe Convention against Trafficking in Human Beings, any child forced to commit crimes in the context of trafficking must be considered as a victim⁵⁹.

⁵⁹ Contre la traite, Les mineurs contraints à commettre des délits, http://www.contrelatraite.com/index.php/mineurs_delits, consulted July 4, 2019.

EXPLOITATION IN FORCED CRIMINAL ACTIVITIES (FRANCE): double punishments/ penalization⁶⁰

It is even more difficult for those victims exploited for the purpose of committing offences to obtain the legal recognition of victims of trafficking.

Police, judicial authorities and public opinion punish them as repeat offenders.

The minor recidivist is a victim of the repetitive nature of the offenses they commit and most of the time the principle of non-criminalization established by the Convention of Warsaw does not apply to them.

Those minors go through summary process (speedy trial) without any genuine social investigation of the child's situation. Usually, no legal representatives are appointed for those children. For instance, at the end of police custody, parents are never there to pick them up and nobody is trying to organize a legal representative for those children.

The discouragement of the police departments, social workers and judges partly explains the double penalization of minors exploited to commit offences. Professionals in contact with those minor victims do not have skills, resources and time to earn their trust and to provide them an adequate and sustained assistance.

They do not have a real access to the child welfare system, as those children are never officially identified as victims. When they have access, most of those minors constantly run away from shelters to rejoin their communities. Professionals around them are not well enough trained to deal with the complex relationship and the degree of control and influence of traffickers over those minors.

Trafficked children forced to commit crimes are mostly invisible: "We just pay special attention to them only in the framework of legal proceedings to know more about the mode of operation of the traffickers' network in order to convict traffickers and not for the purpose of protecting those children".



⁶⁰ Interview with Antoine Meyer, legal expert and specialist on trafficking in human beings.

IN FRANCE

CENTRE KOUTCHA

The Koutcha association, created in 2013, by three professionals, has been working for more than 10 years with child victims. It aims to offer adapted and sustainable protection for these children.

In partnership with the European Commission, ECPAT France and Esperanto Belgium, the Koutcha association is setting up a centre dedicated to the protection and care of victims and presumed victims of trafficking in human beings from the ages 0 to 21 years old.

The centre is designed for the protection of these minors, including through a geographic location allowing incommunicado placement, and a specific support. The centre will take care of them at the academic and/or professional, psychological, legal, judicial and administrative levels with the aim of supporting them for a more sustainable social integration while limiting the risk of “re-exploitation”.

CHILD FORCED LABOUR (BOSNIA AND HERZEGOVINA, JORDAN AND LEBANON)

International Conventions on Child Labour	
ILO	ILO C.138, Minimum Age
	ILO C.182, Worst Forms of Child labour
UN CRC	UN CRC
	UNCRC Optional Protocol on Armed Conflict
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
UN	Palermo Protocol on Trafficking in Persons

According to the International Labour Organization, around 5.4 million children aged 17 years and below are victims of forced labour.

Bosnia and Herzegovina Labour exploitation of children

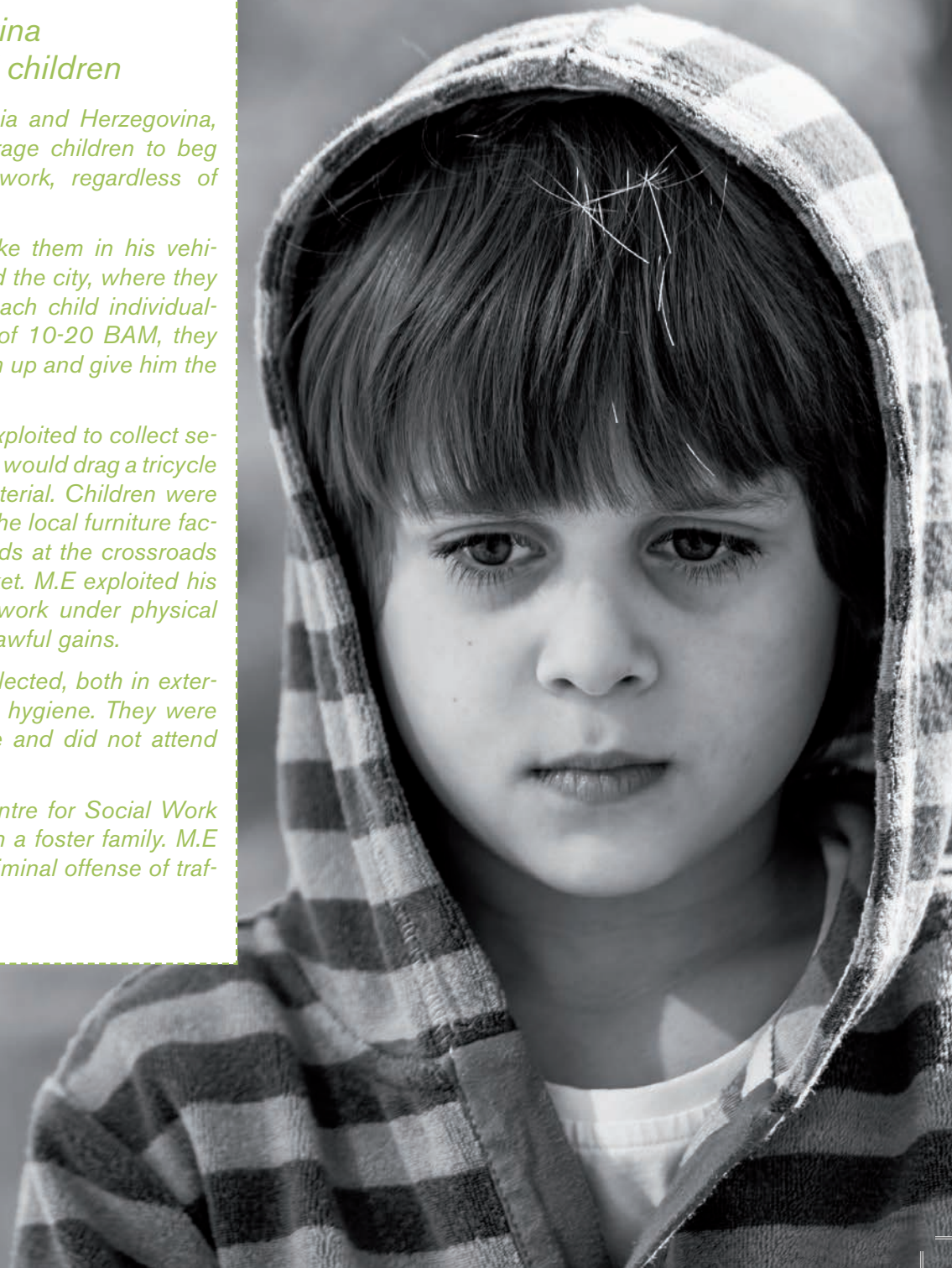
Starting from 2016, in Bosnia and Herzegovina, M.E constrains his six underage children to beg and to do heavy physical work, regardless of weather, on a daily basis.

In the morning, he would take them in his vehicle to certain locations around the city, where they were forced to beg. When each child individually has collected the amount of 10-20 BAM, they would phone him to pick them up and give him the money collected.

