

Leiden University

Advanced LL.M. International Children's Rights



Safety or Slavery?

**Legal Protections for Children at Risk of Being Trafficked from
Refugee Reception Centres in Europe**

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Executive Summary

This thesis investigates the crisis of children disappearing from refugee reception centres in Europe for the purpose of being trafficked, looking at their increased vulnerability and the reasons they are trafficked. It proceeds with an analysis of the existing international legal instruments in place to protect them and dissects how each relevant article applies to this specific situation. With an understanding that there is sufficient law in place, it delves into the most current research by all involved actors; international organizations, the European Union, non-governmental organizations, and academic scholars, on the practical application of each State's legal obligations. From there, it identifies key factors of good practice and proceeds to investigate how many European countries have implemented these good practices into national policy, and further how these good practices translate to a relationship with the number of children that have gone missing from reception centres. It concludes with an interpretation of these findings and recommendations for the next steps necessary to create better protections for children at risk of being trafficked from refugee reception centres.

Overview of Main Findings

Thorough research isolates five key factors of good practice in preventing unaccompanied children from being trafficked from refugee reception centres; proper registration, appointment of a guardian, strict separation from adults, development of a reporting mechanism, and adequate professional training, respectively. This thesis looked at how commonly these practices are incorporated into national policy and found that no European country has incorporated all five. In fact, most have only incorporated two. With this in mind, it went on to investigate their effect on mitigating the trafficking of children from refugee reception centres. This was done by giving each country a ranking based on the number of good practices they had incorporated into national policy, and comparing this to the reported number of unaccompanied minors that disappeared from care facilities in the year 2017. With an absence of data, no direct correlation could be found. However, a general trend was observable, pointing to fewer children going missing the higher the good practice ranking. This merits further investigation in the form of extensive research on the effects of each good practice on the number of children missing from refugee reception centres to fuel evidence-based policy.

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Introduction

1.1. Introduction

Every day, unaccompanied refugee children go missing from refugee reception centres in Europe. News sources, NGO papers, government statements, and United Nations reports all show that child trafficking from refugee camps is an epidemic that the world has turned a blind eye to¹. Once children have reached Europe, they are often placed in substandard conditions with inadequate protection, and are extremely vulnerable to criminal gangs that stand to profit off of them. Like this, thousands of refugee children go missing and are trafficked from reception centres.

If one rich white child went missing, the world would weep. We have seen this time and time again with Madeline McCann and other high-profile child disappearances in Europe. We have seen unfaltering media attention, fundraisers yielding millions, and a commitment to never stop looking. We see a coming together, no resource spared for these children- as we should. Unfortunately, children go missing from Europe every day. Where are their missing children posters and media campaigns? Where are their 'no resources spared' investigations? The truth is, the world doesn't see them- either because we can't, or because we won't, the reality is that we continue to turn a blind eye to missing refugee children.

How do we explain why we care so much about an English girl gone missing on vacation, but not thousands of children who have gone missing from refugee reception centres? Is it because we saw her photo, knew her family, could picture ourselves there? Or is it because she was a cute, blonde-hair, blue-eyed child from a rich family? If it really isn't the latter, as we all hope it is not, then we need to prove that. We need to show that we, as a collective international community, care just as deeply about every refugee child that goes missing as we do about every missing child media sensation. We need to care, really care, that children arrive at refugee camps in Europe thinking that the worst is behind them when their nightmare has only just begun. We need to care that the centres built to protect them are where they are the most vulnerable to being exploited. Most of all, we need to care that nothing is being done about it.

Europe, the region that has ratified the most international human rights treaties, should, theoretically, afford the most protection to these children. There is no sensible reason that refugee children should be going missing at such a staggering rate in a rich continent. We have the resources, if we agree that every child is worth fighting for, to tackle the problem.

1.2. Definition of Human Trafficking

The Protocol to Prevent, Suppress and Punish Trafficking in Persons defines human trafficking as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”². Approximately one fifth of all identified victims of human trafficking are children³.

¹ Gabriel Samuels, *Refugee children in France being sexually exploited and forced into crime by traffickers, says Unicef (13 June 2016)* <https://www.independent.co.uk/news/world/europe/refugee-children-being-sexually-exploited-and-forced-into-crime-by-traffickers-in-northern-france-a7079446.html>.

² *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, opened for signature 15 November 2000, A-39574 (entered into force 25 December 2003) art 3(a).

³ Counter Trafficking Data Collaborative, *Age of Victims: Children and Adults (2018)* <<https://www.ctdatacollaborative.org/story/age-victims-children-and-adults>>.

Under international law, child trafficking is “the movement of children for the purpose of their exploitation”⁴. This differs from the general human trafficking definition which requires threat, force or coercion to be present. This is not necessary in the definition concerning children due to their vulnerability, recognized in international law. Child trafficking is a lucrative crime perpetrated by criminal networks capitalizing on a demand for inexpensive services performed by minors⁵. Unfortunately, it is extremely underreported, despite it affecting every single country⁶ and being categorized as the fastest growing type of crime in the world⁷.

1.3. Types of Trafficking

In exploring how to prevent children from being trafficked from refugee reception centres, it is essential to understand why children are being trafficked. Children can be trafficked for many different reasons. They can be trafficked for the purpose of labour, where they are coerced to perform tasks under enslavement. These tasks can include domestic work, forced begging, or sexual acts. Children are often trafficked for the purpose of sexual exploitation, where they are made to engage in commercial sex acts. These are the most common purposes of child trafficking⁸. That being said, children can also be trafficked by being sold into forced marriage, where they are married non-consensually at an extremely young age, often to a spouse much older. Children are also trafficked for the purpose of organ removal, wherein their organs are harvested and sold.

1.4. Refugee Vulnerability

Child trafficking is a business built on demand, but also on the vulnerabilities of potential victims. While children are already a vulnerable group, refugee children fleeing conflict are even more vulnerable due to their lack of resources, trauma already faced, and unfamiliarity with the territory. The last decade has seen one of the largest refugee crises in history. Conflicts in Syria, Afghanistan, South Sudan, Myanmar, and Somalia, as well as an increased number of natural disasters and famines globally, have caused 68.5 million people to be forcibly displaced and have created 25.4 million refugees⁹. In 2015 alone, almost 96,000 unaccompanied children claimed asylum in Europe. By January of the following year, an estimated 10,000 of them were unaccounted for¹⁰.

The refugee reception centres created to accommodate the influx of refugees can often exacerbate children’s vulnerability even further. A lack of consistent registration, guardianship for unaccompanied minors, separation from adults, sufficient security, or reporting mechanisms for when children do go missing, all make reception centres a dangerous place for children. When children do go missing, they are often labelled a runaway or a miscount without a second glance¹¹. This leaves refugee children alone, unprotected, and unaccounted for—the perfect target for child traffickers. Most persuasively, traffickers know that no one will go looking for a refugee child missing from a reception centre. Unaccompanied

⁴ UNICEF, *Note on the definition of ‘child trafficking’* (1 March 2007)

<https://www.unicef.org/southafrica/SAF_pressrelease_notetrafficking.pdf>.

⁵ Polaris, *Human Trafficking* (2019) <<https://humantraffickinghotline.org/type-trafficking/human-trafficking>>.

⁶ United Nations, *World Day against Trafficking in Persons* (2018)

<<http://www.un.org/en/events/humantrafficking/index.shtml>>.

⁷ Department of Health and Human Services, ‘Human Trafficking Fact Sheet’ (Report, 2004).

⁸ UNODC, ‘Global Report on Trafficking in Persons’ (Report, February 2009).

⁹ UNHCR, *Figures at a Glance Statistical Yearbooks* (19 June 2018) <<https://www.unhcr.org/figures-at-a-glance.html>>.

¹⁰ TheirWorld, *Child trafficking* (2016) TheirWorld: A Brighter Future for Every Child <<https://theirworld.org/explainers/child-trafficking>>.

¹¹ European Christian Political Movement, ‘The Missing Children: Unaccompanied Refugee Minors in the European Migrant Crisis’ (Report, 2017).

refugee children are the most vulnerable population in the world, and need to be treated as an international priority because of it.

1.5. International Priority

With more child refugees than ever before, the rates of children going missing from refugee reception centres are also on the rise. Defence for Children International reports that in the Netherlands alone between 2016 and 2017, the rate of children gone missing from centres increased by 24%¹². There is reason to believe that the numbers of children missing are actually much higher than what reports say due to systematic issues in data collection including lack of initial registration of many children. Non-governmental organizations report that as many as 50% of the unaccompanied children accommodated in refugee reception centres go missing in the European Union¹³. European countries report that child trafficking is one of the most sharply increasing trends in the European Union¹⁴, and it is clear that this has been greatly contributed to by the refugee crisis.

According to the United National High Commissioner for Refugees, trafficking risks for refugees are at ever-increasing levels worldwide¹⁵. In 2016, Europol's chief of staff stated that at least 10,000 unaccompanied child refugees have disappeared after arriving in Europe, speculating that many of them may have been criminally exploited by trafficking networks¹⁶. While academics and practitioners have expressed scepticism at this number, it has served to shine a spotlight on the issue. No matter the exact number, the truth remains that one child is one too many.

We can no longer say that we don't know it's happening. The world has seen that children are being trafficked from refugee camps, and can no longer plead ignorance. We have a choice: continue to ignore what's happening or fulfil our obligation to act. How will we respond? International organizations have responded in favour of action. In 2015, the United Nations released 17 concrete goals to achieve a better and more sustainable future for all by 2030¹⁷. Goal 16.2 of the sustainable development agenda is to "end abuse, exploitation, trafficking and all forms of violence against and torture of children"¹⁸. Cognizant of the international community's obligation to act in pursuance of this goal, we must dedicate ourselves to understanding the problem and working towards solving it.

This thesis will explore to what extent legal and policy protections are in place to prevent the trafficking of children from refugee reception centres. With an understanding of the protections that international law affords, it will investigate how these standards are translated into national policies and good practices. Aware of what is and is not present in national policy, it can be deduced what good practices are necessary to reduce the risk of children being trafficked from refugee reception centres. It will then expand by offering concrete policy recommendations for the improvement of policy to prevent the trafficking of children from refugee centres.

¹² Defence for Children International, 'Kinderrechten & uitbuiting' (Report, 2016).

