



ASSISTING AND REINTEGRATING CHILD VICTIMS OF TRAFFICKING

**IMPROVING POLICY AND PRACTICE
IN THE EU MEMBER STATES**

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**CENTER FOR
THE STUDY OF
DEMOCRACY**

This Handbook presents the main results of an in-depth evaluation study of the legal, policy and practical frameworks for assistance to and reintegration of child victims of trafficking in six EU Member States – Austria, Bulgaria, Hungary, Italy, Slovakia, and Sweden. The three reports included in this Handbook are based on three standardised methodologies for examination of legal and policy frameworks, for evaluation of programmes for assistance and re/integration of child victims of trafficking and for identification of good practices in this area. The reports analyse the relevance of legal frameworks for the needs of trafficked children and the effectiveness of services for such children in different areas of assistance, such as: identification of trafficked children, appointment of a guardian, individual case assessment, regularisation of status, interim care and protection, durable solutions and long-term re/integration. The reports offer a comparative analysis of the effectiveness of assistance and reintegration programs and discuss identified challenges that need to be addressed in countries of both destination and origin in order to assure better protection and assistance to trafficked children across the EU.

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**BROSHURE ON GOOD PRACTICES IN THE ASSISTANCE
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INTRODUCTION

Although international legal and practical instruments for assisting child victims of trafficking (VoT) have been put in place, the EU Member States have achieved varied and often limited progress in developing effective policies and programmes to assist victims in their physical, psychological and social recovery. In most countries, specialised integration programmes for child victims are yet to be developed, whereas in other cases access to care is conditional upon testifying against the trafficker or upon the recognition of the victim as such in accordance with strict legal criteria.

In recognition of the importance of adequate support and protection of child VoT for remedying abuse, the Center for the Study of Democracy has conducted a comparative study that has aimed to assess the progress made in three countries prevailing viewed as destinations (Austria, Italy, Sweden) and three countries prevailing viewed as sources (Bulgaria, Hungary, Slovakia) of trafficked children. Building on previous research in this field, the study has aimed to provide a more in-depth analysis of the efforts made to assist child VoT in their physical, psychological and social recovery. The comparative study consists of three analytical levels each grounded on a particular methodology. The three levels of analysis include:

- Assessment of the policy, legal and institutional framework for assistance and re/integration of child VoT in countries of source and destination;
- Evaluation of programmes of child victims' support and re/integration in countries of source and destination;
- Identification of best practices for support and re/integration of child VoT in six EU countries in line with the principles of fundamental children's rights and of promoting the best interests of the victims.

Following the three levels of analysis and the corresponding methodologies, three different country studies were conducted in the six EU member states included in the study. The data collected within each study served as a background for establishing the methodology of the next level of analysis. Similarly, recommendations provided in each of the three studies were complemented and refined on the basis of the data collected in the next study.

A central output of the study is the Methodology for programme evaluation in the field of assistance and re/integration of child VoT developed to guide national studies at the second level of analysis. The methodology is grounded on internationally recognised principles and guidelines provided in practical instruments for support and protection of

victims of trafficking.¹ It is developed as a standardised evaluation tool, including detailed set of indicators, that could be applied in other EU countries to guide and measure progress in implementing programmes in the field of child VoT care.

The country studies provided comparable empirical data that allowed for the identification of cross-national typologies and comparisons of child VoT care and for a cross-national analysis of the strengths and weaknesses of programme implementation in this field. This analysis allowed for the drafting of recommendations for the improvement of policy and practice in the assistance and re/integration of child VoT relevant for the wider European context. The main results and recommendations of the study are presented in the three comparative reports included in this Handbook.

National studies, together with the three methodologies are available on the internet in English and in the respective national languages at: <http://www.childrentrafficking.eu>.

¹ UNICEF Guidelines on the Protection of Child Victims of Trafficking; IOM Handbook on Victim assistance; ICMPD Guidelines for the Development and Implementation of a Comprehensive Anti-Trafficking Response; UNODC Toolkit to Combat Trafficking in Persons; FRA Report on Developing Indicators for the Protection, Respect and Promotion of the Rights of the Child in the European Union (EU).

POLICY RECOMMENDATIONS

This section provides recommendations for the formulation of policy and practice with regard to child VoT assistance and re/integration across the EU. The recommendations are based on an analysis of the strengths and weaknesses in the design of policy and the implementation of measures for assistance and re/integration of child VoT in six EU member states (Austria, Bulgaria, Hungary, Italy, Slovakia and Sweden). Although the conclusions for each of the six countries reflect specific national conditions, when put into a comparative perspective they allow for providing a set of recommendations relevant for the wider EU context. These recommendations either reinforce identified successful measures in the six studied countries or draw attention to ways of overcoming identified deficiencies in child VoT assistance in these countries that could guide policy and practice in child VoT protection and care in other Member States.