Four of these children were exploited to collect secondary raw materials, so they would drag a tricycle with up to 100 kg of raw material. Children were collecting sponges in one of the local furniture factories, washing the windshields at the crossroads or selling items at a flea market. M.E exploited his children by forcing them to work under physical threat, in order to achieve unlawful gains.

The children were visibly neglected, both in external appearance and personal hygiene. They were without adequate health care and did not attend school.

For all these reasons the Centre for Social Work took them and placed them in a foster family. M.E has been convicted for the criminal offense of trafficking in human beings.





Child Labour in Lebanon situation

In Lebanon, child labour is reported as one of the main social problems⁶¹.

Statistics from UNICEF point out that around 100,000 children⁶² are affected by this situation. According to some NGOs, 60-70% of refugee children work in Lebanon. They often work without pay alongside their families and do not attend school during harvesting and planting seasons. Working in the streets is especially common for foreign-born children, including Palestinian, Iraqi, Egyptian, Kurdish, Dom (an ethnic minority), and increasingly Syrian children.

The Lebanese Constitution guarantees the right to compulsory, free education for children. However, the law limits free education to Lebanese citizens under 12. The minimum age for work is 14 in Lebanon.

Refugee children aged 12-14 are particularly vulnerable to child labour as they are not required to be in school but are not legally permitted to work⁶³.

Besides, Lebanese law prevents officials from entering private homes, making foreign children who work as domestics unprotected and vulnerable to child labour.

“No mechanisms exist to investigate complaints of a child's domestic labour, since social workers- the only officials allowed to enter a private home- may only assess the overall welfare of the family and not the workplace conditions”⁶⁴.

CHILD DOMESTIC WORKERS IN LEBANON: Include Domestic Workers in the Labour Code

Since the end of the Civil War, in 1990, women from various nationalities⁶⁵ have been migrating to Lebanon to work primarily as domestic workers, though they also take care of the children and the elderly, filling the gap left open by the Lebanese State with regard to the care for its citizens. According to the Ministry of Labour, 300,807 work permits⁶⁶ were delivered in 2018 for women migrant domestic workers.

⁶¹ Ammar, Alexander, Children living and working on the streets in Lebanon: Profile and Magnitude, 2015.

⁶² This number accounts only for children of Lebanese, Syrian, Palestinian Refugees from Lebanon and of Palestinian Refugees from Syria.

⁶³ United States department of labor's bureau of international labor affairs, Lebanon, p.4 (PDF), <https://www.dol.gov/ilab/reports/child-labor/findings/2014TDA/lebanon.pdf>, consulted July 4, 2019.

⁶⁴ United States department of labor's bureau of international labor affairs, Lebanon, p.4 (PDF), <https://www.dol.gov/ilab/reports/child-labor/findings/2014TDA/lebanon.pdf>, consulté le 4 juillet 2019.

⁶⁵ Au cours de ces 30 dernières années, les principaux pays d'émigrations pour les travailleurs domestiques au Liban sont le Bangladesh, les Philippines et l'Éthiopie.

⁶⁶ En 2018, 76 544 femmes migrantes ont reçu un permis de travail pour pouvoir travailler en tant que domestique, 129 358 permis de travail ont été renouvelés permit alors que 94 905 femmes ont reçu un visa provisoire.

A significant number of Ethiopian domestic minors

In the last few years, the number of Ethiopians living and working in Lebanon has been growing significantly, making their community the largest one on Lebanese soil. Half of the women migrating from Ethiopia to Lebanon are minors.

Ethiopia is one of the poorest countries, with two-thirds of the people living on less than 2 USD a day. Minors are able to acquire authentic identity documents with a false age due to the lack of an efficient birth registration system in Ethiopia.

Furthermore, the prevalence of deceptive practices put in place by unlicensed brokers, who profit from the disinformation of the prospective migrants, is widely spread and socially embedded.

The false information coming from other migrants who suffer from the pressure for success doesn't help either.

The Kafala system: a factor of vulnerability to trafficking of domestic workers

The stay of child domestic workers in the country is ruled by the sponsorship system called Kafala.

This system isn't rooted in one specific law, but in practice, binds them to the employer, who is responsible for their documents⁶⁷, accommodation and health.

The domestic workers, excluded from labour laws, are completely dependent on the employer, and consequently, vulnerable to any kind of abuse.

They are not entitled to the same rights other workers enjoy, such as a minimum salary, a limited number of working hours and vacation⁶⁸.

The Ethiopian community (such as Bangladeshis) is particularly vulnerable to exploitation and abuse due to the language barrier: most Ethiopians migrate knowing only Amharic or another regional dialect from the country.

The report developed by Human Rights Watch, "Without Protection. How the Lebanese Justice System Fails Migrant Domestic Workers", registers four main categories of different right violations, namely:

- Non-payment or underpayment of wages;
- Confiscation of passports, forced confinement and restriction of communication;
- Overwork, food deprivation and inadequate living conditions;
- Psychological, physical and sexual abuse⁶⁹.



⁶⁷ Research conducted by the NGO Kafa (Enough) Violence and Exploitation in the cooperation with ILO-ROAS, highlighted that 94% of employers withhold the workers passport, from which 54% think the contract grants them this right.

⁶⁸ Houry, Nadim. Without protection: how the Lebanese justice system fails migrant domestic workers. New York, NY: Human Rights Watch, 2010.

⁶⁹ Houry, Nadim. Without protection: how the Lebanese justice system fails migrant domestic workers. New York, NY: Human Rights Watch, 2010.

Without the protection of the Lebanese Labour Law, the main mechanism regulating terms and conditions for the relationship between employer and employee is the Standard Unified Contract⁷⁰. It requires every pair of employer-employee to sign it and present the document in order to issue a residency permit (iqama).

More important than the contract, the iqama binds the legal status of the migrant domestic worker within the country to one single employer, who by this mechanism becomes her sponsor. Being a sponsor means that the employer is fully responsible for the domestic worker in the country, it also gives them the power to cancel the worker's residency and to prevent workers from leaving or changing employment without their consent.

Domestic workers have to present a preliminary work authorization at their arrival at the airport and then they should receive a work and a residency permit that is processed in Lebanon. A number of them never receive their work and residency permits⁷¹. Yet undocumented migrant workers are particularly vulnerable to trafficking.

The majority of domestic workers who are victims of violence are also in isolation and hence have no opportunity to seek assistance from neither a forensic doctor nor the police.

Moreover, it is very common to see a domestic worker who does ask for help at the police after running away from the employer's house, and who is either arrested or taken back to his/her house.

The Law 164 adopted in 2011 was an important step through the creation of a formal basis for the anti-trafficking legal response in Lebanon. Since it was the first time a definition of the crime of trafficking in human beings and its victims was established.

However, there are no prescribed mechanisms within the law in order to protect victims. This deficiency and

the lack of victim identification leave the door wide open for criminalizing the victims.

Certain countries such as Ethiopia have imposed a ban on traveling to Lebanon for domestic workers in order to protect them from mistreatment and exploitation⁷².

Even though this kind of measure is a means of pressure to improve working conditions in the country of destination, it has as a counter-effect the increase of the risk of exploitation and trafficking in human beings.