¹³ European Christian Political Movement, 'The Missing Children: Unaccompanied Refugee Minors in the European Migrant Crisis' (Report, 2017).

¹⁴ European Commission, 'Report on the progress made in the fight against trafficking in human beings' (Report, 19 May 2016).

¹⁵ UNHCR, 'Review of UNHCR's efforts to prevent and respond to human trafficking' (Report, September 2008).

¹⁶ Mark Townsend, *10,000 refugee children are missing, says Europol* (30 January 2016)

<<https://www.theguardian.com/world/2016/jan/30/fears-for-missing-child-refugees>>.

¹⁷ United Nations, *About the Sustainable Development Goals* (2019)

<<https://www.un.org/sustainabledevelopment/sustainable-development-goals/>>.

¹⁸ United Nations, *About the Sustainable Development Goals* (2019)

<<https://www.un.org/sustainabledevelopment/sustainable-development-goals/>>.

Legal Analysis

2.1. Legal Instruments Addressing General Human and Children's Rights

The Universal Declaration of Human Rights affords every person the right to life, liberty, and security of person¹⁹, and also establishes that no person shall be held in slavery or servitude²⁰. The International Covenant on Civil and Political Rights reiterates the right to not be held in slavery or servitude and a dedication to prohibit all forms of slavery²¹. However, it elaborates on the concept of forced servitude by asserting that no person can be required to perform forced or compulsory labour²². These values are echoed for the region of Europe specifically in the European Convention on Human Rights, which affords all people the fundamental right to life²³, the right not to be held in slavery or servitude²⁴, and the right to liberty and security of person²⁵. These articles can be applied to the modern servitude of human trafficking, and serve to protect all people from enslavement of any kind²⁶.

The Convention on the Rights of the Child affords unprecedented rights and protections to children. Firstly, it sets out fundamental rights which would be infringed upon should a child be trafficked and exploited. Article 6 of the Convention affords every child the right to life, survival and development²⁷. The Committee on the Rights of the Child has provided clarity to article 6's application to the trafficking of vulnerable children in their clarification of States' obligations by demonstrating the direct link between "unaccompanied and separated children and the risks of exploitation, particularly trafficking, sexual or labour exploitation, neglect or other forms of violence that they are confronted with"²⁸.

More directly applicable articles in the Convention are phrased as State obligations to protect various aspects of the trafficking process. These can be seen in the obligation to take measures to prevent the illicit transfer and non-return of children abroad²⁹ and to afford any refugee appropriate protection as it applies in the Convention and all other ratified human rights treaties³⁰. The obligation to afford refugee children appropriate protection could be applied to giving refugees the same right to life, survival, illicit transfer, and exploitation as national children. This is important because it is the first, and only, specific mention in binding law that refugee children are afforded protection against trafficking. The Convention

¹⁹ *Universal Declaration of Human Rights*, opened for signature 15 February 1967, I-8547 (entered into force 20 February 1967) art 3.

²⁰ *Universal Declaration of Human Rights*, opened for signature 15 February 1967, I-8547 (entered into force 20 February 1967) art 4.

²¹ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, I-14668 (entered into force 23 March 1976) art8(1), 8(2).

²² *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, I-14668 (entered into force 23 March 1976) art 8(3)(a).

²³ *European Convention for the Protection of Human Rights and Fundamental Freedoms*, opened for signature 4 November 1950, F-67075 (entered into force 3 September 1953) art 2(1).

²⁴ *European Convention for the Protection of Human Rights and Fundamental Freedoms*, opened for signature 4 November 1950, F-67075 (entered into force 3 September 1953) art 4.

²⁵ *European Convention for the Protection of Human Rights and Fundamental Freedoms*, opened for signature 4 November 1950, F-67075 (entered into force 3 September 1953) art 5(1).

²⁶ Riley Healey, *Legal Protections Afforded to Children at Risk of Being Trafficked from Refugee Camps in Greece*, submitted for assessment to Leiden University (17 March 2019).

²⁷ *Convention on the Rights of the Child*, opened for signature 20 November 1989, I-27531 (entered into force 2 September 1990) art 6(1), 6(2).

²⁸ International Commission of Jurists and European Council for Refugees and Exiles, 'Complaint No. 173/2018', Complaint to the European Committee of Social Rights in *ICJ and ECRE v Greece*, 30 November 2018. Riley Healey, *Legal Protections Afforded to Children at Risk of Being Trafficked from Refugee Camps in Greece*, submitted for assessment to Leiden University (17 March 2019).

²⁹ *Convention on the Rights of the Child*, opened for signature 20 November 1989, I-27531 (entered into force 2 September 1990) art 11(1).

³⁰ *Convention on the Rights of the Child*, opened for signature 20 November 1989, I-27531 (entered into force 2 September 1990) art 22(1).

also requires States to recognize the right of the child to be protected from economic exploitation³¹, to protect children from all forms of sexual exploitation and sexual abuse³², to take action to prevent the abduction of, the sale of or traffic in children³³, to protect children against all other forms of exploitation prejudicial to any aspects of their welfare³⁴, and to ensure that no child is deprived of their liberty unlawfully or arbitrarily³⁵. Although these articles overtly mention the trafficking of children, they are still extremely vague on action needed³⁶.

2.2. Legal Instruments Addressing Refugee Rights

The Refugee Convention fails to provide any specific protection rights for child protection of refugees³⁷. This is certainly problematic, as no binding law establishes the specific vulnerabilities of refugee children, especially those in reception centres, to exploitation. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families affords some rights to refugee children on the condition that they are the child of migrant worker. These rights include the right not to be held in slavery or servitude³⁸, not to be required to perform forced or compulsory labour³⁹, and to have the right to liberty and security of person⁴⁰. This does very little to advance the rights of the child, by attaching them only to the relationship to a parent, it is therefore not particularly relevant in providing adequate protection against child trafficking⁴¹.

2.3. Legal Instruments Addressing Protection from Trafficking and Exploitation

With more recent Conventions come more specific measures to protect victims of trafficking and exploitation. The Convention on the Elimination of All Forms of Discrimination against Women requires states to take all appropriate measures to “suppress all forms of traffic in women and exploitation of prostitution of women”⁴². This provides protection for girls, but leaves boys from direct legal protection against trafficking and can therefore not be solely relied upon. The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour also instils a positive obligation on states to protect against child labour. However, it only applies to select exploitative types of

³¹ *Convention on the Rights of the Child*, opened for signature 20 November 1989, I-27531 (entered into force 2 September 1990) art 32(1).

³² *Convention on the Rights of the Child*, opened for signature 20 November 1989, I-27531 (entered into force 2 September 1990) art 34.

³³ *Convention on the Rights of the Child*, opened for signature 20 November 1989, I-27531 (entered into force 2 September 1990) art 35.

³⁴ *Convention on the Rights of the Child*, opened for signature 20 November 1989, I-27531 (entered into force 2 September 1990) art 36.

³⁵ *Convention on the Rights of the Child*, opened for signature 20 November 1989, I-27531 (entered into force 2 September 1990) art 37(b).

³⁶ Riley Healey, *Legal Protections Afforded to Children at Risk of Being Trafficked from Refugee Camps in Greece*, submitted for assessment to Leiden University (17 March 2019).

³⁷ *Convention Relating to the Status of Refugees*, opened for signature 28 July 1951, I-2545 (entered into force 22 April 1954).

³⁸ *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, opened for signature 18 December 1990, I-39481 (entered into force 1 July 2003) art 11(1).

³⁹ *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, opened for signature 18 December 1990, I-39481 (entered into force 1 July 2003) art 11(2).

⁴⁰ *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, opened for signature 18 December 1990, I-39481 (entered into force 1 July 2003) art 16(1).

⁴¹ Riley Healey, *Legal Protections Afforded to Children at Risk of Being Trafficked from Refugee Camps in Greece*, submitted for assessment to Leiden University (17 March 2019).

⁴² *Convention on the Elimination of All Forms of Discrimination against Women*, opened for signature 18 December 1979, I-20378 (entered into force 3 September 1981) art 6.

work, making it an incomplete protection mechanism on its own⁴³. Strangely, this Convention does not explicitly mention trafficking and no trafficking experts were ever invited to conferences on the drafting process. In addition, the International Covenant on Economic, Social and Cultural Rights provides a provision specifically for the protection of children, stating that “children and young persons should be protected from economic and social exploitation”, elaborating that such offences should be punishable by law⁴⁴. As trafficking is considered social and economic exploitation, these provisions require States to provide protection against trafficking, however how such protection can be administered is not mentioned⁴⁵.

The Convention on the Rights of the Child is supplemented by the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography which provides specific legal obligations relating to the criminalization of trafficking children. It requires that States criminalize all acts constituting the offering, delivering, or accepting the sale of children for sexual exploitation, transfer of organs, or forced labour⁴⁶. It also ensures that States have special measures in place to accommodate the interests of child victims of trafficking in the criminal justice process⁴⁷. The Optional Protocol presents a more holistic approach that never directly mentions child trafficking. When addressing the exploitation of children, it focuses only on the States’ duties to prosecute those responsible and does not elaborate on how to realize the right not to be exploited set out in the Convention⁴⁸.

The Protocol of the Convention against Transnational Organised Crime to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children also exists to provide a legal basis for protection against these crimes. This Protocol calls on states to create comprehensive policies and programs to prevent and combat human trafficking⁴⁹, to employ research techniques, media campaigns, and other economic and social initiatives in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society to prevent and combat trafficking in persons⁵⁰. It also draws attention to the conditions that create vulnerability to trafficking and instructs states to address these⁵¹. This is extremely important, as it is the first article that addresses the circumstances which increase vulnerability to being trafficked. Moreover, the Protocol calls on states to devote efforts to measures that will reduce the demand that causes the exploitation of children via trafficking⁵². Effectively, the Palermo Protocol is the first Convention that actively protected children from trafficking.

⁴³ *Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*, opened for signature 17 June 1999, 2133 (entered into force 19 Nov 2000), art 3.

⁴⁴ *International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, I-14531 (entered into force 3 January 1976) art 10(3).

⁴⁵ Riley Healey, *Legal Protections Afforded to Children at Risk of Being Trafficked from Refugee Camps in Greece*, submitted for assessment to Leiden University (17 March 2019).