Guaranteeing “child’s best interest” of trafficked children

To better guarantee the implementation of the principle that ‘child’s best interest’ should guide any actions or measures taken on his/her behalf Member States need develop formal provisions for the determination of best interest.

Improve guarantees for basic child rights of trafficked children in line with international legal standards

The non-punishment clause stipulated in Council of Europe Convention has to be established more solidly in the national legislation of the Member States.

Criminal procedures need to be improved in order to fully protect child victims of trafficking. The procedures should be more sensitive to the victims and limit, as much as possible, the intervention of law enforcement officers.

Member States must develop special Codes of Ethics for interviewing child VoT for law enforcement and service providers to guarantee child’s rights and the proper consultation of child’s views and opinions in the interviewing process.

Member States shall put more effort in ensuring child friendly surroundings and procedures for interviewing purposes. It is worthwhile to consult the experience of Sweden, where special Children’s Houses (Barnhouse) are established to serve as child advocacy centres that provide speedy and efficient solutions for the protection of minors, sparing victims repeated interviews and investigations.

Following the example of Italy, child's basic rights – such as the rights to access to education and healthcare – should not be made conditional upon cooperation with law enforcement and upon obtaining residency or asylum status.

Both countries of origin and destination must invest in improved legal representation of child VoT. Legal representatives of child VoT need to have relevant legal background and specialised training in child's and child VoT's rights. They should operate under carefully designed professional terms of reference and their work should be monitored regularly.

Establishment of centralised data collection systems

Centralised data collection mechanisms regarding child trafficking and assisted victims need to be established in all EU countries. These mechanisms have to rely on uniform and detailed indicators to be used by all responsible institutions and allow the aggregation of reliable and comparable data for analytical purposes. The present lack of well designed or properly implemented centralised data collection mechanisms undermines the quality of the counter-trafficking response as it is not grounded on a sound evidence-based analysis of the main trends in trafficking in persons (e.g. types of exploitation, demographics, gender and age profiles of trafficked children, extent of the phenomenon).

Establishment of monitoring and evaluation mechanisms

The adequate Counter Trafficking (CT) response could be formulated and enacted on the basis of an analysis of the effectiveness, efficiency and impact of the CT measures. For this purpose, Member States shall invest efforts in the design of adequate monitoring systems – based on well formulated indicators – that will serve the regular monitoring and evaluation of the CT programmes.

Strategic documents need to be more specific

Major national strategic documents such as CT Strategies and/or CT Action Plans need clear delineation of resources (human, financial and technical) and detailed realistic schedules of implementation of activities in order to guarantee a more effective policy formulation and to be testament to government ownership of the CT response.

Ensuring substantive rather than formal civil society participation in the counter-trafficking response

The proper anti-trafficking response can be ensured when public bodies co-operate with non-governmental organisations, especially in countries where NGOs are often the only service providers. Cooperation between the public and the non-governmental sectors needs to be strengthened by way of more regular consultations that lead to substantive rather than formal participation of the civil sector in the policy formulation process as well as in the monitoring efforts.

The sustainability of NGO programmes and services for child VoT shall be guaranteed by more adequate state funding.

Identification of child VoT

The establishment of systematic and formalised identification procedures will improve the combating of trafficking in human beings, including trafficking in children as well as the overall re/integration and rehabilitation process.

Establishment of referral mechanisms

Functioning national and transnational referral mechanisms need to be established in order to ensure effective and comprehensive assistance to child VoT and to rely less on the commitment of individual actors or ad hoc solutions. Such mechanisms will serve to outline the responsibilities of all parties for the return and re/integration of child VoT and will ensure standard lines of inter-institutional and cross-national cooperation.

Interim care for child VoT

Interim care for child VoT in countries of destination has to be grounded in standard operational methodologies. The lack of such methodologies or guidelines for the provision of interim assistance in countries of destination undermines the quality of care and hinders possibilities for monitoring and evaluation of the different types of assistance offered.

Access to services and rights for child VoT at the interim stage must not to be made conditional upon a temporary residence permit or a humanitarian or asylum-seeking status.

Long-term re/integration for child VoT

Long-term re/integration shall be available for child VoT in both countries of origin and destination

Countries of origin must develop clear and effective long-term integration mechanisms or procedures and accompanying monitoring mechanisms to ensure adequate long-term reintegration of child VoT and to limit the risks of re-trafficking.

Countries of origin must invest more effort in the establishment of alternative long-term reintegration services for child VoT. It is highly recommended that placements in institutions be avoided while foster care services and community-based services be made available for child VoT.

The fact that the presumed countries of destination often return the victims to the countries of origin should not excuse the absence of long-term integration procedures in destination countries.

