

Cooperation for the prevention of child exploitation and trafficking

Good practice in the identification and referral of children at risk of exploitation and trafficking

St. Petersburg, Russian Federation, 26 and 27 September 2017

Workshop Report

On 26 and 27 September 2017, the Council of the Baltic Sea States Secretariat and the NGO Stellit convened the workshop 'Good Practices in the Identification and Referral of Children at Risk of Exploitation and Trafficking'. It gathered over 40 officials and professionals from Denmark, Estonia, Finland, Iceland, Lithuania, Norway, the Russian Federation and Sweden. They represented state agencies at the local, regional and national levels, NGOs, services providers and the academia. Among the participants were officials from the immigration, childcare and protection sectors, social workers, experts on legal affairs and victim assistance.

The St. Petersburg Workshop facilitated the exchange of experience in the identification, referral and protection of children who are victims of exploitation and trafficking or at risk. It aimed to identify strengths and challenges of existing methods and tools in this area as well as opportunities for prevention. The workshop was based on a child-centred and human rights-based approach. It was structured in lectures, discussions and group work on the first day hosted by the St. Petersburg State Institute of Psychology and Social Work. On the second day, the group undertook a study visit to the TRANSIT Shelter (St. Petersburg State Budget Institution Social Shelter for Children).

The workshop was the first in a series of events organised by the Council of the Baltic Sea States Secretariat with funding by the Nordic Council of Ministers in the context of the third phase of PROTECT Children on the Move programme. It follows a previous workshop series on the human rights and the best interests of children in transnational situations. All workshops promote the use of the Guidelines that the Council of the Baltic Sea States Secretariat developed for this field.¹

TRANSIT Shelter in ST. Petersburg: A residential home for child victims and children at risk

TRANSIT is a residential shelter for children who are victims of violence, exploitation and trafficking or at risk. The shelter provides services for girls and boys in all age groups, including social services, education, health care, victim assistance, therapy and counselling as well as leisure time activities. The children are mostly from the Russian Federation and the Commonwealth of Independent States and, occasionally, from African and Asian countries. The children are staying at the shelter for a transitional period while their cases are assessed by a multi-disciplinary team to identify a solution for their future. This implies commonly family tracing, identifying the background of the situation the child ended up in and the return to their region or country of origin. TRANSIT shelter has a capacity to host up to 50 children at any time and usually hosts around 300 children during each year.

¹ The Guidelines are available from: <http://www.childrenatrisk.eu/projects-and-publications/protect-children-on-the-move/>. The Practical Guide for Caseworkers and Case Officers are available in English, Estonian, Finnish, Latvian, Lithuanian and Russian.

The Director of TRANSIT introduced the participants to the development of the social service sector in North-West Russia and TRANSIT's role as a shelter and centre of competence. The profession of social workers has been introduced in 1992 and methods and routines for casework have since then been developed, including case assessment, multi-disciplinary cooperation, the referral of children and individualised casework in cooperation with the child. TRANSIT staff shared experiences and case stories of children who have stayed at the shelter in the past and who have been supported to leave situations of exploitation or neglect and reunite with caring family members or others, including institutional care, in the CIS and in Western European countries.

While the Russian Federation has bilateral agreements for the readmission of migrants from CIS states and uses these for the return of children, comparable agreements with the Nordic and Baltic countries are not in place. The absence of specific agreements makes the communication with the foreign authorities on cross-border child protection cases more difficult. The framework of the 1996 The Hague Child Protection Convention could offer a framework for cross-border cooperation in child protection cases, as all countries in the Baltic Sea States except Iceland are States parties.²

Recommendations from children staying at TRANSIT

The St. Petersburg workshop was preceded by consultations with child victims of trafficking and exploitation staying at the TRANSIT Shelter.³ The aim was to solicit their recommendations on how children could find help in difficult situations and sources of protection and empowerment. The consultations piloted a story-telling method with two streams of narration, one focusing on how children can find support to leave risky situations, the other focusing on factors that enhance children's safety and well-being in shelter homes. The consultations were non-intrusive as they did not ask about the children's personal experiences but invited them to narrate the story of an imaginary child hero who succeeds to leave a situation of exploitation and to reach a safe place.

The children suggested different persons who could offer help in risky situations such as other children and adults who were exploited in the same place, taxi drivers, metro staff and people living in residential areas of the city. The police, hospitals and medical staff were considered important for finding help. The aim was to escape the situation of exploitation and get back home to the parents. The children advised that people could recognise a child was in difficulty when a child looked sad and tired, had bruises or injuries, could hardly work and spends free time alone. As regards the shelter, it was important for the children to have a comfortable bed and some privacy, to go to school and to have the possibility for sports, creativity in arts and theatre. All children noted that it was important for them to play with pets and to be out in nature. The results of the consultation in St. Petersburg as part of a longer process of consultations throughout the region will inform a more consolidated review of children's ideas and recommendations.