⁴⁶ *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, opened for signature 25 May 2000, A-27531 (entered into force 18 January 2002) art 3(1).

⁴⁷ *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, opened for signature 25 May 2000, A-27531 (entered into force 18 January 2002) art 8(1).

⁴⁸ Riley Healey, *Legal Protections Afforded to Children at Risk of Being Trafficked from Refugee Camps in Greece*, submitted for assessment to Leiden University (17 March 2019).

⁴⁹ *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, opened for signature 15 November 2000, A-39574 (entered into force 25 December 2003) art 1(a).

⁵⁰ *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, opened for signature 15 November 2000, A-39574 (entered into force 25 December 2003) art 9(2), 9(3).

⁵¹ *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, opened for signature 15 November 2000, A-39574 (entered into force 25 December 2003) art 9(4).

⁵² *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, opened for signature 15 November 2000, A-39574 (entered into force 25 December 2003) art 9(5).

Riley Healey, *Legal Protections Afforded to Children at Risk of Being Trafficked from Refugee Camps in Greece*, submitted for assessment to Leiden University (17 March 2019).

The EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims obliges States to comply with regionally specific measures that can be taken to combat human trafficking. The Directive focuses predominantly on the prosecution obligations of Member States. However, the end of the Directive establishes measures to prevent trafficking. These include education and training to reduce the demand of exploitation and human trafficking⁵³, awareness campaigns to reduce the risk of people, specifically children, becoming victims⁵⁴, promoting training in recognizing the signs of human trafficking for first-line responders⁵⁵, and discouraging demand by taking measures to further criminalize the act of human trafficking⁵⁶. It also calls on all Member States to establish a National Rapporteur, or equivalent mechanism, to assess and report on the trends of human trafficking in each country⁵⁷. The applicable articles of this Directive are without doubt a step in the direction towards more comprehensive protection of children from being trafficked, and it made great strides by placing children at the forefront of the debate in the preamble. However, the provisions lack any specificity towards the particular situation of refugee children, and in particular the risks they face in refugee camps⁵⁸.

The aforementioned Directive works in conjunction with the EU Directive on Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography. It provides the most detailed legally binding articles on the criminalization of specific acts that occur when trafficking a child for sexual exploitation, and even recognizes unaccompanied minors as the most vulnerable group in the preamble. It outlines specific sentences for coercing, forcing or threatening a child into sexual activities with a third party⁵⁹, causing or recruiting a child to participate in child prostitution, or profiting from or otherwise exploiting a child for such purposes⁶⁰, or threatening a child for such purposes⁶¹. It also provides special protections to victims of sexual exploitation including specific actions by the state to support the family dependent on an independent assessment⁶². This Directive only casts light on the criminalization of acts that may constitute child trafficking, and doesn't draw any attention to the rights of the victims and prevention measures. However, it only covers the sexual exploitation sector of trafficking, meaning that it cannot be

⁵³ *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims*, opened for signature 14 April 2011, 32011L0036 (entered into force 14 April 2011) art 18(1).

⁵⁴ *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims*, opened for signature 14 April 2011, 32011L0036 (entered into force 14 April 2011) art 18(2).

⁵⁵ *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims*, opened for signature 14 April 2011, 32011L0036 (entered into force 14 April 2011) art 18(3).

⁵⁶ *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims*, opened for signature 14 April 2011, 32011L0036 (entered into force 14 April 2011) art 18(4).

⁵⁷ *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims*, opened for signature 14 April 2011, 32011L0036 (entered into force 14 April 2011) art 19.

⁵⁸ Riley Healey, *Legal Protections Afforded to Children at Risk of Being Trafficked from Refugee Camps in Greece*, submitted for assessment to Leiden University (17 March 2019).

⁵⁹ *Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography*, opened for signature 23 December 2011, 32011L0093 (entered into force 23 December 2011) art 3(6).

⁶⁰ *Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography*, opened for signature 23 December 2011, 32011L0093 (entered into force 23 December 2011) art 4(5).

⁶¹ *Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography*, opened for signature 23 December 2011, 32011L0093 (entered into force 23 December 2011) art 4(6).

⁶² *Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography*, opened for signature 23 December 2011, 32011L0093 (entered into force 23 December 2011) art 19.

used to protect children against trafficking for forced labour, organ removal, child marriage, or any other purposes.⁶³

2.4. European Case Law on Child Trafficking

Having explored the international instruments at play, it is essential to look at how they are interpreted in case law. Although the European Court of Human Rights has yet to see a case involving a child having been trafficked from a refugee reception centre, the following cases all set precedent on how such a case would be interpreted.

Siliadin v France

In 2005, *Siliadin v France* was the first case of trafficking ever seen by the Court. At the age of 15, the victim was brought to France from Togo on the promise that she would work in the perpetrators home until the cost of her airfare was paid off and her immigration status could be solidified. Upon arrival, her passport was confiscated and she was made an unpaid housemaid working extremely strenuous hours, seven days a week⁶⁴.

The victim alleged that French law did not afford her adequate protection against the servitude in which she was held or the labour she was forced to perform. The Court was asked to consider whether this was a violation of article 4 of the European Convention on Human Rights, which addresses the prohibition of slavery and forced labour.

First, the Court looked at whether France had positive obligations under article 4. It came to the conclusion that to only require direct action by the State would be incompatible with intent of the relevant international legal instruments. Because of this, they concluded that all States have the positive obligation to incorporate provisions into their laws which condemn any actions referred to by article 4 and also apply them practically.

Concerning the violation of article 4, the Court held unequivocally that the victim had been subjected to forced and compulsory labour as well as servitude. Although *Siliadin* had not been locked up, the Court found a breach of her article 4 rights because she was held captive by fear and misleading. However, they came to the decision that being held against one's will and deprived of all personal liberty did not in itself constitute slavery as it was defined under article 1 of the Slavery Convention which required a "genuine right of legal ownership"⁶⁵. The Court was highly criticized for interpreting the Slavery Convention too literally, as it formerly referred to traditional chattel slavery⁶⁶. Nevertheless, as slavery and servitude were, at the time, not present as offences in French criminal law, the Court found that France had not fulfilled its positive obligation to afford the victim proper protection.

M. and Others v Italy and Bulgaria

M. and Others v Italy and Bulgaria dealt with a Bulgarian Roma child who alleged that she was trafficked to Italy and abused by multiple perpetrators. The second and third applicants, her parents, moved to Italy

⁶³ Riley Healey, *Legal Protections Afforded to Children at Risk of Being Trafficked from Refugee Camps in Greece*, submitted for assessment to Leiden University (17 March 2019).

⁶⁴ *Siliadin v France* (2005) Eur Court HR.

⁶⁵ *Siliadin v France* (2005) Eur Court HR, 122.

⁶⁶ Anne T. Gallagher, *The International Law of Human Trafficking* (Cambridge University Press, 2010) 187.

under the promise of work in a Roma man's villa. They were beaten and threatened and forced to return to Bulgaria, leaving their daughter in Italy. Bulgarian authorities contest this, and instead believe that the second and third applicants married their daughter off. There, she was kept under continuous surveillance, made to steal, was beaten, threatened with death, and raped⁶⁷.

Most relevantly to the subject of trafficking, the applicants alleged that Italy and Bulgaria had violated their duties under article 4 of the European Convention on Human Rights to prohibit slavery and forced labour. They argued that the first applicant had been forced to take part in organized crime and had been a victim of human trafficking, both of which Italy and Bulgaria were responsible for. The court held that the circumstances, as told by the applicants would account for trafficking, but that there was not enough evidence to substantiate these allegations. Because of the insufficient evidence, neither the Italian or Bulgarian authorities were under any obligation to take action under article 4⁶⁸. What we can infer from this though is that if there had been enough evidence, these States would have had a positive obligation.

2.5. Complaint to European Committee of Social Rights

With a theoretical understanding of international legal safeguards, it is essential to examine how this translates practically to the vulnerabilities of children in refugee reception centres. In December of 2018, the International Commission of Jurists and the European Council for Refugees and Exiles brought a complaint against Greece before the European Committee of Social Rights on the basis of improper conditions for unaccompanied children in Greek refugee camps⁶⁹. The complaint cited a report by the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment expressed his concern about "the fate of unaccompanied minors in Greece, as they are not protected properly at any stage of their stay in the country"⁷⁰. It also referred to a report where NGOs identified "hundreds of unaccompanied migrant children living in squats and abandoned buildings"⁷¹ and "emergency camps with no supervision and, therefore, children faced dangers of drugs, trafficking and sexual abuse"⁷².

The complaint isolates four primary problems: the shortage of access to shelter, the treatment of and conditions in which children live, the absence of effective procedural guarantees, and the lack of access to education, respectfully. The combination of these problems has placed children in an extremely unsafe environment. The shortage of shelters for children in refugee camps in Greece is greatly impacting children's ability to realize their human rights. As of September 2018, almost two thirds of migrant children that were unaccompanied did not have access to an official reception structure. A joint NGO paper reported the single women and their daughters were often forced to reside in tents with unknown men⁷³.

Due to the overcrowding of the refugee camps, basic services such as food, shelter, sanitary facilities and medical facilities are compromised⁷⁴. This has caused the attainment of human rights in camps to be in a "continuous state of deterioration"⁷⁵. Alongside basic services, basic procedural guarantees have also

⁶⁷ *M. and Others v Italy and Bulgaria* (2012) Eur Court HR.

⁶⁸ *M. and Others v Italy and Bulgaria* (2012) Eur Court HR.

⁶⁹ International Commission of Jurists and European Council for Refugees and Exiles, 'Complaint No. 173/2018', Complaint to the European Committee of Social Rights in *ICJ and ECRE v Greece*, 30 November 2018.

⁷⁰ Human Rights Council, 'Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Addendum : Mission to Greece' (Report, 21 April 2011).

⁷¹ UNICEF and REACH, 'Children on the Move in Italy and Greece' (Report, June 2017).

⁷² Network for Children's Rights, 'Conditions in refugee camps: the case of Schisto' (Report, January 2017).

⁷³ International Commission of Jurists and European Council for Refugees and Exiles, 'Complaint No. 173/2018', Complaint to the European Committee of Social Rights in *ICJ and ECRE v Greece*, 30 November 2018.