Accommodation facilities for child VoT

It is worthwhile considering the establishment of specialised and protected accommodation facilities for child VoT. Social care authorities must be very careful when accommodating child VoT in mixed groups of children such as unaccompanied minors, children victims of other forms of violence or with adult victims of trafficking. Accommodation of child VoT together with children who have committed anti-social or criminal acts or with adult victims of trafficking shall be avoided. If child VoT are accommodated in facilities with children from various risk groups, the staff in these facilities has to be trained and made aware of the phenomenon of child trafficking and be sensitized to the specific needs of child VoT.

Guaranteeing access to compensation for child VoT

Child VoT should also have access to compensation as victims of violent crimes. However, from the six studied countries only Sweden has a well-designed and accessible compensation scheme for VoT, which may well serve as a successful example to other states.

More rigorous policies to avoid re-trafficking of child VoT

More research is needed in order to establish the factors and dynamics associated with child trafficking induced by families and the pros and cons of enacting family unification in such cases. In some cases, family unification may remain the best option for the child, even if the family was complicit with the act of trafficking. Such durable solution decisions, however, should be grounded on the acknowledgement on the part of the appropriate institutions that families are involved in the trafficking of children, on careful assessment of the family circumstances and capacities and on the design of adequate support and monitoring mechanisms to ensure adequate parental care. In other cases, separation from the family may appear the better option in cases of involvement of parents in the trafficking of their child. To avoid risks of re-trafficking, however, countries of origin shall establish viable care alternatives to family reunification.

Member States must establish formalised procedures for risk assessment and ensure the conduct of regular risk assessment during care provision.

In order to ensure the finding and implementation of effective durable solutions and eliminate the risks of re-trafficking, it is highly recommended that better risk assessment be conducted in countries of both destination and origin.

LEGAL, POLICY AND INSTITUTIONAL FRAMEWORKS FOR ASSISTANCE AND RE/INTEGRATION OF CHILD VICTIMS OF TRAFFICKING

AUSTRIA, BULGARIA, HUNGARY, ITALY, SLOVAKIA AND SWEDEN IN COMPARISON

Alexandra Malangone, Tímea Stránská
People in Need

INTRODUCTION

Recognising the importance of adequate support and protection of child victims of trafficking for remedying the abuse, the *“Assisting and reintegrating child victims of trafficking: promotion and evaluation of best practices in source and destination countries”* (hereinafter ARECHVIC) project aims to assess the progress made in three countries typically to be considered as the countries of destination (Italy, Austria, Sweden) and three countries considered as the countries of origin (Slovakia, Bulgaria, Hungary), in relation to the assistance and care provided to trafficked children. Building on previous research in this field, such as the European Agency for Fundamental Rights’ report entitled *“Child Trafficking in the European Union- Challenges, Perspectives and Good Practices”*, the project aims to provide more in-depth analysis of the efforts made to assist child victims in their physical, psychological and social recovery. To this end, six country reports under the Workstream 1 entitled *“Policy, institutional and legal analysis”*, based upon the methodology for programme evaluation, which was developed under the project and which reflected the principles and guidelines provided in recognised practical instruments for the support and protection of trafficking,¹ were drafted for each country between July and November 2011. The aim of the country reports was to produce a comprehensive contextual analysis of the policies, institutions and regulations on child trafficking in the target countries based on desk research and interviews with relevant national practitioners involved in anti-trafficking work. The goal of the present comparative report

is to provide a complete overview of the findings gained in the country reports. The aim is not to give a separate ‘country profile’ to each target country, but instead to present the findings along thematic lines as established in the Workstream (hereinafter WS) methodology in a comparative manner.

The present comparative report has been drafted on the basis of data and information provided in the country reports under WS1 of the Arechvic project. Particular challenges faced when compiling the report included the partial incomparability of the information provided, as the reports were drafted by different research teams, describing different realities, legislative and other measures, and policies. Some information was missing in the country reports and thus could not have been reflected in the present study. The study evolved along the thematic lines as established in the WS 1 methodology and sought to report on each area under examination.

1. BASIC INFORMATION ON THB IN THE TARGET COUNTRIES

Bulgaria, Hungary and Slovakia are to a large extent considered as the countries of origin and to a lesser extent countries of transit or destination. In **Bulgaria**, women and children are most often forced into prostitution in the towns on the Black Sea coast and in the border areas. Countries of destination

¹ UNICEF Guidelines on the Protection of Child Victims of Trafficking, the IOM Handbook on Victim Assistance as well as FRA report on Developing indicators for the protection, respect and promotion of the rights of the child in the European Union.