Prospective migrants recur to different “modalities of intermediaries” to find work abroad, such as illegal brokers and informal networks, which often leads them to “fake itineraries, circuitous travel routes, several bribes, and a considerable amount of ‘monkey business’ in the middle”⁷³.

Employment agencies participate in the vulnerability of these workers

There are currently 500 licensed employment agencies, legally responsible for the welfare of the migrant domestic worker.

However, some agencies try to maximize profits through

- contacting informal brokers in the country of origin,
- keeping the first wages of the worker as a “compensation” for the procedures,
- confining workers at the agency and making them work without payment until they find a new employer, among other practices.

⁷⁰ The unified standard contract, albeit being a primary definition of rights and responsibilities for both parts of the employment relationship, is still unclear on crucial issues such as day off and the practice of withholding passports.

⁷¹ In 2018, 83 330 prior authorizations had been issued and only 69 760 residency and work permits had been received. 16% of workers were undocumented.

⁷² For the record, Philippines placed the ban earlier in 2007.

⁷³ Hamill, Kathleen. Policy paper on reforming the “Sponsorship System” for migrant domestic workers: towards an alternative governance scheme in Lebanon. Beirut, Lebanon: Kafa (enough) Violence & Exploitation, 2012.

*ELINA,
exploited as domestic worker in Lebanon*

Elina. is a 17-year old Ethiopian young woman, married at the age of 12, she has a secondary level of education.

She came directly from her country to Lebanon, arriving at the beginning of 2018.

In Ethiopia, she was approached by her neighbor who told her about the job in Lebanon, he told her that she would receive 300 USD a month and that this salary would increase with the annual leave and days off. So, she paid 500 USD to her neighbor, she prepared her documents, and traveled.

In Lebanon, Elina. waited for three days in the airport, until her employer went to pick her up. During the time she worked for this family, Elina. was not registered, nor received any salary, and she was a victim of physical violence.

After 4 months of work, the employer returned her to the agency saying, 'You are very small'. At the agency she stayed for 22 days, there she was beaten under the argument that she should learn before working in another house. Eventually, the Lebanese agent told Elina. that she would take her to the embassy.

In fact, the agent left Elina in the middle of the road and went away. There she found other Ethiopian girls who took her to the consulate, and from there she was later referred to Caritas⁷⁴.

What help for these migrant domestic workers?

The main institutions working on the issue, such as Caritas and Kafa, have implemented some measures that are accessible to victims such as a 24/7 telephone helpline, shelters, health assistance, social and psychological support as well as a legal aid.

These programs are concentrated in Beirut and Mount Lebanon areas, leaving victims placed in remote regions of the country to face a lack of support services.

In parallel, migrant domestic workers themselves have been organizing for protection, mutual assistance and for struggling for the guarantee of their rights.

In 2015, the first syndicate of this category of worker was created in Beirut, under the protection of FENASOL⁷⁵ and with the help of ILO.

⁷² Caritas Lebanon, « Case file of minor at Caritas Lebanon », December 2018.

⁷³ The National Federation of Worker and Employee Trade Unions in Lebanon.



WITH CARITAS LEBANON

ACCOMPANYING VICTIMS OF TRAFFICKING IN HUMAN BEINGS

Since 1994, Caritas Lebanon has been providing social, humanitarian, medical and legal assistance to migrant workers who have fallen victims to gender-based violence, abuse and trafficking in Lebanon.

Minor migrant domestic workers are directly referred to Caritas.

In 2018, Caritas handled 42 cases of trafficking in human beings, of which 7 were minors. All of them were accommodated in Caritas Shelter for minor victims.

Although, Lebanon hasn't signed nor ratified the Convention for the Protection of Migrant Workers and Members of their Families (CMW) or the ILO Convention concerning Decent Work for Domestic Workers (C189).

At the international level, Lebanon is a signatory to a number of conventions such as the Universal Declaration of Human Rights, which is enshrined in the preamble of the Lebanese Constitution and that the government "embodies without exception"⁷⁶ and the Convention on the Rights of the Child.

The International Labour Organization Conventions number 29 and 111 can also be called upon for the protection of migrant domestic workers.

⁷⁶ Lebanon. (1995). The Lebanese Constitution - Preamble. Available at: <https://www.wipo.int/edocs/lexdocs/laws/en/lb/lb018en.pdf>, consulted July 6, 2019.

SELF-ESTEEM AMONG REFUGEE CHILDREN IN JORDAN ENGAGED IN CHILD LABOUR

In June 2019, the statistics published by the UN Refugee Agency (UNHCR) show that more than 33,000 refugees in Jordan are considered "Children at risk".

In 2017, the Center for Strategic Studies at the University of Jordan (CSC), and with cooperation with ILO, published the Jordan National Child Labour Survey (NCLS) of 2016, which showed the presence of child labour among all residents in Jordan regardless of their nationality. The report presented the following statistics:



11,000 refugees
76,000 children are working, among the 11,000 refugees - mainly Syrians.



Most of them are boys.



47.5%
of the working children are paid employees.



6%
of them are self-employed.



46,5%
of working children are unpaid family workers.



70% of young working girls
are engaged in unpaid family work compared to 30% of boys.



+ than 48h per week
A third of working children work for more than 48 hours per week (more than 8 hours per day)



32 %
Around 32% of the working children are exposed to hazardous working conditions. Hazardous working conditions include long working hours, more than 43 hours per week, exposure to dust, fumes, gas, and flames as well as to hazardous substances, heavy lifting, loud noise, vibration and extreme temperatures.

Many of the working Syrian children are the breadwinners for their families. Moreover, these children may experience various problems such as inadequate pay,

high number of working hours, being isolated from families, exposure to physical or sexual abuse, losing opportunities in education.

Caritas Jordan conducted a research to identify the factors that affect self-esteem among refugee children who are exposed to child labour. The study adopted a quantitative methodology based on administering a questionnaire to refugee children, who are benefiting from Caritas Jordan services.

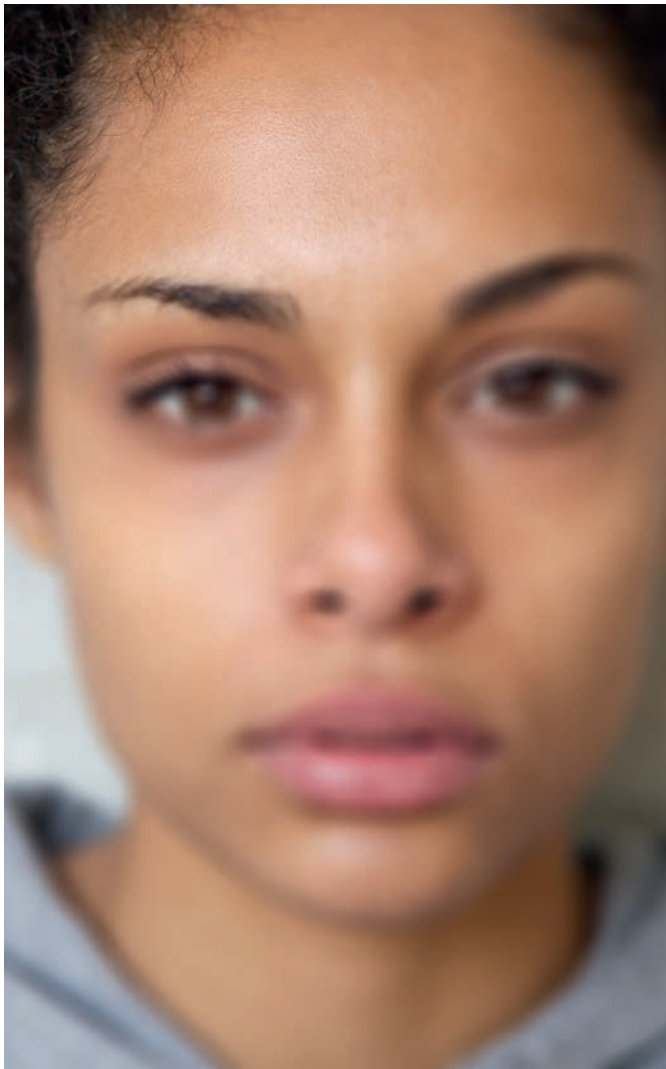
The sample included 388 children, 99 of them were working.