⁷⁴ International Commission of Jurists and European Council for Refugees and Exiles, 'Complaint No. 173/2018', Complaint to the European Committee of Social Rights in *ICJ and ECRE v Greece*, 30 November 2018.

⁷⁵ International Commission of Jurists and European Council for Refugees and Exiles, 'Complaint No. 173/2018', Complaint to the European Committee of Social Rights in *ICJ and ECRE v Greece*, 30 November 2018.

been compromised. Age assessment of minors is no longer applied on a large scale and this results in many children de facto being categorized as adults⁷⁶. When children are identified as such, despite being entitled to the appointment of a legal guardian, Greek refugee camps do not have the capacity to apply this⁷⁷. Moreover, education is not being provided for refugee children in camps, with reports speculating that less than 15% of migrant children are enrolled in school at any time⁷⁸.

This formal complaint against the State of Greece demonstrated that the shortage of access to shelter, the conditions in which children live, the absence of effective procedural guarantees, and the lack of access to education were causing an increase in the number of children susceptible to exploitation⁷⁹, citing children's exposure to violence and even trafficking and sexual exploitation as a direct result⁸⁰.

This complaint further showcases the horrific conditions of refugee camps and the dangers that they pose to children in the form of child trafficking. However, Greek noncompliance with existing international human rights casts doubt on the idea that an explicit law addressing the vulnerabilities of refugee children to human trafficking would be able to tackle this issue alone, as the most clearly stated rights under international law are not being fulfilled in these refugee camps. In addition to this aforementioned law, emphasis needs to be put on the obligations of states to put practical measures in place, in the form of policy, to fulfil and advance international child protection efforts.

2.6. Consensus on Legal Protections

Ratification of Each Legal Instrument by Country						
Country	Legal Instruments Addressing General Human and Children's Rights				Legal Instruments Addressing Refugee Rights	
	International Covenant on Civil and Political Rights	European Convention on Human Rights	Convention on the Rights of the Child	International Covenant on Economic, Social and Cultural Rights	Refugee Convention	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
Austria	✓	✓	✓	✓	✓	
Belgium	✓	✓	✓	✓	✓	
Bulgaria	✓	✓	✓	✓	✓	

⁷⁶ International Commission of Jurists and European Council for Refugees and Exiles, 'Complaint No. 173/2018', Complaint to the European Committee of Social Rights in *ICJ and ECRE v Greece*, 30 November 2018.

⁷⁷ International Commission of Jurists and European Council for Refugees and Exiles, 'Complaint No. 173/2018', Complaint to the European Committee of Social Rights in *ICJ and ECRE v Greece*, 30 November 2018.

⁷⁸ International Commission of Jurists and European Council for Refugees and Exiles, 'Complaint No. 173/2018', Complaint to the European Committee of Social Rights in *ICJ and ECRE v Greece*, 30 November 2018.

⁷⁹ International Commission of Jurists and European Council for Refugees and Exiles, 'Complaint No. 173/2018', Complaint to the European Committee of Social Rights in *ICJ and ECRE v Greece*, 30 November 2018.

⁸⁰ United States Department of State, '2018 Trafficking in Persons Report – Greece' (Report, 28 June 2018).

Croatia	✓	✓	✓	✓	✓	
Czech Republic	✓	✓	✓	✓	✓	
Estonia	✓	✓	✓	✓	✓	
Finland	✓	✓	✓	✓	✓	
France	✓	✓	✓	✓	✓	
Germany	✓	✓	✓	✓	✓	
Greece	✓	✓	✓	✓	✓	
Hungary	✓	✓	✓	✓	✓	
Ireland	✓	✓	✓	✓	✓	
Italy	✓	✓	✓	✓	✓	
Latvia	✓	✓	✓	✓	✓	
Lithuania	✓	✓	✓	✓	✓	
Luxembourg	✓	✓	✓	✓	✓	
Malta	✓	✓	✓	✓	✓	
Netherlands	✓	✓	✓	✓	✓	
Poland	✓	✓	✓	✓	✓	
Portugal	✓	✓	✓	✓	✓	
Slovakia	✓	✓	✓	✓	✓	
Slovenia	✓	✓	✓	✓	✓	
Spain	✓	✓	✓	✓	✓	
Sweden	✓	✓	✓	✓	✓	
United Kingdom	✓	✓	✓	✓	✓	

Ratification of Each Legal Instrument by Country Continued				
Country	Legal Instruments Addressing Protection From Trafficking and Exploitation			
	Convention on the Elimination of All Forms of Discrimination against Women	Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children
Austria	✓	✓	✓	✓
Belgium	✓	✓	✓	✓
Bulgaria	✓	✓	✓	✓
Croatia	✓	✓	✓	✓
Czech Republic	✓	✓	✓	✓
Estonia	✓	✓	✓	✓
Finland	✓	✓	✓	✓
France	✓	✓	✓	✓
Germany	✓	✓	✓	✓
Greece	✓	✓	✓	✓
Hungary	✓	✓	✓	✓
Ireland	✓	✓		✓
Italy	✓	✓	✓	✓
Latvia	✓	✓	✓	✓
Lithuania	✓	✓	✓	✓
Luxembourg	✓	✓	✓	✓
Malta	✓	✓	✓	✓
Netherlands	✓	✓	✓	✓
Poland	✓	✓	✓	✓

Portugal	✓	✓	✓	✓
Slovakia	✓	✓	✓	✓
Slovenia	✓	✓	✓	✓
Spain	✓	✓	✓	✓
Sweden	✓	✓	✓	✓
United Kingdom	✓	✓	✓	✓

Having examined all of the international legal protections in place to safeguard refugee children from being trafficked, we must come to a conclusion on whether they are sufficient. We can see that general human rights law covers this unique situation, but rather broadly and without enough specificity to offer legitimate protection. Laws on refugees specifically take into account the vulnerable context of children on the move, but do not offer any explicit protection on general exploitation or trafficking, which could allow them to slip through the cracks. Laws written for protection from trafficking are the most comprehensive and have made the biggest strides in being applicable to more situations, although remain far from perfect. While unaccompanied children at risk of being trafficked from refugee reception centres are not overtly written into the law, they are nonetheless protected by its wide reaching scope. Together, all of these instruments create a theoretically inclusive framework.

As is illustrated in the table above, almost every relevant Convention has been ratified by almost every European country. Despite this international commitment to the legal protection of human rights, we nevertheless see unaccompanied children disappearing from refugee reception centres. The problem remains that this legal framework is only theoretically comprehensive. While examining laws can be useful, the most important aspect to determine the safeguards for children is how these legal instruments are adopted in practice.

Although the European Court of Human Rights has had very few cases involving child trafficking, *Siliadin v France* and *M. and Others v Italy and Bulgaria* show how the Court would approach these issues and from this, how it could possibly rule on a case more directly applicable to the trafficking of children from refugee reception centres. The complaint by the International Commission of Jurists and the European Council for Refugees and Exiles against Greece before the European Committee of Social Rights demonstrated first-hand how human rights law can be applied to the extreme vulnerabilities of children in refugee camps. It also reiterated that explicit legal protections are not enough. Moving forward, we can conclude that there are enough legal instruments, and that the emphasis needs to be placed on how they are incorporated into national policy and good practice.

Policy and Good Practice

3.1. Good Practice Assessment

The international legal framework imposes positive obligations on states to protect children from trafficking. The issue becomes how these obligations are translated into national policy and good practice, where the impact will be felt. While no consolidated international policy exists to prevent refugee

children from being trafficked from reception centres, the research that has been done to evaluate how to protect unaccompanied migrant children and to provide general safety in refugee camps has given rise to good practice policies. These can serve to illustrate some essential points necessary for protecting refugee children from trafficking. Perspectives from all actors involved; international organizations, regional governments, non-governmental organizations, and scholars, must be examined in order to develop a well-rounded understanding of good practices.

International Organizations

The United Nations High Commissioner for Refugees (UNHCR), the United Nations International Children's Emergency Fund (UNICEF), and the International Rescue Committee (IRC) recently worked together to create a report on best practices regarding the response to unaccompanied minor refugees entitled the Roadmap to Strengthened Policies and Practices. The best practice assessment restates the importance of proper identification, registration and age assessments, the appointment of guardianship and legal representatives, and adequate care arrangements and the provision of appropriate services⁸¹. The report identifies three key agents of change that it believes to be the drivers of change for unaccompanied minors. Firstly, it reiterates the importance of guardians in achieving the best interest of the child through consistent contact⁸². It recommends cultural mediators, in an effort to bridge the existing cultural divides often present in refugee camps and to mobilize the community to protect children and support the existing protection efforts in place⁸³. Finally, it expresses the need to empower children themselves to participate and share their perspectives, in the hope that this contribution will affect policy in the long run⁸⁴.

In 2016, UNICEF issued a press release outlining seven priority actions to protect all refugee and migrant children. These actions included the adoption of an EU-wide action plan on all refugee and migrant children which would eliminate the possibility of children falling through the cracks between international and national protection systems, and would consolidate all responsible authorities to "develop tangible and resourced processes and actions for all refugee and migrant children"⁸⁵. UNICEF also prioritizes reforming existing asylum legislation to promote the child's best interest and prioritising children in all migration and asylum policies⁸⁶. Of course, UNICEF reiterates the importance of funding to accompany any initiative and calls on EU Funding to be made more available⁸⁷. The priorities also include addressing refugee and migrant children in all areas of legislation and law that affect them, and protecting children across borders by creating a regional detection and response to migrant child disappearances⁸⁸. Finally, UNICEF also emphasizes the importance of cultivating legitimate data and evidence on migration and

⁸¹ UNHCR, UNICEF and IRC, 'The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe' (Report, July 2017).

⁸² UNHCR, UNICEF and IRC, 'The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe' (Report, July 2017).

⁸³ UNHCR, UNICEF and IRC, 'The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe' (Report, July 2017).

⁸⁴ UNHCR, UNICEF and IRC, 'The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe' (Report, July 2017).

Riley Healey, *Legal Protections Afforded to Children at Risk of Being Trafficked from Refugee Camps in Greece*, submitted for assessment to Leiden University (17 March 2019).

⁸⁵ UNICEF, *Children cannot wait: 7 priority actions to protect all refugee and migrant children* (29 November 2016) <<https://www.unicef.org/eca/press-releases/children-cannot-wait-priority-actions>>.