for Bulgarian trafficking victims are the Netherlands, Belgium, France, Austria, Italy, Germany, the Czech Republic, Finland, Greece, Spain, Poland, Switzerland, Turkey, Cyprus and Macedonia. According to the latest Bulgarian statistics, in 2009 57 children in Bulgaria were identified as trafficking victims.² In Bulgaria, different estimates suggest that persons (mostly women and children) of Roma origin are overrepresented among trafficking victims in Bulgaria. Also there are known cases of Hungarian victims having been exploited mainly within European Union (hereinafter EU) countries including: Austria, Belgium, Greece, Italy, Spain, Switzerland, The Netherlands, the United Kingdom and the USA. At the same time, the main countries of origin for victims trafficked to Hungary are: Bulgaria, Romania, the Ukraine and Vietnam. There are also known cases when women from Eastern Slovakia were trafficked to Hungary.³ In **Hungary, during the** years 2008, 2009 and 2010, only three-four children⁴ per year were registered as victims of trafficking in human beings (hereinafter THB), most of them as subjects of sexual exploitation. As far as **Slovakia** is concerned, the main countries of destination for THB victims are the UK, the Czech Republic, France, the Netherlands, Germany, Austria, Slovenia, Sweden, Italy, Cyprus, Portugal, Ireland and Denmark.⁵ Although only a single case of a presumed third-country national trafficking victim was officially discovered in 2011 in Slovakia, international research and evaluation reports often refer to the transit of possible THB victims from Ukraine, Moldova, Bulgaria, Romania, Balkans and China through Slovakia to destination countries mainly in Western Europe and to the

Czech Republic.⁶ Recently, the number of persons trafficked from Slovakia into the United Kingdom has increased – almost 50 % of identified victims in 2009 were trafficked into the UK.⁷ In Slovakia, the number of identified children victims of THB has been low (two in 2008, one in 2009, two in 2010).⁸ In 2010, one girl was identified for sexual exploitation and one boy for labour exploitation. Children identified in 2008 and 2009 respectively were trafficked for sexual exploitation. All children identified were Slovak victims of transnational trafficking. By 30 September 2011, one child, 10 men and 12 women were identified.⁹

As can be seen, in all these three countries a major trend is trafficking for the purpose of sexual exploitation. The Roma appear to be especially vulnerable group and often fall under risk of being trafficked. The number of identified and assisted child victims of trafficking in Slovakia and Hungary remain low in comparison with Bulgaria. In addition, Slovakia has so far not identified a foreign child as a victim. A greater focus seems to be on national victims trafficked abroad and less on instances of foreign nationals trafficked to these three countries, or internal trafficking.

Sweden is affected¹⁰ by human trafficking as a destination and, to a lesser extent, a transit country. It is reported that the most common form of trafficking is trafficking for sexual exploitation. During the last few years, Sweden has also had cases of trafficking for the purposes of begging and petty theft, and also suspected cases of trafficking for the purposes

² Reply from Bulgaria to the Questionnaire on the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties. Accessed November, 2011.

³ Fialová, Z. and others, *Trafficking in human beings in the Slovak Republic*. Bratislava: SGI, 2008.

⁴ Csapó, Z. – Hautzinger, Z. *Country report Hungary: Assisting and reintegrating children victims of trafficking: promotion and evaluation of best practices in source and destination countries (ARECHIVIC) – Workstream 1: Policy, institutional and legal analysis*, Pécs: University of Pécs, 2011. <<http://www.childrentrafficking.eu>>

⁵ Zuzana Fialová and others, *Trafficking in human beings in the Slovak Republic, Research Report for the UN Office on Drugs and Crime (UNDOC)*. Bratislava: SGI, 2008, and internal IOM statistics.

⁶ US State Department: Trafficking in Persons Report 2009: Slovakia.

⁷ First lieutenant JUDr. Mária Miklosová, Ministry of Interior of the Slovak Republic, Office of the Minister of Interior, National Coordinator's Office.

⁸ By 30 September 2011, 10 men, 12 women, and 1 child were identified and assisted VoTs in Slovakia included to the MoI Program to Assist Victims of THB; First lieutenant JUDr. Mária Miklosová, Ministry of Interior of the Slovak Republic, Office of the Minister of Interior, National Coordinator's Office.

⁹ First lieutenant JUDr. Mária Miklosová, Ministry of Interior of the Slovak Republic, Office of the Minister of Interior, National Coordinator's Office.

¹⁰ Nordborg, G. *Country report Sweden: Assisting and reintegrating children victims of trafficking: promotion and evaluation of best practices in source and destination countries (ARECHIVIC) – Workstream 1: Policy, institutional and legal analysis*, Umea: Crime victim compensation and support authority, 2012. <<http://www.childrentrafficking.eu>>

of berry picking¹¹ and asphalt paving. A review based on court cases from July 2002 to May 2010 shows the following numbers: 47 sentences on THB for sexual purposes and/or (gross) procuring, affecting 144 females (among them 33 girls under 18 years from Sweden, Albania, Estonia, Kosovo, Poland, Romania, Slovakia).¹² In Sweden there are considerable numbers of judicial sentences for gross procurement when dealing with trafficking cases that may be linked to evidence gathering and its use and its strength in the judicial process. So far, only two sentences on trafficking for purposes other than sexual exploitation have been passed in Sweden; in one of these cases two 16 year old boys from Romania were the identified victims.¹³