The analysis of the profile of the participants shows that:

- Around 40% of the boys were working.
- The vast majority of working children were boys. Among the 162 girls of the sample, only five were working. However, these young girls may face other forms of exploitation, such as early marriage, which is a serious danger facing refugee girls.
- Around half of the children who were 13 or older were working (47.9%), some of working children were less than 10 years old.
- Many of the working children have been working for more than one year, and many of them spend more than eight hours per day at work.
- More than two-thirds of the working children left school early.
- Around half of the working children were working in the industry (50.5%). Their works include tasks related to carrying, blacksmithing, carpentry, painting, construction, automobile repairs, and others.
- 31.3% of the working children were working in services and retails, tasks including selling items in shops, hairdressing, and working in restaurants and cafes.
- 13.1% of the children were working in the streets, selling some items such as coffee, tissues, gums, clothes, and others.
- While only four children were working in agriculture.
- Ten children have experienced physical accidents or injuries at work.
- The percentages of working children among those who are living in Amman and Irbid were around 17-19%.
- While 84.1% of those who are living in other cities was working.
- More than half of those living in Amman and more than a third of those living in Irbid are studying and working at the same time.
- However, more than 90% of those who are living in other cities have left the school.
- More than two-thirds of working and non-working children belong to families with more than five members, which show the financial pressure that some of the working children face. As well as, this indicates that some of the children who are not working might belong to a family that has another working child.
- Around 87% of the working children were the bread-winners for their families.

According to the study results, the most influencing factors for self-esteem levels were work and education.

The working children have significantly lower levels of self-esteem (50%) than those non-working children have (65%). As well, among working children those who are studying showed higher self-esteem than the ones who left school early.



Most working children feel that their families are pushing them (84.8%). Nevertheless, the same percentage of working children believe that their families understand them. This contradiction in the answers might show the confusion the children have between understanding the work as a duty or as something they are forced to do. In comparison with working children, around 65% of non-working children believe that their families are not pushing them, and around 90% believe that their families understand them and consider their feelings.

WITH CARITAS JORDAN

CARE AND PROTECTION OF CHILDREN IN EMERGENCIES

Caritas Jordan has created Children friendly space (CFS) in 10 Caritas centres for children.

Child friendly spaces contribute to the care and protection of children in emergencies and it is also an entry point for working with affected communities⁷⁷.

It provides two main activities for children aged from 4 to 13 years old: non-formal education by providing a free playroom and psychosocial support provided by trained animator (who makes films on different topics such as self-esteem).

Caritas staff are trained on how to identify children and families at risk and to refer them to the counsellor.

Caritas Jordan welcomes 400 children monthly in CFS.

⁷⁷ Guidelines For Child Friendly Spaces in Emergencies, January 2011 p.2



CROSS-BORDER EXPLOITATION AND STREET CHILDREN (ALBANIA): Children Rarely Identified by Border Police and the Educational System

The first national survey conducted in 2013-2014 on Albanian children on the move⁷⁸ indicates that 2 527 children live in street conditions in Albania.

Most of these children (70%) belong to Roma and Egyptian communities⁷⁹ and are potential victims of cross border exploitation, especially in Kosovo and Montenegro.

The conditions of cross border exploitation of Albanian children are more evident during seasonal periods (for example in summer and during religious holidays).

During these seasons there are too many people crossing the border and the likelihood of identifying this category of children is smaller.

In May 2018, Caritas Albania working with State Agency for Child Rights and Protection organized a 2-day monitoring visit in Kosovo and identified 17 Albanian children in street conditions aged 2-17 years old (in Prizren, Ferizaj and Pristina).

Four of them were found begging on their own, while the other 13 were accompanied with their mothers or grandmothers.

All of them were from Roma community and had been going/ they went back and forth for more than 5 years from Albania to Kosovo to earn money by begging.

These children went to Kosovo with their families, lived there for some months and then came back to Albania.

By constantly being on the move, the children did not benefit from the health system or social protection and had been out of school for the last five years. *“Five interviewed children did not attend the school regularly and seven were never registered at school”*⁸⁰.

Jonida, an 11-year-old girl from the Roma community, confided to the field team: *“I want to become a doctor, but my Mom doesn’t let me go to school, since we have to come here”*.

Some were not registered at the civil registration office.

⁷⁸ The term child on the move comprises children belonging to emigrant families, children in a street situation, trafficked children as well as Roma and Egyptian children.

⁷⁹ Children in street situation – national research, ARSIS, GFK, UNICEF, SCIA, 2014

⁸⁰ Interviews were conducted in the framework of the Albanian report to train police department members.

Child victims of cross-border exploitation are difficult to identify

These children are not identified neither by the border police as potential victims of exploitation, nor by the education system as drop-outs and therefore children at risk of exploitation.

The social services in Kukes and Shkodra have organised several awareness raising activities and seminars or discussion fora in schools to prevent school dropouts and to promote education. Regional State Social Services Directorate (RSSSD) in collaboration with the police, Regional Educational Directorate, Prefecture and Municipality have organized different activities focused on the identification and referral of victims and potential victims of trafficking.

Kukes managed 25 unaccompanied children, referred by different European countries. 14 of these children were returned to their families, although none of them were enrolled in school.

The proposed measures at the local or national level are mostly referring to the category of children who are exploited in Western European countries. There are less clear identification and referral procedures for children identified working in the neighbouring countries, such as Kosovo and Montenegro. Regional Anti-trafficking Committees in Shkoder or Kukes⁸¹ have never treated cases of cross border exploitation.

Even in their plan of action this specific target group is not mentioned as a category in need.

Children on the move in Albania are a category that is not well identified nor addressed.

As a matter of fact, children victims of cross border exploitation are not identified by Border and Migration

Police as victim or potential victim of trafficking, considering that in most cases those children are accompanied by their legal guardians when they cross the border.

Without a home address and considering the continuous demographic movements of the families, it is difficult to direct them to regional social services.

An identification and orientation made even more difficult by the lack of coordination between

social services at the municipalities (Child Protection Unit) and Border and Migration Police.



⁸¹ Assessment report on Albanian children cross border exploitation: case study of Shkroder and Kukes.

Lack of resources

The lack of logistical and budgetary support from the Ministry of Health and Social Protection has brought about a drop in the frequencies of field inspections for the identification of potential or actual cases.