⁸⁶ UNICEF, *Children cannot wait: 7 priority actions to protect all refugee and migrant children* (29 November 2016) <<https://www.unicef.org/eca/press-releases/children-cannot-wait-priority-actions>>.

⁸⁷ UNICEF, *Children cannot wait: 7 priority actions to protect all refugee and migrant children* (29 November 2016) <<https://www.unicef.org/eca/press-releases/children-cannot-wait-priority-actions>>.

⁸⁸ UNICEF, *Children cannot wait: 7 priority actions to protect all refugee and migrant children* (29 November 2016) <<https://www.unicef.org/eca/press-releases/children-cannot-wait-priority-actions>>.

asylum claims not limited to age, gender and nationality disaggregated data that would be publicly available⁸⁹.

The UNHCR recommendations to improve the general safety of refugee camps offer innovative suggestions for the creation of protection frameworks to reduce the risk of violence. These include providing whistles to the most vulnerable that can sound an alarm that alerts community-based child protection networks and the civilian police⁹⁰ and using SMS messaging to encourage reporting of violence where such services are possible⁹¹. Regarding other practical considerations, in a press release to address the status of migrants in Greek camps being at risk for sexual violence, a spokesperson for the United Nations High Commissioner for Refugees (UNHCR) recommended that better lighting, increased security, separated bathrooms and living areas would greatly reduce the risks refugees face⁹².

European Union

The EU Action Plan on Unaccompanied Minors and the European Commission's Report on Actions for the Protection of Children in Migration provides provisions that can translate to the protection of refugee children from being trafficked. These recommendations include strict separation of unaccompanied minors from all adults, reliable and consistent age assessment in the presence of the child's guardian, enhanced family tracing efforts, and prioritizing studies and research on the matter to create data-informed policy⁹³.

The European Agency for Fundamental Rights has likewise identified five key areas essential to the protection of trafficking from refugee reception centres. These key areas are identification procedures including an initial health check to identify signs of trafficking and attention to vulnerabilities such as special safeguards for children in migration⁹⁴. They also include cooperation with support organizations like non-governmental organizations, training for staff that are likely to come into contact with trafficking victims, and information on risks and support measures to be made available at all refugee reception centres⁹⁵.

Non-governmental Organizations

Non-governmental organizations play an important role in establishing good practices, as they tend to be closer to the realities of country situations. Missing Children Europe calls for child-friendly and accessible

⁸⁹ UNICEF, *Children cannot wait: 7 priority actions to protect all refugee and migrant children* (29 November 2016) <<https://www.unicef.org/eca/press-releases/children-cannot-wait-priority-actions>>.

Riley Healey, *Legal Protections Afforded to Children at Risk of Being Trafficked from Refugee Camps in Greece*, submitted for assessment to Leiden University (17 March 2019).

⁹⁰ UNICEF, '2013 Global: Evaluation of UNICEF Programmes to Protect Children in Emergencies (CPIE) – Synthesis Report' (Report, 2013).

⁹¹ UNICEF, '2013 Global: Evaluation of UNICEF Programmes to Protect Children in Emergencies (CPIE) – Synthesis Report' (Report, 2013).

⁹² Natalie Muller, *UNHCR: Migrants in Greek camps at risk of sexual violence* (9 February 2018) <<https://www.dw.com/en/unhcr-migrants-in-greek-camps-at-risk-of-sexual-violence/a-42525256>>.

⁹³ Natalie Muller, *UNHCR: Migrants in Greek camps at risk of sexual violence* (9 February 2018) <<https://www.dw.com/en/unhcr-migrants-in-greek-camps-at-risk-of-sexual-violence/a-42525256>>.

Riley Healey, *Legal Protections Afforded to Children at Risk of Being Trafficked from Refugee Camps in Greece*, submitted for assessment to Leiden University (17 March 2019).

⁹⁴ European Union Agency for Fundamental Rights, *Thematic focus: Trafficking (May 2016)* <<https://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-trafficking>>.

⁹⁵ European Union Agency for Fundamental Rights, *Thematic focus: Trafficking (May 2016)* <<https://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-trafficking>>.

Riley Healey, *Legal Protections Afforded to Children at Risk of Being Trafficked from Refugee Camps in Greece*, submitted for assessment to Leiden University (17 March 2019).

information on rights, supports and specifics of procedures to empower children in their own decisions⁹⁶. They also support the training of anyone involved with children in migration to provide better protection measures across borders⁹⁷. The organization also aims to create a narrative among the general public instilling empathy and a sense of action to incorporate children in migration into society⁹⁸. Additionally, they call on policy-makers to prioritize children in all areas of migration legislation⁹⁹. Ultimately, Missing Children Europe calls for urgent intervention in the manifestation of these recommendations.

Defence for Children International strongly advocates for small scale reception, ideally in the form of foster homes where studies show that less children disappear¹⁰⁰. In this environment, one central authority should be in charge to avoid shifting responsibilities between organizations¹⁰¹. Police should also manage investigation protocols to manage when children disappear alongside destination and transit countries¹⁰².

The Initiative for Children in Migration, an informal collaboration among non-governmental organizations and intergovernmental organizations working in children's rights in migration, determined four elements a comprehensive rights-based approach to children in migration. The four elements are respecting and protecting the rights of children, addressing all aspects of their situation, taking children into account in every action taken, and engaging all actors in the protection of their rights¹⁰³. The Initiative believes that these elements can be achieved through child-focused public policy, procedural safeguards such as legal assistance and representation, focused laws mentioning the specific situation of children and stakeholder collaboration towards a consolidated approach¹⁰⁴.

Academic Scholars

An emerging concept amongst scholars in the field is the inherent contradiction of whether unaccompanied minors should be treated as children or refugees. Policy involving children tends to take a protective stance, whereas immigration policy is of a more punitive nature. This nexus leaves unaccompanied minors in a sort of middle ground wherein key indicators of human trafficking can be missed¹⁰⁵. This often takes head over issues such as age disputes, local authority care and determination of asylum claims. Hawley proposes an "Every Child Matters" framework, built on the basis that the United Kingdom cannot properly fulfil child welfare obligations and immigration control obligations¹⁰⁶. The approach advocates for a holistic age assessment that does not rely solely on medical tests which affords the benefit of the doubt in uncertain cases and child-sensitive asylum determination including timely decisions and an understanding of child-specific explanations of persecution to qualify for refugee

⁹⁶ Missing Children Europe, *Amina* (2019) <<http://aminameanssafe.eu/>>.

⁹⁷ Missing Children Europe, *Amina* (2019) <<http://aminameanssafe.eu/>>.

⁹⁸ Missing Children Europe, *Amina* (2019) <<http://aminameanssafe.eu/>>.

⁹⁹ Missing Children Europe, *Amina* (2019) <<http://aminameanssafe.eu/>>.

¹⁰⁰ Defence for Children International, *At least 7,024 refugee children disappeared in Europe* (2 November 2018) <<https://www.defenceforchildren.nl/actueel/nieuws/migratie/2018/minstens-7024-vluchtelingenkinderen-verdwenen-in-europa>>.

¹⁰¹ Defence for Children International, *At least 7,024 refugee children disappeared in Europe* (2 November 2018) <<https://www.defenceforchildren.nl/actueel/nieuws/migratie/2018/minstens-7024-vluchtelingenkinderen-verdwenen-in-europa>>.

¹⁰² Defence for Children International, *At least 7,024 refugee children disappeared in Europe* (2 November 2018) <<https://www.defenceforchildren.nl/actueel/nieuws/migratie/2018/minstens-7024-vluchtelingenkinderen-verdwenen-in-europa>>.

¹⁰³ Initiative for Children in Migration, 'Always a Child : a vision on how to fulfil the rights of children in migration' (Report, 2018).

¹⁰⁴ Initiative for Children in Migration, 'Always a Child : a vision on how to fulfil the rights of children in migration' (Report, 2018).

¹⁰⁵ Heaven Crawley, 'Child First, Migrant Second: Ensuring that Every child Matters' (2006) *Immigration Law Practitioners' Association*.

¹⁰⁶ Heaven Crawley, 'Child First, Migrant Second: Ensuring that Every child Matters' (2006) *Immigration Law Practitioners' Association*.

status¹⁰⁷. It also supports legal advice and representation to all children, authority care that avoids abrupt transitions, and immediate guardianship of unaccompanied minors¹⁰⁸.

Liv Feijen promotes a child-sensitive migration management system that includes identification and registration where unaccompanied children are afforded priority, immediate appointment of legal representatives and guardians¹⁰⁹. Anne Wilson, the Executive Vice President of the Lutheran Immigration and Refugee Service has written on the importance of adopting an overarching refugee-centred philosophy which recognizes the autonomy of refugees and allows them to contribute to the societies they join¹¹⁰. Furthermore, she calls for improved legal protections in the form of system checks at each phase of the migration process to identify victims of trafficking including a protective status if identified¹¹¹. She promotes a shift in relief and social assistance programs that takes into account the specific vulnerabilities of different refugee populations and provides identification tools and educational campaigns¹¹². These policies would ideally have a focus on durable solutions that encourage sustainability with legal status, economic support and safety, and also promote a collaboration between staff who work on human trafficking and staff who work on refugee issues¹¹³.

3.2. Implementation

Good practices serve to advance the human rights obligations of states outlined in the previous chapter. However, it is important to note that guides to good practice are non-binding, and therefore that incorporating these suggestions into national policy and law is up to each State. Doing so requires significant time and cost that states often have little incentive to commit to. The purpose of this thesis is to illustrate the importance of these policies in relation to the number of children disappearing from refugee reception centres. In demonstrating their worth, it is hoped that States will take the overdue and necessary action of incorporating these good practices into their national policy and law.

While no consolidated international policy exists to prevent refugee children from being trafficked from reception centres, the research that has been done to evaluate how to protect unaccompanied migrant children and to provide general safety in refugee camps has given rise to good practice policies. These can serve to illustrate some essential points necessary for protecting refugee children from trafficking. Comprehensive research from all actors involved; international organizations, regional governments, non-governmental organizations, and scholars, illuminate key factors necessary in national policy to prevent the trafficking of children from refugee reception centres.

Key Factors

¹⁰⁷ Heaven Crawley, 'Child First, Migrant Second: Ensuring that Every child Matters' (2006) *Immigration Law Practitioners' Association*.