Italy is a country of destination and of transit for women, men and children subject to trafficking in human beings. The phenomenon is deeply protean-like both in terms of a diverse ethnic-based criminal network (Albanians, Nigerians, Eastern Europeans, Latin Americans, Chinese as well those from Maghreb and the former Soviet Union), more or less colluding with Italian mafia groups for the purposes of exploitation (prostitution on the streets and indoors, forced labour, begging, illegal economic activities, illegal adoption and organ harvesting). The victims come from Africa (Nigeria, Ghana, Morocco, Egypt, etc.), Eastern Europe (Romania, Albania, Moldova and Bulgaria), the former Soviet bloc (Russia, Ukraine, Kazakhstan, Kyrgyzstan, Uzbekistan), Asia (China, Philippines, Afghanistan), the Indian subcontinent (Bangladesh, Sri Lanka) and Latin America (Colombia, Brazil, Peru). From 1st January 2004 to 31 December 2010, a total of 2,196 victims were identified, the four main countries of origin being: Romania (1001 victims), Nigeria (495), Bulgaria (137) and China (98). As for Eastern Europe, data also reveals there were victims from Albania (42), the Ukraine (34) and Poland (33). With regard to Asia, it is necessary to emphasise the numerical strength of the victims from Thailand (27) and Pakistan (23), and finally, for African victims, those from Morocco (55) and Tunisia (11). In 2011, under Art. 13 of Law 228/2003 and Art. 18 of Law 268, 60 children benefited from

social assistance programmes in Italy, particularly those from Romania (24) and Nigeria (20).

Austria is affected by human trafficking as both a transit country and a country of destination.¹⁴ The most common forms of trafficking in Austria include trafficking for sexual exploitation, for domestic servitude and child trafficking. Unaccompanied children are a group particularly at risk of THB in Austria, as in Slovakia, Sweden and Italy too. The number of unaccompanied minors without fixed accommodation who were used for criminal activities in Vienna amounted to 315 in 2004, 701 in 2005, 319 in 2006, 72 in 2007 and 88 in 2008. Some children were even admitted to service facilities several times – usually under new names and with altered appearance. In 2008, 28 children came from Bulgaria, 10 from Romania, 8 from the Russian Federation, 7 from Chechnya, 7 from Hungary, 5 from Slovakia, 3 from Bosnia, 2 from Poland, and 1 from Serbia, 1 from Croatia while 16 children came from Asian and African countries. Roma children account for 95 per cent of those from Bulgaria, 70 per cent of those from Romania, and 100 per cent of the children from Hungary, Slovakia, Kosovo and Bosnia. Out of 88 children accommodated in 2008, 25 were returned (6 to Bulgaria, 4 to Romania, 4 to Hungary, 4 to Chechnya, 3 to Russia, 2 to Poland and 1 to Serbia and 1 to China). However, 36 children ran away from the Drehscheibe service facility and went into hiding (including 22 Bulgarians and 5 Romanians).

It is interesting to observe trends in the above three destination countries subject to the present research. Sexual exploitation remains the main reason for trafficking in human beings in these three countries, as is also the case within the presumed countries of origin investigated as part of this research. Nevertheless, when looking outside the sphere of sexual exploitation, in Sweden for example, apart from begging and forced thefts, specific forms of human trafficking such as asphalt paving and berry-picking have been detected. Available data do not show specific links to organised crime. In Italy, on the contrary, the phenomenon appears to

¹¹ The common right of access to private land in Sweden includes the right to pick berries in the forests. During the latest autumns many foreigners have worked with a minimum of compensation and in miserable social conditions.

¹² Lindholm, J. Sex trafficking and procurement of children, Stockholm. Stockholm University, 2010.

¹³ Svea Court of Appeal 2010-02-26 in case B 9732-09.

¹⁴ First Austrian Report on Combating Human Trafficking (covering the period from March 2007 – February 2009), edited by the Federal Ministry for European and International Affairs, 2009, see <http://www.bmeia.gv.at/en/foreign-ministry/foreign-policy/human-rights/main-human-rights-issues/combating-human-trafficking.html> (accessed in December 2011).

be very well linked to organised crime. Italy does not report on judicial sentences, in contrast to Sweden, but on child victims assisted through the social assistance and protection programmes, which are a basic pillar of the anti-trafficking system in Italy, and are not essentially linked to co-operation with law enforcement and judicial authorities. While the spectrum of nationalities of assisted victims is extremely varied in Italy, mainly Romanian and Nigerian children benefit from social assistance programs across Italian territory. Data from Austria is also interesting as they cover almost exclusively the city of Vienna and unaccompanied children at risk of human trafficking assisted by the municipality there. Comparing to Italy, where return to the country of origin of child victims of trafficking is carried out with much lower frequency, in Austria, approximately one third of all such children have been returned back, one third have run away, and one third stayed in the care of the municipality of Vienna. **Both Sweden and Austria have detected trafficked persons from Bulgaria, Slovakia and Hungary, which are the other three countries subject to the present research, while Italy, as far as these three countries are concerned, reports only on Bulgarian nationals.**