Institutions do not have enough vehicles, personnel, or budget to support the immediate needs of the children (food, clothing, shelter etc).

One representative of local institutions told Caritas Albania: “In all the cases I have managed, children referred by the border police or even from the local police, I have fulfilled the children’s personal needs (food, clothing etc) on my personal budget. The structure has not provided any budget to fulfil the basic essential needs of the children in such situations”.



Despite the fact that according to the law, parents who neglect, abuse or exploit their children would be punished with referral to the criminal code, from the field observations and interviews conducted for this assessment, not a single case of a parent being criminally prosecuted with the charge of exploiting children for begging was identified.

From Caritas Albania point of view, such proceedings have not been initiated since in Albania there are no special services to take care of the children, if they are left without parental care.

WITH CARITAS ALBANIA

PREVENTION OF PUBLICS AT-RISK AND NETWORKING

Caritas Albania implements a cross border project entitled “Strengthening Government Capacities to Protect Albanian Street Children Exploited for Labour in Neighboring Countries”.

Caritas Albania organizes joint meetings with prosecutors, social services and law enforcement to share experiences, concrete cases of child trafficking, exchanging lessons learned and best practices to improve their understanding regarding the different forms of trafficking, and legislation on child trafficking.

The Child Protection Unit leads these meetings and raise awareness about its key role in identifying and protecting victims of trafficking.

Jointly, Caritas Albania works with families at-risk to raise awareness about child trafficking.

SELLING CHILDREN (UKRAINE): a Lack of State Supervision Around Commercial Surrogacy

International Conventions	
Convention on the Rights of the Child	Defines the sale of children
The Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption	Formally bans buying and selling of children provides a formal international and intergovernmental recognition of inter-country adoption

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography defines “sale of children” as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”⁸².

The Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, entered into force in 1995 and ratified by 99 states, provides a formal international and intergovernmental recognition of inter-country adoption. It attempts to impose controls and regulation on inter-country adoption to protect those involved from the corruption, abuses and exploitation.

Illegal adoption violates the child rights, norms and principles, including the best interests of the child. “These principles are breached when the purpose of an adoption is to find a child for adoptive parents rather than a family for a child”⁸³

As adoption has become “globalised”, it turned into a profitable business by traffickers. Demand in inter-country adoptions of children born in poor countries sought by couples in wealthier countries has grown considerably⁸⁴.

Caritas Ukraine has conducted a research from interviews with representatives of Caritas in 4 different cities of Ukraine: Kyiv, Kharkiv, Odessa, and Ivano-Frankivsk, as well as individual interviews with experts from the public sector and other civil society organizations focusing on child selling and surrogacy for child trafficking.

In all four cities/regions, “sale of children” was highly ranked as a potential purpose of exploitation.

According to experts, precariousness of the family, their economic situation and lack of public awareness are the main causes contributing to the increase in child trafficking in Ukraine.

⁸² Article 2 (a) The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

⁸³ UNHCR, Tackling illegal adoptions and addressing the rights of victims, <https://www.ohchr.org/EN/Issues/Children/Pages/Illegaladoptions.aspx>, consulted April 29, 2019.

⁸⁴ Dottridge, Mike. Kids as Commodities? Child Trafficking and What to do about it?, Terre des Hommes, May 2004 (PDF) https://www.tdh.ch/sites/default/files/tdh_kids_commodities_en.pdf



In Kyiv and in Odesa, experts reported that some children have been adopted for exploitation purposes

"In different orphanages, children were adopted to be exploited at home for hard labour. I even recollect such cases when children were leased".

Young mothers sell their children, young and even teenagers.

Some people adopt children so that the latter would work for them.

Yaroslava, 3 years old

"In January 2015, Viktoria learned about her pregnancy. Due to the extreme precariousness of her situation, she feels unable to meet the basic needs of a child.

On the internet, she finds an organization that puts her in touch with a family. This is how Viktoria meets a well-to-do married couple without children, who were eager to adopt one.

The couple accompanied and provided her moral support and assistance during her pregnancy.

When labour started, this couple went with Viktoriia to the maternity hospital. Viktoriia gave birth under a fake passport – all data, except for the photo of the adoptive mother who claimed to be six months pregnant were falsified.

The child, Yaroslava, was born in September 2015".

The young Davyd

"The Family lived with great hardships.

The lack of an accommodation and livelihood as well as the alcoholic abuse of her mother pushed Mariia to move to Kyiv with her child.

On social media, Mariia placed an advertisement to sell her own child.

Following this advertisement, a woman called her. Mariia understood that this woman could not give birth and would like to adopt a child.

She offered a payment of USD 35,000 in exchange of the child.

Having no income and convinced that the woman would take care of her child, Mariia accepted the offer."

BioTexCom clinics scandal: illegal commercial surrogacy, a risk for new-borns

In the summer of 2018, the Ukrainian National Police recorded a sharp increase in the number of parents' attempting to sell their children or new-borns.

This issue was widely covered in the mass media and caused a public response⁸⁵.

In July 2018, the National Police and the Prosecutor General's Office reported a large-scale criminal scheme of illegal commercial surrogacy by the clinics BioTexCom.

In accordance with the Ukrainian legislation regarding commercial surrogacy, the DNA of a child carried by a surrogate mother has to coincide with the DNA of at least one future parent.

The clinic did not comply with this requirement and performed 1,000 illegal commercial surrogacies⁸⁶.

According to the information from law enforcement agencies, Ukrainian new-borns were taken abroad in large numbers not for the purpose of adoption, but for sale and even organ donations.

Proceedings have been brought against BioTexCom clinics under Article 149 of the Criminal Code "Traffic in human beings or other illegal transaction with respect to a human being".



Ukraine: A new Eldorado for commercial gestational surrogacy

Surrogacy as a means of treating severe forms of spouses' infertility or giving birth to children for homosexual couples has been becoming more and more prevalent in the world.

There are distinguished two forms of surrogacy: altruistic and commercial surrogacy.

In most altruistic surrogacy agreements, the surrogate is a close relative to the intended parents and she does not receive monetary compensation (India, Canada, Australia) unlike the surrogate in the framework of a commercial gestational surrogacy agreement which includes a pre-determined monetary compensation to the surrogate, in addition to covering medical cost and support her during pregnancy.

Commercial surrogacy is allowed in a limited number of countries (the USA, Thailand, Ukraine and Mexico).

In Ukraine commercial surrogacy is legally allowed for certain categories of parents, including non-residents of Ukraine.

Till the legislative ban in May of 2017, India was considered as the centre of international commercial surrogacy.

⁸⁵ The Commissioner will urgently apply to the Ministry of Social Policy regarding the growing number of cases of trafficking in children, August 4, 2018. <http://www.ombudsman.gov.ua/ua/all-news/pr/4818-af-upovnovazhenij-terminovo-zvertayetsya-do-minsotspolitiki-u-zvyazku-z-i/>, consulted July 5, 2019.

⁸⁶ Prosecutor general's office of Ukraine, Prosecutor General's Office, together with other law enforcement agencies, uncovered a scheme for trafficking in new-born babies, July 16, 2018.