¹⁰⁸ Heaven Crawley, 'Child First, Migrant Second: Ensuring that Every child Matters' (2006) *Immigration Law Practitioners' Association*.

¹⁰⁹

Liv Feijen, 'The Challenges of Ensuring Protection to Unaccompanied and Separated Children in Composite Flows in Europe' (2008) Volume 27, Issue 4, *Refugee Survey Quarterly*, Pages 63–73.

¹¹⁰ Anne P. Wilson, 'Trafficking Risks for Refugees' (2011) *Third Annual Interdisciplinary Conference on Human Trafficking*.

¹¹¹ Anne P. Wilson, 'Trafficking Risks for Refugees' (2011) *Third Annual Interdisciplinary Conference on Human Trafficking*.

¹¹² Anne P. Wilson, 'Trafficking Risks for Refugees' (2011) *Third Annual Interdisciplinary Conference on Human Trafficking*.

¹¹³ Anne P. Wilson, 'Trafficking Risks for Refugees' (2011) *Third Annual Interdisciplinary Conference on Human Trafficking*.

4.1. Identifying Key Factors

A thorough analysis of available research identifies five key factors of good practice that can prevent the worst from happening when children arrive at refugee reception centres. These factors are proper registration, appointment of a guardian, strict separation from adults, development of a reporting mechanism, and adequate professional training, respectively.

Proper Registration

When children arrive at refugee reception centres, it is essential for the protection of their rights that they are properly registered. Practically, this can be in the form of documentation and tracing methods such as fingerprints and photos and appropriate age assessment. Identification and registration of children ensures that camps have accurate numbers of the amount of children in their facilities. This understanding can make sure that unaccompanied minors receive what they are entitled to. In addition, if children go missing, it is important that the numbers reflect this. If children are not registered and they go missing, there is no data to demonstrate the problem and little that can be done.

The Dublin Regulation requires all refugees to be fingerprinted in the country they first arrive in and subsequently apply for asylum there¹¹⁴. It severely restricted the free movement of migrants and the fingerprint database EURODAC, received a significant amount of criticism because when refugees arrived in other European countries, EURODAC showed that it was not their first point of entry and they were sent to their country of first registration. For obvious reasons, tracing efforts such as fingerprinting and photographing at refugee reception centres became relatively controversial. For two years, Italy effectively stopped fingerprinting refugees upon arrival, and for a while Germany and Sweden altogether suspended Dublin procedures for those escaping the Syrian war. Recently, the European Parliament began making strides to reform the Dublin Regulation. It is important to note that this is not because of the negative effects of tracing efforts per se, but because it unfairly places all of the responsibilities on States of first instance¹¹⁵.

In 2018, it surfaced that European Institutions were considering permitting national authorities to use coercion to obtain fingerprints and facial images of children as young as six years old. The rationale for this was that it was done in the interest of child protection. This thesis maintains alongside the Joint Statement on Coercion of Children to Obtain Fingerprints and Facial Images Is Never Acceptable that this is completely unjustified¹¹⁶. Therefore, the fingerprinting and photographing of children must be done in a child-friendly manner, with trained professionals, people that speak their language, and informed consent.

Proper identification goes hand in hand with appropriate age assessment. Similarly to the collection of biometric data, this has been abused and has violated children's rights in practice in some places. This was due to invasive medical procedures intended to determine age, which this thesis does not recommend. Instead, it sides with UNHCR that age assessment can work in the best interest of the child if done appropriately and holistically. This means that medical, social, and cultural aspects of age are examined. Additionally, that age assessments are only performed when the age of the child is in doubt, and that everyone is given the benefit of the doubt if the results are inconclusive¹¹⁷.

¹¹⁴ *Convention Determining the State Responsible for Examining Applications for Asylum lodged in one of the Member States of the European Communities ("Dublin Convention")*, 15 June 1990, Official Journal C 254 , 19/08/1997 p. 0001 - 0012.

¹¹⁵ Eric Reidy, *How a fingerprint can change an asylum seeker's life* (21 November 2017) The New Humanitarian <<https://www.thenewhumanitarian.org/special-report/2017/11/21/how-fingerprint-can-change-asylum-seeker-s-life>>.

¹¹⁶ International Organization for Migration, 'Joint Statement: Coercion of children to obtain fingerprints and facial images is never acceptable' (Statement, 28 February 2018).

¹¹⁷ UNHCR, UNICEF and IRC, 'The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe' (Report, July 2017).

The Roadmap to Strengthened Policies and Practices calls on states to commit to proper identification, registration and age assessment of all children in reception facilities¹¹⁸. This is reiterated in the EU Action Plan on Unaccompanied Minors and European Commission’s Report on Actions for the Protection of Children in Migration which emphasises the importance of reliable and consistent age assessment in the presence of the child’s guardian¹¹⁹. The Initiative for Children in Migration, endorsed by numerous international organizations including ECPAT and Defence for Children, also calls for special safeguards for unaccompanied and separated children including appropriate age assessment processes¹²⁰.

Appointment of a Guardian

Another safeguard essential to the protection of children from trafficking is the immediate appointment of a guardian. Unaccompanied children are at a significantly higher risk of being trafficked in refugee camps. By assigning a responsible adult to supervise them, states ensure that this vulnerability is accounted for. Most states have a legal obligation to provide a legal guardian to unaccompanied minors once their status has been determined, however, it is essential to the prevention of child trafficking that this guardian is appointed when an unaccompanied minor is registered. The purpose of the guardian is to promote and ensure the best interests of the child by being a consistent point of contact. As the point of contact, the guardian can give the child information about his or her rights, supervise and assist in the identification process, assist with the asylum application process, advocate for the views and preferences of the child, act as a legal guardian for the purpose of school, healthcare, child protection services, and provide general support¹²¹.

The Roadmap to Strengthened Policies and Practices, a guide to best practice developed by the United Nations High Commissioner for Refugees (UNHCR), the United Nations International Children’s Emergency Fund (UNICEF), and the International Rescue Committee (IRC), urges the appointment of guardianship and legal representatives to unaccompanied minors¹²². Additionally, the Initiative for Children in Migration reiterates the importance of ensuring the guardianship of unaccompanied minors in reception centres¹²³.

Strict Separation from Adults

When children have been registered and appointed a guardian, they must also be hosted in conditions that shelter them from exploitation, meaning in strict separation from adults. Contact with adults significantly increases the risks faced by children, and more often than not, it is how they become exposed to traffickers. Often in crowded facilities, children can be forced to sleep beside unknown adults without reception worker supervision¹²⁴. By ensuring that children are not exposed to adults and are hosted in a child-friendly setting, their risk of being trafficked decreases.

¹¹⁸ UNHCR, UNICEF and IRC, ‘The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe’ (Report, July 2017).

¹¹⁹ European Commission ‘Action Plan on Unaccompanied Minors (2010 – 2014)’ (Communication, 6 May 2010).

¹²⁰ The Initiative for Children in Migration, ‘Always a Child : a vision on how to fulfil the rights of children in migration’ (Report, 2019).

¹²¹ European Commission, ‘EMN Ad-Hoc Query on Unaccompanied Minors – “Volunteer Tutor/Guardian”’ (Query Report, 13 February 2018).

¹²² UNHCR, UNICEF and IRC, ‘The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe’ (Report, July 2017).

¹²³ The Initiative for Children in Migration, ‘Always a Child : a vision on how to fulfil the rights of children in migration’ (Report, 2019).

¹²⁴ NSPCC, *Fighting against child trafficking in refugee camps* (28 May 2018) <<https://www.nspcc.org.uk/what-we-do/news-opinion/fighting-against-child-trafficking-refugee-camps/>>.

European Directives require children to be hosted separate from adults, however it is up to state discretion whether this means a separate room in a reception facility, or an entirely different centre altogether. The EU Action Plan on Unaccompanied Minors and European Commission's Report on Actions for the Protection of Children in Migration reiterates that all reception facilities practice the separation of unaccompanied minors from all adults¹²⁵. For obvious reasons, the strictest separation of unaccompanied refugee children possible is preferable. This means that centres dedicated specifically to unaccompanied children provide the lowest risk exposing children to being trafficked from the reception centre.

Development of a Reporting Mechanism

In order to prevent the trafficking of children from refugee reception facilities, an infrastructure must exist to report when people suspect trafficking. Such an accessible reporting mechanism will serve as both a way to better understand- and subsequently address- the problem, and a deterrent. As a relatively untouchable crime right now, traffickers have such a small chance of being caught that the risks often do not outweigh the benefits, but a reporting mechanism could change that. Moreover, the data collected could isolate trends and risk factors that are currently unknown.

While most states have a reporting procedure, it's not practical for most refugees, and doesn't allow them to make complaints that yield action. The UNHCR recommendations to improve the general safety of refugee camps suggest SMS messaging to encourage reporting of violence where such services are possible¹²⁶. This innovative reporting mechanism would make reporting more accessible to the most vulnerable. Of the same cloth, the use of anonymous emergency hotlines is an initiative that countries like Belgium and Finland have implemented which has yielded positive results¹²⁷.

Adequate Professional Training

A final key element to preventing the trafficking of children from refugee reception centres is the adequate training of professionals in recognizing the signs of grooming and trafficking. This would increase the chances of early intervention before children seemingly disappear- saving countless lives- and could work to identify the perpetrators as well. Missing Children Europe urges that all actors working with children be trained to respond to the unique protection needs of children in migration¹²⁸. The Initiative for Children in Migration calls for European Union and national action to allocate resources towards training programs that will equip professionals working with children in migration to work together to fulfil children's rights¹²⁹.

International case law and national reports have also addressed the need to train professionals. In the case *Rantsev v. Cyprus and Russia*, the European Court of Human Rights found that it was not only the police with a duty to protect victims of human trafficking, but also everyone in government service¹³⁰. This extends to include everyone working in refugee reception centres, who should be properly trained to recognize and address the risks of trafficking. Dettmeijer, the former Dutch National Rapporteur on

¹²⁵ European Commission 'Action Plan on Unaccompanied Minors (2010 – 2014)' (Communication, 6 May 2010).

¹²⁶ UNICEF, '2013 Global: Evaluation of UNICEF Programmes to Protect Children in Emergencies (CPIE) – Synthesis Report' (Report, 2013).

¹²⁷ European Commission, 'Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway' (Report, July 2018).