2. DOMESTIC LEGISLATION ON CHILD TRAFFICKING AND MEASURES TO PROTECT AND PROMOTE THE RIGHTS OF CHILDREN VICTIMS OF THB

2.1. Constitution

In **Bulgaria**, children enjoy the protection of the state and society afforded to them by Article 17 of the Constitution that proclaims: *Children, having*

been left without the care of their relatives, shall enjoy the particular protection of the State and society. Everyone's right to education is specially provided for (Art. 53) and school attendance up to 16 years of age is compulsory. Primary and secondary education in state and municipal schools is free. The State exercises control over all kinds and levels of schooling. The Interpretative Decision No. 2/16.07.2009 of the Bulgarian Supreme Court of Cassation (hereinafter, the SCC Interpretative Decision)¹⁵ upholds, with the necessary caveats, the principle of direct applicability of international standards on human trafficking, including child trafficking.

Apart from the general protection of fundamental rights and freedoms available to any person, the Constitution of **Hungary** does not grant special rights to children as envisaged by the Convention on the Rights of Child (hereinafter CRC). There is no decision of the Constitutional Court dealing with the question of direct applicability of international standards on THB, or specifically on child trafficking in Hungary, as is the case in Bulgaria. It should be added that there is also no relevant case law of the Hungarian Supreme Court in this field. However **the Fundamental Law**, which is the basis of the Hungarian legal system (replacing the old **Constitution** in effect between August 1949 to December 2011, amended in 1990 and in 2004), was accepted and published on 25 April 2011 and entered into force on 1st January 2012. It declares the relevant clauses regarding Trafficking of Human Beings and regarding the Rights of the Child in its Chapter on Freedom and Responsibility.¹⁶ Clause XV of the Law declares that **Hungary protects the children**, the women and the elderly and the disabled persons **with special legal measures**.¹⁷

Similarly in **Slovakia**, besides the general protection of fundamental rights and freedoms available to any person, section five entitled "Economic, social and

¹⁵ The Interpretative Decision No. 2/16.07.2009 of the Bulgarian Supreme Court of Cassation. Accessed December, 2011. <http://www.vks.bg/vks_p10_36.htm> (in Bulgarian only). Although not being legislative acts, such decisions are compulsory for the bodies of the judiciary and the executive.

¹⁶ Fundamental Law stipulates: Clause III – nobody can be kept in slavery and the Trafficking of Human Beings is forbidden in Hungary; Clause XVI declares that (1) each child has a right to an appropriate protection and care for his/her own physical, mental and moral development. (2) The parents have a right to choose the education of their children. (3) The parents are obliged to care of their children. This obligation involves the teaching of their children; Clause XVIII declares that (1) Employment of children is forbidden – with the exception of cases identified in a law, not endangering their physical, mental and moral development; Clause XXX declares that (3) the Deputy Ombudsman of the Fundamental Rights performs the protection of the rights of the future generation (children).

¹⁷ These mean especially the Act XXXI of 1997 on the Protection of the Children and Guardianship Administration, as amended on 8 December 2012 and the relevant sections of the Act IV of 1978 on the Criminal Code, as amended in 2012.

cultural rights”, Article 38 and Article 41 provide specific rights for minors.¹⁸ Article 38 entitles minors to special protection at work which is, however, not further stipulated and should be laid down in a separate legal act. Article 41 deals with matrimony and parenthood and provides children with the right to upbringing and care and guarantees them special protection. Apart from these provisions, there is no additional list of children’s rights further elaborated on in the Constitution. Moreover, the Constitution does not mention the principle of the best interest of the child as a primary consideration in all actions, nor do any other legal acts define what this means. Currently, there is no case law on the use of the principle of direct applicability of international standards on child trafficking or even child rights in Slovakia.

In all three countries under consideration, there is no case law (no decision of the Constitutional Court) dealing with the question of direct applicability of international standards on THB, or specifically on child trafficking. However there is a decision of the Supreme Court of Cassation in Bulgaria which is binding for the bodies of the judiciary and the executive which deals with this issue. The **Slovak Constitution only mentions the right to special protection at work, and the right to upbringing and care, and the guarantee of special protection. The principle of best interest of the child is not mentioned and/or defined in Slovakia or Hungary. In Bulgaria the principle is proclaimed** in the Law on the Protection of Children (Art. 3, item 3 and a definition in par. 1, item 5 of the Additional Provisions) and in the Law on Asylum and Refugees (Art. 6a). **In Hungary,** the Parliamentary Commissioner on Citizens Rights examined and stated in its Report of 23 November 2011 (Case No AJB1472/2011)¹⁹ that the Hungarian legislation is in harmony with the Convention on the Right of the Child and based this statement also on the **No. 4/1997 (I.22.) decision of the Constitutional Court.**