The evolving concept of child trafficking

The workshop introduced the evolving concept of child trafficking according to its international, European and national definitions. The participants discussed the distinction between child trafficking and the exploitation of children in other contexts than trafficking. They noted that exploitation is only one part of the trafficking definition, which implies a certain level of planning and

² The Hague Convention No. 34 of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, see: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=70>.

³ In TRANSIT Shelter, two girls and four boys participated in two groups, one with children aged 9-11 and another with children aged 15-17 years old. They were citizens of the Russian Federation and CIS states and had been identified as victims of trafficking. The psychologist at TRANSIT conducted the consultations with the informed consent of the children and their guardian. They were all considered to have processed their traumatic experiences to a point that their participation was assessed as ethical and safe.

organisation with the intention to exploit. There was consensus that it was difficult to clearly identify these patterns when assessing the situation of a child. The participants noted that the distinction between child trafficking and other contexts of exploitation was strongly determined by legal matters. While child trafficking is addressed under criminal law, other contexts of exploitation are not necessarily criminalised. The discussion concluded that responses guided primarily by the legal definition of child trafficking and a criminal law context might take attention away from cases where children are exploited or at risk in situations that do not qualify as trafficking.

National methods and tools for the identification of child trafficking cases

A central session of the workshop was dedicated to national methods and tools for identifying child victims of trafficking. Many countries have a formal structure in place for the identification of victims of trafficking and their official recognition as victims. There are two sides to the 'victim' concept. While victims are often perceived to be traumatised, disempowered and in need of help, the victim status is also associated with rights and entitlements of victims of crime as stipulated by international and European law, including procedural rights, the right to recovery, rehabilitation and compensation. For a child, the official recognition as a victim of trafficking, or a victim of other criminal offences, holds therefore opportunities for rehabilitation.

Participants presented the methods and tools for identification that they work with. Methods and tools for identification were considered strong when focused on the rights and needs of the child. For professionals handling specific cases, it is useful to have access to helplines, information material and national or regional bodies that provide support in the identification process. In Estonia, for instance, the police can call the 24/7 state child protection helpline in cases of non-national children in order to seek advice with regard to the child's status and safety. In Finland, a 24/7 infoline on human trafficking provides advice to social workers, police, immigration officers and others who have suspicions that a person could be a victim of trafficking. The helpline staff discuss the case with the person who calls and are able to identify signs of trafficking from the case descriptions. They provide guidance on how to proceed and can admit the presumed victim of trafficking directly to the assistance system.

Participants from Norway noted that they appreciated working with the concept of a 'presumed victim of trafficking', i.e. persons who are considered victims but where trafficking has not yet been confirmed. Presumed victims are referred to support before they are officially recognised as victims of trafficking. In Norway and Sweden, children are always referred within the main child protection system, irrespective of their status. There is a low threshold for referring children to assistance and support and the follow-up by child welfare services is granted regardless of official identification. Reporting obligations apply whenever there is a concern for a child.

Considering the complexity of the child trafficking concept and cases, it is essential for service providers and officials to hear and understand a child's story. The personal story is the key to understanding what has happened to a child and identifying trafficking or other forms of violence and exploitation as well as risks. In the contact with children who are victims of exploitation and trafficking or at risk, service providers and state officials are however often struggling to gain trust and engage in child-sensitive communication. The participants discussed how it is important to ask a child not only about facts, identity and papers, but to engage also in a personalised communication, enquiring about the child's wellbeing and basic needs like the child's health, need to eat or rest and sleep and who cares for the child. Understanding the child's current living situation, where the child is staying, the child's activities during the day and if he or she is going to school, can help identifying signs of violence, neglect and exploitation.

Evidence-based methods for interviewing children, which are used by the Children's Houses throughout the Nordic countries, guide interviewers in establishing respectful contact with a child and facilitate trust-building. They help the child disclose and enable the unbiased gathering of evidence from the child's testimony. In Iceland, for instance, children who are presumed victims of violence or exploitation are interviewed at the Children's House (Barnahus) by professional interviewers who are trained to gather information from children while hearing their story. Unaccompanied asylum seeking children are also referred to the Children's House to hear their stories and understand if the child has had any experiences or risks of violence and exploitation, including in the context of trafficking.

In Sweden, the booklet "Could it be trafficking" developed by the Swedish Committee for UNICEF in cooperation with the National Board of Health and Welfare and the County Administrative Board of Stockholm provides guidance for professionals and officials who could identify child victims of trafficking in their work. The guide is rooted in the UN Convention on the Rights of the Child and provides background information on child trafficking, possible scenarios to consider, a list of child-sensitive indicators and how to communicate with children who are presumed victims.⁴

Web-based training on identification tools and methods has been recommended by participants as well as local cooperation groups on child trafficking cases, which are often able to increase the number of identified cases due to their broader perspectives, information exchange and active collaboration. In Finland, a dedicated website connected to the national helpline has helped to reach a broad target group with up to date information in numerous languages.⁵ In Sweden, a web-based training on how to identify and support child victims of trafficking has been developed by the National Method Support Team.⁶