¹²⁸ Missing Children Europe, 'Lost in Migration: working together to protect children from disappearance, from European priorities to local realities' (Report, 12 April 2018).

¹²⁹ The Initiative for Children in Migration, 'Always a Child : a vision on how to fulfil the rights of children in migration' (Report, 2019).

¹³⁰ *Rantsev v. Cyprus and Russia* (2010) Eur Court HR.

Trafficking in Human Beings and Sexual Violence Against Children, has written about the importance of doctors being trained to notice the warning signs of trafficking and respond properly to a disclosure¹³¹.

4.2. Incorporation of Key Factors

Now that the five key elements of good practice have been established, it is essential to determine whether they are present in State policy and law. In 2018, the European Migration Network conducted a study on approaches to unaccompanied minors following status determination in the European Union¹³². The Study was based on national contributions from Austria, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom. These contributions were based on desk analysis of current policy, legislation, reports, academic literature, and internet resources, reported by each State themselves¹³³.

For the purpose of understanding which countries have incorporated the five good practices into their national policy, five questions have been isolated in each national contribution to the EMN Study based on their relevance to each good practice. To evaluate proper registration, state responses to the question: “does your (Member) State have any procedures/ measures in place to prevent and react to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. fingerprinting/ photographing unaccompanied minors as an aid for tracing¹³⁴” were evaluated. To assess appointment of a guardian, states answers to the question: “what priority is given to the care for unaccompanied minors in your (Member) State (over their return, for example)? When does the care for unaccompanied minors commence, i.e. before or after status determination¹³⁵” were used. Here, states were required to answer that they provided a guardian before status determination. To evaluate strict separation of unaccompanied minors from adults, answers to the question: “Please provide information on the accommodation options available for unaccompanied minors in your (Member) State following status determination, as follows: accommodation specifically for minors¹³⁶” were analysed where answers where minors were put in an altogether separate facility were desirable. To determine the development of a national hotline, answers to the question: “does your (Member) State have any procedures/ measures in place to report and respond to disappearances of unaccompanied minors from guardianship/case facilities e.g. protocols among authorities, standardised procedure for dealing with disappearances, exc.” were evaluated. Of the answers, we isolated the answers including a national hotline¹³⁷. Finally, to determine which states had adequate professional training, answers to the question: “please provide information on the staff responsible for the care of unaccompanied minors, for example, main tasks, any child-specific training received, etc¹³⁸” were assessed, with responses isolated for specific human trafficking training.

While the EMN Study can provide valuable insights into national law and policy, it is important to note its limitations. The study only looks at the time period before 2018. All state reports were required to be

¹³¹ National Rapporteur on Trafficking in Human Beings, ‘Tenth Report of the National Rapporteur’ (Report, 2017).

¹³² European Commission, ‘Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway- Synthesis Report for the EMN Study’ (Report, July 2018).

¹³³ European Commission, ‘Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway- Synthesis Report for the EMN Study’ (Report, July 2018).

¹³⁴ European Commission, ‘(Member) States’ Approaches to Unaccompanied Minors Following Status Determination Common Template for EMN Focussed Study 2017’ (Common Template, 16 October 2017) Question 37a.

¹³⁵ European Commission, ‘(Member) States’ Approaches to Unaccompanied Minors Following Status Determination Common Template for EMN Focussed Study 2017’ (Common Template, 16 October 2017) Question 7a.

¹³⁶ European Commission, ‘(Member) States’ Approaches to Unaccompanied Minors Following Status Determination Common Template for EMN Focussed Study 2017’ (Common Template, 16 October 2017) Question 9a.

¹³⁷ European Commission, ‘(Member) States’ Approaches to Unaccompanied Minors Following Status Determination Common Template for EMN Focussed Study 2017’ (Common Template, 16 October 2017) Question 37b.

¹³⁸ European Commission, ‘(Member) States’ Approaches to Unaccompanied Minors Following Status Determination Common Template for EMN Focussed Study 2017’ (Common Template, 16 October 2017) Question 9c.

submitted by January of 2018, and therefore the responses do not reflect any developments for the past year and a half¹³⁹. The study also only focuses on states approaches to unaccompanied minors after status determination, so it does not investigate the status determination process and the discrepancies in the process from state to state, which could affect how states respond to the questions in the study¹⁴⁰. In addition, the study is built upon the self-reporting of states, meaning that states must be taken at their word¹⁴¹.

Country	Proper Registration	Appointment of a Guardian	Separation from Adults	Emergency Hotline	Professional Training
Austria			✓		
Belgium		✓	✓	✓	✓
Bulgaria	✓		✓		
Croatia			✓		
Czech Republic	✓	✓	✓		
Estonia	✓		✓	✓	
Finland			✓	✓	
France			✓		
Germany	✓	✓	✓		
Greece		✓			
Hungary	✓	✓	✓		
Ireland	✓	✓	✓	✓	
Italy		✓			
Latvia	✓		✓	✓	
Lithuania			✓		
Luxembourg			✓		✓
Malta			✓		

¹³⁹ European Commission, 'Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway- Synthesis Report for the EMN Study' (Report, July 2018).

¹⁴⁰ European Commission, 'Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway- Synthesis Report for the EMN Study' (Report, July 2018).

¹⁴¹ European Commission, 'Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway- Synthesis Report for the EMN Study' (Report, July 2018).

Netherlands		✓	✓		
Poland					
Portugal			✓		
Slovakia	✓	✓	✓		
Slovenia			✓		
Spain		✓	✓		
Sweden	✓		✓		
United Kingdom	✓		✓		✓

From the chart, it is apparent that the most widely incorporated best practice is a separate facility dividing unaccompanied minors from adults. This could be because it is perhaps the most straightforward measure, as well as one that has received significant media attention¹⁴². Adversely, the least incorporated practice is specific training for professionals on human trafficking. This is possibly because of its costly nature, and the fact that states do not see the prevention of child trafficking as a priority amidst an already huge crisis.

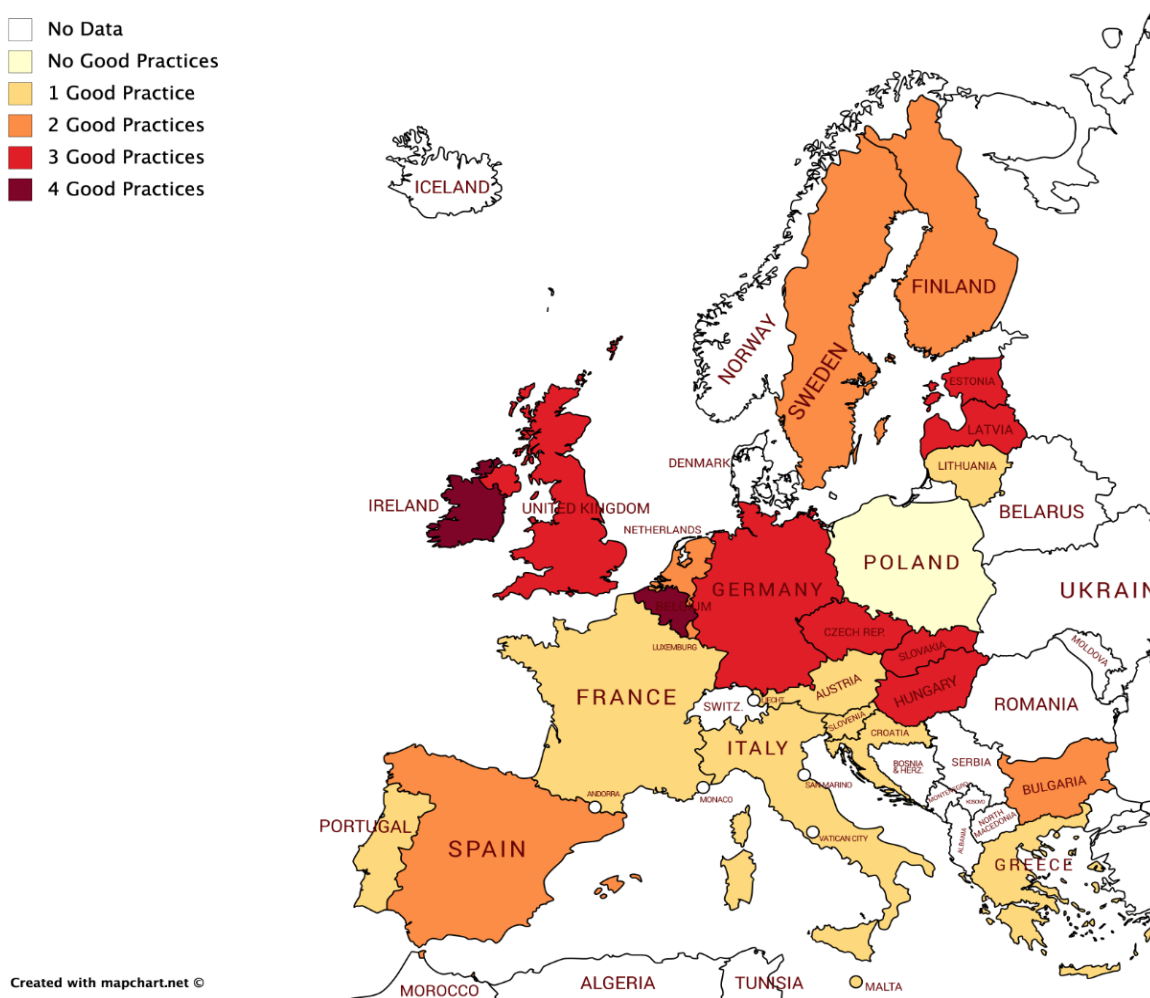
From the map, it is observable that the majority of countries have only incorporated two good practices into their national policies¹⁴³. Most shockingly, not one country has all five good practices incorporated into national policy¹⁴⁴. The region that has ratified the most number of human rights instruments in the world should have policy and legislation that reflects this commitment to the rights of refugees. In addition, the countries that see the largest intake of refugees, like Greece and Italy, have the fewest amount of best practices incorporated¹⁴⁵. It is apparent that these are the countries in need of the most comprehensive safeguards, as they are responsible for the most vulnerable.

¹⁴² Myrto Tilianaki, *Asylum-Seeking Kids Locked Up in Greece* (23 January 2018) <<https://www.hrw.org/news/2018/01/23/asylum-seeking-kids-locked-up-greece>>.