An important part in line with **Sweden's** obligations under the CRC was incorporated in the Constitution in January 2011. Public authorities shall work to ensure that all people are able to achieve participation and

equality within society and will also ensure that children's rights are utilised according to Chapter 1 sec. 2 par. 5 of the Instrument of Government. Sweden does not have any case law on the use of the principle of direct applicability of international standards on child trafficking, but following the principle of treaty conform application of law, Swedish courts and authorities shall interpret and apply laws and regulations so that the commitments under the CRC and other international agreements relating to children's rights are respected as far as possible, but within the framework of Swedish legislation. At present a strong lobbying group comprising of politicians and others is developing in Sweden to further highlight these issues.

As far as **Austria** is concerned, the CRC was ratified in 1992, but without constitutional rank and without direct applicability, barring the CRC from gaining legal relevance. Thanks to continuous lobbying by the child rights community, in 2009 the political parties in government reached an agreement on a draft Constitutional Act on Children’s Rights, but without having broadly consulted experts in advance, which resulted in its failure. Children’s rights activists criticised the draft for its selective approach, which adopted only some key CRC rights and no social or cultural rights. However, at the end of 2010 the draft was re-tabled in Parliament, again not comprehensively incorporating CRC rights, and adding, moreover, a controversial general limitation clause. This time, most opposition parties agreed, and **the new Constitutional Act on the Rights of Children was adopted by Parliament at the beginning of 2011 and entered into force in February 2011.** Despite its shortcomings, this Act includes key principles of the CRC, such as the best interests of the child as a primary consideration, child participation, special protection for children without family environment and prohibition of any form of violence against/exploitation of children, and the right to recovery and rehabilitation. In addition, the European Convention on Human Rights (hereinafter ECHR) was ratified by Austria in 1958. The treaty has constitutional rank and is directly applicable in Austria, making it the ECHR the main human rights instrument in Austria. As stressed also in

¹⁸ *Constitution of the Slovak republic* (entered into force 3 September 1993), Article 38. Accessed December, 2011. <<http://www.constitution.org/cons/slovakia.txt>>

¹⁹ Report of the Hungarian Parliamentary Commissioner of Citizens Rights in the case No. AJB 1472/2011 of 24 November 2011.

the GRETA Report on Austria (par. 25),²⁰ Article 4 ECHR on slavery is also applicable to trafficking in human beings, including trafficking in children.

The Constitution of the **Italy** has a number of provisions that recognise the child as a vulnerable subject. The core of the discipline is provided by the combination of Articles 2,²¹ 30²² and 31.²³ With the exception of EU law, there are no rules in the Italian legal system allowing national courts to directly enforce the provisions of an international treaty or agreement without an internal implementation law. No judicial decision on child trafficking has been directly inspired by an international instrument.

It appears that from all the countries under present research, only in Austria has a serious debate take place on the incorporation of children's rights into the country's Constitution. Even if it is not perfect, the new Constitutional Act includes key principles of the CRC, such as best interests of the child as a primary consideration, child participation, special protection for children without family environment and prohibition of any form of violence against/exploitation of children, and the right to recovery and rehabilitation. It would be interesting to analyse the implementation of the principle through judicial and non-judicial practise, though currently no such practices are available. Still Austria serves as an example that without persistent advocacy efforts and political commitment, it is unlikely that children's rights will gain importance in the other countries under the research. Generally the presumed countries of destination went further in their constitutional obligations than the countries of origin. However the principle of direct applicability as well as direct reference to or definition of the child's best interest remain unspecified in nearly all the countries of research.

2.2. Substantive and procedural criminal law

2.2.1. Substantive criminal law

Human trafficking was criminalised in **Bulgaria** in 2002. The criminal law definition for THB is contained in Article 159a of the Criminal Code (hereinafter, the CC), paragraph 1: *Anyone, who recruits, transports, harbours or receives particular individuals or groups of people for the purpose of exploiting them for debauchery, forced labour, the removal of bodily organs or for holding them in forced obedience regardless of their consent...* The Bulgarian CC does not make a distinction between sexual exploitation and other purposes of trafficking, nor does it specifically mention slavery or similar practices as purposes of trafficking, however this is included in Bulgarian Law on Combating Human Trafficking. The Bulgarian CC also criminalises the trafficking of pregnant women for the purposes of selling their children (Art. 159a, par. 3) since 2006. Trafficking of *a person under 18 years of age* is criminalised in the second paragraph of the Article. It is one of the aggravated cases of human trafficking, always carrying a more severe penalty, together with cases of using coercive means, namely coercion, deception, abduction or illegal deprivation of liberty, abuse of position of vulnerability, abuse of power, promising, giving or receiving benefits. Under Bulgarian legislation child trafficking is considered to have taken place even if the child is not subjected to any of those means. Article 159b criminalises transnational trafficking by adding to the four forms of trafficking, the act of "transferring" through the border of the country with the enlisted trafficking purposes. The aggravated cases under the main hypothesis, including child trafficking when the offender is aware of the circumstance that the victim is under 18 years of age, are aggravated in transnational context as well by referral to the

²⁰ GRETA – the Group of Experts on Action against Trafficking in Human Beings established in 2008 and responsible for monitoring implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties.