After the ban on commercial surrogacy in India, Ukraine has become extremely attractive for commercial surrogacy among foreigners due to the following reasons:

- Low cost compared to the USA (about USD 30,000–35,000 as compared to USD 150,000 in the USA);
- Legally allowed with a simple medical procedure;
- A minimum set of documents are necessary for the procedure;
- Lack of legislative restrictions for foreigners that exist in other countries;
- Lack of State control over compliance with all legal aspects;
- A rather high level of development for health care and reproductive technologies.

According to the experts' assessment over 40 reproductive clinics⁸⁷ function in Ukraine, while the annual scope of the field amounts to about 2,000 births per year. According to estimates, about 80% of clients are foreigners.

In Ukraine, foreigners and Ukrainian citizens who have provided the respective clinic with documents confirming infertility of a spouse sign an agreement with the clinic and with a surrogate, that may be coordinated by the clinic.

Surrogate mothers have to comply with several criteria approved by the Ministry of Health: they have to be physically and mentally healthy and have their own children.

After receiving biomaterials of one or both parents, a procedure of artificial insemination and implantation of an embryo is performed.

After the birth of the child, the clinic issues a medical certificate to the parents on their genetic relationship with the child.

Based on this certificate they register the child with the respective state bodies and receive the birth certificate.

Lack of control and regulation around the biological filiation of children born under commercial gestational surrogacy

Independent experts point out that there is no genuine control and regulation of this sphere in Ukraine.

The most significant gap is the fact that the certificate on genetic relationship instead of the DNA test is issued by the clinic, and not by a third institution.

This enables various manipulations and even child trafficking, especially if the child is not genetically related to the parents.

Furthermore, a certain number of children born under surrogacy haven't been registered in Ukraine and once again the State is absent at this level.

However, according to experts, the risk of trafficking in human beings in cases of commercial gestational surrogacy is very low as people pay a large amount of money for such a service.

⁸⁷ Private clinics must have a license from the Ministry of Health for these types of activities, this is governed by Resolution No. 286 of the Cabinet of Ministers of Ukraine dated 2 March 2016 "On Approving Licensing Conditions of Performing Commercial Activities for Banks of Umbilical Cord Blood, Other Tissues, and Cells According to the List Approved by the Ministry of Health".

REMOVAL OF ORGANS FROM CHILDREN

Over the last 13 years, UNODC has collected information on about 700 victims of human trafficking for the purpose of organ removal, in 25 countries as compared to 225,000 victims of human trafficking for all other purposes.

“Estimates suggest that five to ten percent of all kidney and liver transplantations are conducted to illegally obtained organs”⁸⁸.

According to the National Ukrainian Police's data on child trafficking, besides sexual exploitation and forced begging, children are also sold for organ removal. In 2018 five criminal proceedings on the sale of minors for the purpose of organ removal were transferred to the court⁸⁹.

⁸⁸ UNODC, Global Report on Trafficking in Persons 2018, p. 30

⁸⁹ National Police, For half a year, the police have detected nearly 200 trafficking cases, of which 108 are sexual exploitation – Artem Krischenko, July 30, 2018. <https://www.npu.gov.ua/news/torgivlya-lyudmi/za-pivroku-policiya-viyavila-majzhe-200-faktiv-torgivli-lyudmi-z-nix-108-cze-seksual-na-eksploataciya-artem-krishhenko/>, consulted July 5, 2019.



TRAFFICKING FOR WAR AND TERRORISM PURPOSES

Who are those children exploited by jihadists' movements such as the Islamic State (IS)?

Some are children of activists of the organization, Iraqis and Syrians but also foreign jihadists who have joined the organization. There are also many orphans of the wars in Syria and Iraq. Additionally, they are the children kidnapped in the territories conquered by the IS.

In June 2015, the UN estimated that IS had abducted between 800 and 900 children aged 9 to 15 years after its territorial conquests of the Mosul region⁹⁰.

According to the Radicalization Awareness Network⁹¹ report, there are currently around 460 French minors in Iraq and Syria in the territories conquered by the IS.

These children are closely watched by the European countries of which they are nationals, because their return is a problem for European countries.

Authorities are reluctant to welcome them in their territories. Although, these children are especially vulnerable to child trafficking.

There is a high risk for them of being exploited for the purpose of war, or for the purpose of sex and domestic labour through child marriage.

⁹⁰ The Guardian, How Islamic State is training child killers in doctrine of hate, March 5, 2016

⁹¹ The Radicalisation Awareness Network (RAN) brings together practitioners from around Europe working on the prevention of radicalisation.





Ukraine has the lowest per capita GDP in Europe⁹². The armed conflict has considerably increased poverty and vulnerability of the population, especially within the grey zone – the uncontrolled territory (Donetsk and Luhansk regions), where the government has no access.

The conflict in eastern Ukraine has displaced over 1.5 million persons⁹³, and this population is especially vulnerable to exploitation.

Adults and children in the temporarily occupied areas suffer from a crisis of values, a high level of unemployment and the loss or the lack of recognition of legal documents (birth certificate etc.).

The OSCE and the US Department of State found that children aged 15 and above took part in active military actions on the side of pro-Russian separatist forces in Eastern Ukraine.

The government of Ukraine was informed about the presence of at least one child unit named after Saint George, members of which may be children aged 12 and above who have undergone special training⁹⁴.

Children may be used as informants on the side of the separatists in the military zone to count items of the enemy (hardware, equipment, vehicles, weapons etc.).

⁹² International Monetary Fund, World Economic Outlook Database, October 2018

⁹³ UNHCR Ukraine, Internally Displaced Persons, <https://www.unhcr.org/ua/en/internally-displaced-persons>, consulted July 4, 2019.

⁹⁴ Trafficking in Persons Report 2017, U.S Department of State (Ukraine)



Recommendations // // //

COMBAT CHILD TRAFFICKING

Prevention

Implementation of economic and social development programs

to improve the social and material conditions of families in need and children at risk. Precariousness remains the main risk factor;

Make sure to include children as targets in any National Action Plan

Include families and parents in interventions to reduce risk factors of trafficking in human beings.

Family is mostly the origin of the problem and the family is the place to prevent child trafficking.

Strengthen or create school-based working groups

for prevention of school dropouts and for the elimination of violence in schools.

Conduct a thorough analysis of the current situation

(exact statistics and socio-demographic variables) regarding child trafficking and certain forms of exploitation to identify children at-risk in each country and build evidence-based policies on preventing child exploitation.

Conduct trainings: pre-departure and post-arrival trainings for migrants

to raise their knowledge on human trafficking and how they can ask for help.



Identification

Current statistical indicators of the number of child victims of trafficking do not reflect the actual situation.

Create a National referral mechanism:

an independent public authority to collect disaggregated data, harmonized procedures for the identification of victims.

Disconnect the procedure for identifying potential victims of trafficking in human beings from criminal proceedings.

Promote a pro-active approach for identification:

development of mobile teams with necessary language skills.

Creation of multidisciplinary teams

(police, social workers, psychologists and others) to identify victims more easily.

Train police services, magistrates, and more broadly, any professional likely to be in contact with victims of trafficking

(labour inspectors, child protection staff, hospital staff, social workers, frontliners, etc.). They must be trained on identifying at-risk situations.



Protection and Support for Victims

Development and diversification of places

to accommodate and support children at-risk and child victims (shelter, foster care, social centers, institutions and others).