The group exchanged specific challenges and pitfalls in identification and how to address or avoid these. The collaboration between different actors remains a challenge, especially with regard to the coordination of social workers and law enforcement. Secrecy and confidentiality can pose obstacles in information sharing. While indicators are considered important, they risk to simplify the identification process so that children who are not neatly identified by these indicators remain unprotected. Participants shared the experience that the responses to children are often guided strongly by the child's status as a victim of trafficking, migrant or asylum seeking child, rather than an individual case and needs based assessment. In consequence, experiences of violence and exploitation, including in the context of trafficking, are not always considered with priority and children are misidentified as irregular migrants, (rejected) asylum seekers or as being in conflict with the law. In some countries, specialised victim assistance programmes have been developed for child victims of trafficking that are distinct and separate for the child protection system. This can create differential treatment and different standards for children depending on how they are identified. The discussion concluded that useful tools for the identification of child victims of trafficking exist but they are not always operationalised or applied effectively in practice.

Case analysis has evidenced many challenges in the identification process. Children are often unaware of being in a process that ends in exploitation, they may have no concept of being a victim or even fear identification due to unwanted consequences such as referral to a closed

⁴ Socialstyrelsen och UNICEF Sverige, *Kan det vara människohandel? Kortfattad information för myndigheter med flera som kan komma i kontakt med barn som utsatts för människohandel*, (National Board of Health and Welfare and UNICEF Sweden, *Could It Be Trafficking in Persons? Brief information for authorities and others who may get in contact with children who have been subject to trafficking in human beings*), Stockholm, 2008, <https://unicef.se/rapporter-och-publikationer/kan-det-vara-manniskohandel>. The Swedish guide is based on: United Nations Children's Fund, *Guidelines on the Protection of Child Victims of Trafficking*, Provisional Version, September 2006, https://www.unicef.org/eca/0610-Unicef_Victims_Guidelines_en.pdf.

⁵ See: www.humantrafficking.fi.

⁶ See: www.nmtsverige.se

shelter, threats by the traffickers, or the limited access to income generating activities when placed in a shelter for victims of trafficking. Identification remains challenging not only because children are exploited in hidden places but also because the child trafficking definition is complex and difficult to apply in practice. Identification is often guided by stereotypes, which could prevent the identification of child victims who do not fall into the groups typically considered to be victims of trafficking. When different agencies operate in isolation, hints and signs of exploitation and trafficking are often not followed-up effectively and cases might not be assessed thoroughly. Experience shows that state agencies tend to identify more cases when they trust each other's mandates and competences and collaborate in victim identification and referral on the basis of clear cooperation agreements. Also the Council of Europe Convention on Action Against Trafficking in Human Beings requires states to ensure that qualified personnel for the identification of victims of trafficking collaborate across agencies, organisations and states.⁷

The Council of Europe Convention affords that children and adults are entitled to assistance and protection when there are reasonable grounds to assume they are victims of trafficking. They shall not be returned until the identification process has been completed. In fact, the country on whose territory a presumed victim is identified is responsible for providing assistance.⁸ The participants noted however, that the identification of child victims of trafficking failed particularly in cases where children have been exploited abroad.

Best interests' determination as an inclusive and rights-based approach to identification

Experience and research have shown that the identification of a child as a victim of trafficking is a process that often is lengthy and comes as a result of providing services to the child and gaining the child's trust, so that the child shares information and discloses. This understanding of identification of child victims of trafficking is also promoted by the Council of Europe Convention on Action Against Trafficking in Human Beings.⁹ Identification is therefore not considered a necessary precondition but a result of appropriate referral and assistance.

The discussion at the workshop clarified the importance of conducting an individual needs assessments of the child, as well as family assessments and social inquiries, as basis for referral decisions. In line with the UN Convention on the Rights of the Child and national legislation, children have a right to be referred to support irrespective of their status. An inclusive referral mechanism is prepared to respond to any child, even if it is not entirely clear at the moment of referral who the child is and what has happened to him or her. If a child is referred to meaningful support, care and protection, the chances are higher that caseworkers will be able to tell what specifically has happened to the child and if that qualifies as trafficking or not.

In the course of a best interests' determination process, social services and other competent authorities are conducting an in-depth case and needs assessment that covers all these elements and identifies risks as well as source of resilience and protection of a child. The best interests' determination process offers therefore important opportunities for identifying signs of violence and exploitation, including specifically trafficking, and to develop an individual care and support plan for the child towards a sustainable solution that is safe and supports the child to enjoy his or her rights as afforded under the Convention.

⁷ The Council of Europe Convention (2005) Articles 10 and 35 and explanatory report. The Convention has been ratified by all states in the Baltic Sea Region except the Russian Federation, available from: <https://rm.coe.int/168008371d>.

⁸ The Council of Europe Convention on Action Against Trafficking in Human Beings (2005) Articles 10, 13, 35 and explanatory report.

⁹ The Council of Europe Convention on Action Against Trafficking in Human Beings (2005) Articles 10, 13, 35 and explanatory report.