¹⁴³ European Commission, 'Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway- Synthesis Report for the EMN Study' (Report, July 2018).

¹⁴⁴ European Commission, 'Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway- Synthesis Report for the EMN Study' (Report, July 2018).

¹⁴⁵ European Commission, 'Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway- Synthesis Report for the EMN Study' (Report, July 2018).



4.3. Effects of Implementation of Key Factors

We have seen that these good practices are incorporated so sparingly, we need to determine whether they actually have an effect on mitigating the trafficking of children from refugee reception centres. To determine this, we must use the national estimated number of unaccompanied minors disappearing from care facilities and/ or following a return decision in 2017 reported in the EMN study. The top five countries of origin for unaccompanied minors were Afghanistan, Syria, Eritrea, Iraq, and Somalia, respectively. It is important to note that the majority of unaccompanied minors were boys aged 16 and 17¹⁴⁶. Additionally, only around 8% of unaccompanied minors were under 14 years old¹⁴⁷. Of all unaccompanied minors, only 11% were girls¹⁴⁸. These numbers could be reflective of the extreme risks girls, especially young girls, face fleeing persecution on their own. Understanding the population distribution of unaccompanied minors

¹⁴⁶ European Commission, 'Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway- Synthesis Report for the EMN Study' (Report, July 2018).

¹⁴⁷ European Commission, 'Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway- Synthesis Report for the EMN Study' (Report, July 2018).

¹⁴⁸ European Commission, 'Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway- Synthesis Report for the EMN Study' (Report, July 2018).

at refugee reception centres is extremely important when implementing data-driven policy geared towards children, and it is thusly important in this case to keep in mind that the implementation of the five key factors would most likely affect older boys¹⁴⁹.

Using this data from the EMN study, the number of disappeared children can be compared to the number of good practices the country has in place. This must be done with a full understanding of the limitations of data. Unfortunately, only a few States have estimates available and between these there are stark differences. This could be accounted for by varying state capacities. For example, one country may have more reported disappearances but this could be a reflection of their identification and reporting processes noticing them, where a State without this infrastructure would not. With these shortcomings in mind, these are still the only statistics available and will have to serve to illustrate the relation between the incorporation of these good practices and the number of children gone missing.

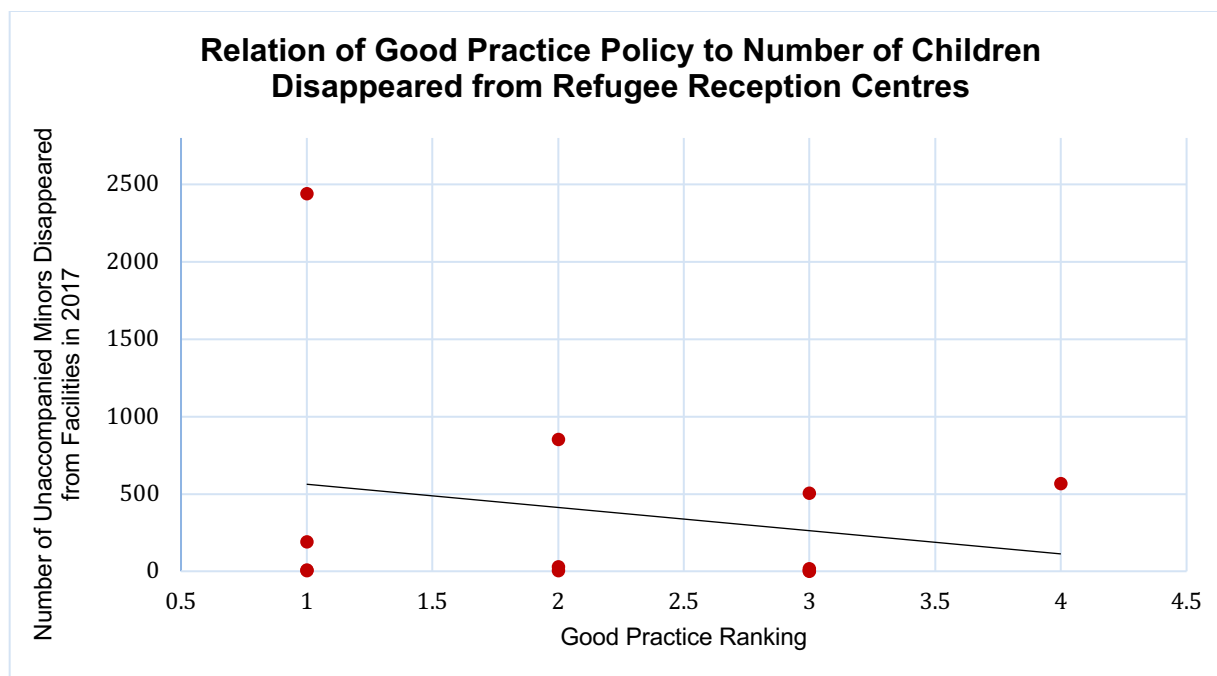
For the purpose of this graph, countries were ranked based on how many good practices they had incorporated. For example, Belgium incorporated four good practices into national policy and therefore had a ranking of 4¹⁵⁰. Adversely, Italy only incorporated one and has a ranking of 1¹⁵¹. These rankings were then compared to the national estimated number of unaccompanied minors disappearing from care facilities and/ or following a return decision in 2017.

Country	Ranking (Number of Good Practices)	Number of Unaccompanied Minors Disappeared from care facilities in 2017
Belgium	4	570
Bulgaria	2	853
Germany	3	507
Estonia	3	0
Finland	2	32
Italy	1	2440
Luxembourg	2	7
Latvia	3	8
Lithuania	1	10
Slovakia	3	20
Slovenia	1	193
Portugal	1	8

¹⁴⁹ Soren Patterson, Jennifer Turner and Jacob Sims, *Minding the gap in data on migrant, refugee and trafficked children* (13 March 2018) <<https://www.aiddata.org/blog/minding-the-gap-in-data-on-migrant-refugee-and-trafficked-children>>.

¹⁵⁰ European Commission, 'Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway- Synthesis Report for the EMN Study' (Report, July 2018).

¹⁵¹ European Commission, 'Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway- Synthesis Report for the EMN Study' (Report, July 2018).



Noticeable from the above regression is that there is a general trend between the number of good practices incorporated into policy and the number of children gone missing from refugee reception centres. While the trend is observable from the graph, it cannot demonstrate a significant correlation because of the small sample size, dispersed data points, and the relatively weak slope influenced by these factors. These setbacks make it impossible to come to a concrete conclusion that these best practices can prevent the trafficking of children from refugee centres. That being said, this trend is enough to warrant further investigation by the international community.

Follow up by the international community would ideally take place as a European-wide study with data required by each member state for a three-year period. The objective of the study would be to implement a European Directive encouraging member states to incorporate each of the five key good practices; proper registration, appointment of a guardian, strict separation from adults, development of a national hotline for reporting, and adequate professional training into national policy.

Conclusion

5.1. Conclusion

The first chapter of this thesis asked why we, the international community, are turning a blind eye to refugee children going missing from refugee reception centres in Europe. In an effort to understand the scope of the problem, it investigated why refugee children are at an increased risk of being trafficked and how this issue fits into the international agenda. It went on to examine how the existing human rights instruments work to create a protection framework for this unique crisis, and what explicit legal protections are in place to prevent children from being trafficked from refugee reception centres. This analysis has been applied to the case of Greek refugee camps with regard to the complaint against Greece to the European Committee of Social Rights. In addition to situating the issue in a real world example, this case enticed the conclusion that a specific international law recognizing the vulnerabilities of refugee children

to trafficking is not enough. The incorporation of legal recognition into policy and practice is also necessary. With an understanding of the laws in place, it then outlined the available research on best practices by United Nations organizations, the European Union, non-governmental organizations, and academic scholars.

It went on to recommend five good practices that should be incorporated into every national policy; proper registration, appointment of a guardian, strict separation from adults, development of a national hotline, and adequate professional training. It advocated for the positive effects each recommendation could have and then examined how widely incorporated they are in each State throughout Europe. It could be seen from the chart and map that no country has all five recommendations in place, and most only have two. Cognizant that most states have not implemented these recommendations, this thesis then looked at the effect that the number of good practices incorporated by a State had on the number of children disappeared from refugee reception centres. This analysis yielded a trend wherein the more good practices in state policy, the fewer children went missing from reception centres. Although the data was not substantial enough to form any concrete conclusions, it illustrated the relationship between proper registration, appointment of a guardian, strict separation from adults, development of a national hotline, and adequate professional training and the trafficking of children from refugee reception centres. More than anything, this can serve to draw attention to the fact that this area needs further research.

In conclusion, child trafficking from refugee reception centres is an urgent and pressing concern. What was once out of sight and out of mind can no longer be ignored. The next time a child goes missing from a refugee reception centre, I hope we can say that we did every single thing in our power to prevent it. With the way things are right now, we can't. Until every state has incorporated each of the five good practices into national policy, each child that is trafficked from a refugee reception centre is on our hands. It is essential that the international community feels the weight of that responsibility and begins to recognize them as more than a statistic, but instead as children who have been enslaved in the place that was supposed to keep them safe.

5.2. Next Steps

This thesis calls on the international community to recognize the increased vulnerabilities of refugee children in camps to being trafficked. Such recognized vulnerabilities must be met with adequate national policies influenced by international legal obligations and evidence-based good practices. The following recommendations hope to build upon the conclusions reached by this thesis and begin the important work of further protecting the most vulnerable.

1. Create an international study to research trends in child trafficking, specifically that which targets unaccompanied children in refugee reception centres, which will help to inform policy.
2. Create a cohesive international guide to good practice, accompanied by a European directive enforcing Member States to comply, that offers concrete recommendations on implementing the five key factors of good practice into policy and the practical reception of unaccompanied minors.
3. Dedicate independent professionals appointed by the United Nations to work with government officials to implement these policies and good practices into refugee reception centres.

Most importantly, more research in this area is the way forward. With a better understanding of the complexity of the problem, informed policy and a comprehensive guide to good practice can follow. A guide governing the intake and protection of unaccompanied minors in reception centres together with

dedicated United Nations professionals ensuring cohesion amongst countries will lead the way to a solid framework advancing the fight to eliminate the trafficking of children from refugee reception centres.

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