Establish a national coordination of the child protection system

and ensure proper budgetary allocation.

Implement an all-inclusive and multidisciplinary protection system

(health care, education and psychosocial counseling) to ensure an effective and long-term child protection system.

Strengthen teams by hiring child psychologists and social workers specializing in combating trafficking in human beings

as well as interpreters to help establish relationships with children.

Develop protection program available for victims

during trial proceedings.

Prepare transition period

so that young victims can be accompanied beyond the age of 18.

Train specialized educators, social workers, psychologists, doctors, nurses,

those on the front lines in different forms of trafficking and the specificities of each to ensure appropriate care of each child victim and to deal with the complex relationship and the degree of control and influence of traffickers over child victims.



Trainings Professionals

Train police services, social workers, medical staff and schools on trafficking,
children's rights and protection and the referral procedure for a more efficient cooperation.

Provide training to law enforcement personnel
on orders on the identification of child victims of trafficking in human beings.

Train various actors in schools and humanitarian camps
on identifying high-risk situations, working with families and children to raise awareness among at-risk publics.

Public Awareness

Dissemination of information to the public regarding child trafficking in human beings,
the different forms of exploitation and the issue of social media as a recruitment tool and a broadcast media.

Working closely with schools and teachers in building awareness programs.
School is considered the most adequate structure that can provide the largest reach for most children, while also focusing on the needs of the individual child.

Organize awareness campaigns in schools and communities
to prevent school dropouts.

Raise awareness about child marriage among children, parents, community and religious leaders
highlighting the harmful impact it has on the health and development of girls especially.

Vulnerable minorities

Conduct workshops and information campaigns on minority rights
and the reality of their condition.

Advocacy

General

Make the fight against trafficking of human beings a public policy of its own.

There needs to be an end to addressing child trafficking

as a subcategory of trafficking in human beings in order to consider children's specific needs and rights;

Stop penalizing victims for unlawful acts committed

as a direct result of their exploitation and respect the principle of non-incrimination established by the Warsaw Convention. This provision should be included in the national anti-trafficking legislation.

Increase in the use of the legal qualification of “trafficking in human beings”:

authorities often use other articles in the Criminal Code to prosecute trafficking cases, in particular the offence of “soliciting prostitution of minors”, “illegal labour” and the offences of “labour and living conditions against human dignity”.

Children on the move

Respect the procedures of evaluation

(involving assessing age and situation of the minor), the non-refoulement of minors principle, the presumption of minority and the appointment of legal representative when it deals with children on the move.

Take into account the symptoms of post-traumatic stress disorder (PTSD)

in the age assessment procedure and ensure that the age assessment procedure is conducted in a caring manner;

Ensure that children are not arbitrarily denied formal recognition of their minority

and that they are immediately referred to the child protection system;

Implement a protection adequate to the situation of children on the move:

emergency centres closer to border crossing areas would enable a faster and more efficient case management.

Advocacy

Domestic workers

The need to recognize domestic workers as workers under National labour laws.

To get to this point, there is a need to organize national rallies with other NGOs advocating for the ratification of relevant conventions such as the Convention on the Rights of Worker Migrants and their Families (CMW) and the ILO convention “Decent work for Domestic Workers” (C189) thus ensuring the alignment of national legislation with these conventions that protect migrant workers and domestic workers.

Forced labour

Reform the Kafala system

in line with the international standards.

Strengthen the monitoring and regulation

of private employment agencies.

Early marriage

Implementation of a civil (non-religious) law

where applicable, for the adoption of a legal age for marriage of 18 years old and without exception.

The invisibles – undocumented children

Protect unregistered children by advocating

to close the gaps that prevent birth registration.



Networking

Improve collaboration and coordination

between all state institutions and NGOs that are responsible for child victims of trafficking.

Improve the coordination with the countries of origin

and encourage the bilateral agreements between countries of origin and countries of destination.

Work closely with independent human rights bodies.

For instance Secours Catholique Caritas France is a member of the National Consultative Commission on Human Rights.



THE COATNET NETWORK

*The Ecumenical Network COATNET * - coordinated by Caritas Internationalis - aims to help its members (Catholics, Protestants, Orthodox) to realize their commitment to combat trafficking in human beings.*

Its members are networks or national organizations in nearly 40 countries around the world.

They committed themselves to:

- exchange information, reflections and expertise on their action.
- stimulate international cooperation in helping victims.
- prevent trafficking, raise awareness.
- advocate effective anti-trafficking policies that put the victim at the heart of their development.
- mobilize the potential and resources of the churches and their bodies.

Coatnet organizes campaigns and joint projects, is open to dialogue and cooperation with other religious organizations, which are fighting for the same cause and share similar values.

[] Christian organizations against trafficking in human beings - Network, coatnet.org*

APPENDICE 1

International Legal Framework

Cadre légal international	Purposes
Convention on the Rights of the Child Its Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict	To prevent, prohibit and criminalize the exploitation and abuse of children
International Covenant on Economic, Social and Cultural Rights	To protect children from economic and social exploitation
International Covenant on Civil and Political Rights Convention on the Elimination of all Forms of Discrimination against Women Supplementary Convention on the Abolition of Slavery, the slave trade, and institutions and Practices Similar to Slavery	To enshrine the need for marriage to be based on free and full consent / to protect children from forced marriage To provide that child and forced marriage can be considered as a form of slavery
United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol, adopted in 2000) United Nations Convention against Corruption	To prevent, prohibit, and criminalize trafficking and other forms of exploitation in all contexts
International Labor Organization Conventions concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of child Labor of 1999 and Forced or Compulsory Labor of 1930 Convention concerning Decent Work for Domestic Workers of 2011	To provide additional protection to children regarding labor conditions.
Rome Statute of the international Criminal Court	To list as acts that may constitute war crimes and crimes against humanity: "the recruitment and use of children in armed conflict, the commission of rape, sexual slavery, enforced prostitution, (...) and any other form of sexual violence and enslavement".
Convention Relating to the Status of Refugees of 1951 Its Protocols of 1967	To provide fundamental additional rights to refugee children (principle of non-refoulement and basic welfare standards)

APPENDICE 2

Legal Regional Framework

Regional framework: treaties and instrument to Fight against Child Trafficking and Protect Children	Regions
<p>Council of Europe Conventions on Action against Trafficking in Human Beings, and on the Protection of Children against Sexual Exploitation and Sexual Abuses</p> <p>European Union Directives on preventing and combating trafficking in human beings and protecting its victims (directive 2011/36/EU) and on combating the sexual abuse and sexual exploitation of children and child pornography (Directive 2011/92/EU)</p>	Europe
African Charter on the Rights and Welfare of the Child	Africa
South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution	Asia
Inter-America Convention on International Traffic in Minors	Amérique

CONTACT-PERSONS ON THE ISSUE OF CHILD TRAFFICKING AT THE NATIONAL AND REGIONAL LEVELS.

CARITAS ALBANIA



Ariela Mitri

has been the Head of Anti-Trafficking and Migration Sector for Caritas Albania at the national level since 2007. Her main activities and responsibilities include managing national and international anti-trafficking and migration projects, in cooperation with civil society and institutional stakeholders. She also organises awareness raising and advocacy initiatives at the national and international level and collaborates with government ministries on anti-trafficking and migration issues.



Lediane Xhakollari

is graduated from the University of Tirana with a PhD degree in Psychology. She has been working as a lecturer in the university “Luigj Kurakuqi” in Shkodra since 2006. As a member of the Committee of Ethics and Disciplinary Judgment, she has published various academic studies.



Marta Fetaj

has completed her studies in social sciences and has worked for the department of social services in Lezha for many years.

Marta has provided direct support for victims of trafficking and organized a large number of awareness activities at regional and national levels.

CARITAS BOSNIA ET HERZÉGOVINA



Sanja Horvat

is a program manager in Caritas Bosnia and Herzegovina responsible for various service provision and development projects and programs since year 2000. She is an experienced trainer and assessor on local and international level, a manager skilled in the field of standardisation, social development, organisational development, institutional advocacy, public relations, etc. She has a solid experience in combating trafficking in human beings.



Samira Hunjek

has a master in Criminalistics Science. Presently she is studying her PhD in Sarajevo related to trafficking in human beings. She has been employed by the Ministry of Security for Bosnia and Herzegovina since 2003. She took part in many commissions and working groups for creation of crucial documents and monitor implementation in the field of combatting trafficking in human beings.

CARITAS JORDAN



Lana Snobar

has a bachelor's degree in psychology from The University of Jordan and a master's degree in Clinical Psychology from Amman Al Ahlia University. She is currently working in Caritas Jordan as a counselling unit coordinator.



Wassim Albalkhy

has a bachelor's degree in civil engineering from Damascus University, and a master's degree in Engineering Project Management from The University of Jordan. He is currently working as a freelance researcher. He has experience in teaching and tutoring research methods, statistics analysis, and NGOs project cycle management.

CARITAS KOSOVO



Jakup Sabedini

is the head of the Sustainable Development Sector and Coordinator of Anti-trafficking program of Caritas Kosovo. He studied Economics – Marketing and Business Administration.



Petrit Sopjani

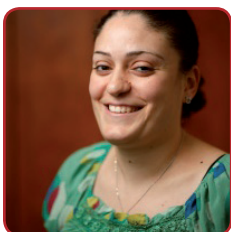
is an experienced manager and human rights activist with a diverse portfolio – comprising of work in the field of Provision of Social Services, Children's Rights Education, Institutional Capacity Development, Civil Society Development, Migration and Refugees, Counter Trafficking, Humanitarian Affairs, and Good Governance and Conflict Resolution.

CARITAS LEBANON



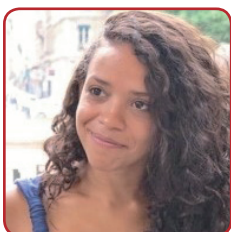
Noha Roukoss

has been working as the Project Awareness Officer at Caritas Lebanon- in the Migrants Department since 2000. She is responsible for training and building awareness programs. Her main tasks are developing human rights training and training curriculums, that target the Lebanese public at large (universities, schools, NGOs, and law enforcement). As a training designer and facilitator, she runs different activities and events concerning migrants, refugees, trafficking in human beings and SGBV. She conducts orientation seminars and trainings for women domestic migrant workers, and pre-departure training for potential women migrant workers in their country of origin (Nepal, Bangladesh, Ethiopia). Furthermore, since 2016, she has been assigned as the Head Secretariat of the Syndicate of the Social Workers in Lebanon.



Hessen Sayah

a social worker, joined Caritas Lebanon in 2003. In 2007, she has a master's degree in Development and Community Action and a diploma in Mediation from St. Joseph University. Today, Hessen manages the Migrants' Department, which offers protection projects, services to follow up on individual cases of migrant workers' rights abuses across Lebanon with a team of social workers and lawyers. She also coordinates advocacy and lobbying efforts with a wide range of stakeholders and local authorities. In 2018, she received the Franco-German Prize for Human Rights and the Rule of Law prize alongside of 15 figures who courageously defend human rights all over the world.



Gabriela Barcelos

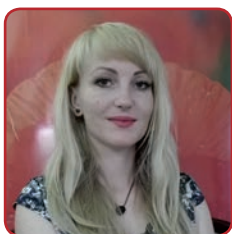
has a master's degree in Engineering of Social Development from Saint-Joseph University in Beirut. She is also a former associate researcher at the Institute of Strategic Studies (INEST) of the Federal Fluminense University (Rio de Janeiro, Brazil), where she also has her bachelor's degree in International Relations and Strategic Studies. She specializes in policy analysis with a focus on migration and security issues, as well as intersectional dynamics within social movements.

CARITAS SLOVAKIA



Jana Verdura

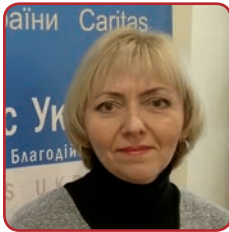
is a project manager of the national project called “STOP Human Trafficking” focused on prevention, operating a national helpline for victims of human trafficking and reintegration of trafficking victims at Caritas Slovakia. She is leading a national project focused on reintegration of persons granted international protection in Slovakia. Prior to that she was a field worker in South Sudan and Uganda.



Zuzana Janekova

is a child psychologist, specializing on systemic Pair and Family psychotherapy, crisis intervention, and education of children with health disabilities. She is developing competencies in counselling and working with children from dysfunctional families.

CARITAS UKRAINE



Natalia Holynska

is Caritas Ukraine's expert in counter trafficking and assistance to the victims of human trafficking. Mrs. Holynska has worked in this field for more than 15 years at different levels: regional, national and international. She is experienced in practical assistance to the victims of trafficking, work with children and youth in the domain of human rights protection, social work with vulnerable groups of the population, and in the design and management of different projects.



Iulia Martynova

is a sociologist, experienced in sociological research project design, development and implementation; developing research objectives and defining procedures, developing instruments for field work and data gathering, quantitative and qualitative data analysis, and an independent expertise in social policy sphere.

CARITAS MONA



Sylvia Eid

is the Partnership Officer at Caritas Internationalis (CI) for the Middle East and North African (MONA) Regional Secretariat. Her specific areas of expertise are health, migration, refugees, trafficking in persons, sustainable development, SDGs, emergency response and management standards.

She is a member of Caritas Internationalis Working Group on Migration and trafficking in human beings, of which she was elected Chair in 2018.

She participated actively in drafting several position papers and policy papers on Migration, Global Compacts and trafficking (with CI and international partners).

THE ACTION RESEARCH ON CHILD TRAFFICKING IN EUROPE AND MIDDLE EAST

The Caritas organizations are increasingly confronted by child trafficking. They have been co-operating with other NGOs and state-institutions to combat the phenomenon and assist victims.

The purpose of this action research is to study the current and developing forms of child trafficking in different countries in Europe and Middle East of the Euro-Mediterranean area and to observe the interactions between these countries.

It also aims to offer concrete recommendations to improve practices and to develop advocacy actions at the subnational, regional, national and international levels.

It is both a scientific and practical approach based on a literature review, field analysis, and interviews of victims and stakeholders. Each Caritas organization involved in this action research has teamed up with an academic to conduct desk research and to interview institutional and field stakeholders, as well as victims of trafficking.

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Coordination by



With