²¹ Article 2: The Republic recognises and guarantees the inviolable rights of the person, both as an individual and in the social groups where human personality is expressed. The Republic expects that the fundamental duties of political, economic and social solidarity be fulfilled.

²² Article 30: It is the duty and right of parents to support, raise and educate their children, even if born out of wedlock. In the case of incapacity of the parents, the law provides for the fulfillment of their duties. The law ensures such legal and social protection measures as are compatible with the rights of the members of the legitimate family to any children born out of wedlock. The law shall establish rules and constraints for the determination of paternity.

²³ Article 31: The Republic assists the formation of the family and the fulfillment of its duties, with particular consideration for large families, through economic measures and other benefits. The Republic protects mothers, children and the young by adopting necessary provisions.

main hypothesis. There is no need for the act to also constitute a violation of the border regime, but the crime can be combined with smuggling of people through state borders. Article 159c, adopted in 2009, criminalises as such the use of services of a victim of trafficking in human beings for debauchery, forced labour, the removal of bodily organs or for holding in forced obedience regardless of their consent. Article 159d introduces human trafficking, linked to organised crime. In terms of its substantive criminal law, **Bulgaria is considered to have largely complied with the standards of the Council of Europe Convention (hereinafter, the CoE Convention) and the Palermo Protocol.** As regards actions constituting trafficking, although *transfer* is not expressly mentioned among the forms of the crime in the Bulgarian CC (but only in the Law on Combating Human Trafficking, (hereinafter, the LCHT), which does not qualify crimes as such), the SCC Interpretative Decision upholds that the definition of international trafficking in Art. 159b, the CC covers the notion of *transfer* to a large extent. Under Bulgarian law the consent of the victim is never relevant to the criminal nature of the act of trafficking.

In **Hungary**, Section 175/B (1) of the Act IV of 1978 of the CC makes trafficking in human beings a criminal offence: *“Any person who sells, purchases, conveys or receives another person or exchanges a person for another person, also the person who recruits, transports, houses, hides or appropriates people for such purposes for another party, is guilty of a felony punishable by imprisonment for up to three years.”* There are no provisions in the Hungarian CC which criminalises trafficking in children as such. If such conduct is to the detriment of a person below 18 years of age, or to the detriment of a person who is in the care, custody, supervision or treatment of the perpetrator, or to the detriment of a person who is below 12 years of age, this is considered as aggravating circumstance. In accordance with Section 175 (2) *any person who acquires another person through trafficking in human beings and maintains the status of deprivation of the victim’s personal freedom, and forces such a victim into forced labour, is guilty of a felony.* Moreover, the punishment has to be higher if this criminal act is

committed against a person under the age of 18 or against a person incapable of self-defence (persons under the age of 12 shall be deemed as incapable of defence). As for the issue of consent, there is a ruling of the Hungarian Supreme Court, which states: *“In the case of trafficking in human beings (...) it is the right to human freedom, dignity and self-determination which suffers injury. These are such fundamental rights, inseparably linked to human existence, which, as with the right to life, one cannot validly renounce, and as such the trafficking of human beings remains unlawful behaviour even if it happens with the consent of the passive subject. From the perspective of the crime the plaintiff’s consent is of no relevance”.*²⁴

That said, the definitions of THB as provided for in Section 175/B (1) and Section 175 (2) of the Hungarian CC are not in conformity with the CoE Convention (or the new EU Directive) as,

- a) trafficking in children is not criminalised as such;
- b) the definition lacks the two essential elements of THB, namely, it does not list the means and purposes of exploitation as basic elements of THB.

It is not clear where in the Hungarian CC other relevant forms of exploitation such as forced labour or services or the removal of organs, in line with the wording of the CoE Convention are listed as basic elements of the definition of THB. The provisions of the Hungarian CC on THB are fragmented, linked to prostitution/procuring offences and hence do not contribute to legal clarity.

After the adoption of the EU Framework Decision,²⁵ **Slovakia** amended its legislation in order to follow the provisions of the EU Framework Decision. Even though Slovakia has so far not adopted any specific or separate legal act dealing with trafficking in human beings and trafficking in children and all its aspects, several Slovak legal acts deal with this issue. The most important legislative provisions concerning THB are stipulated in the CC and specifically in Articles 179, 180 and 181. In Slovak law, the definition of THB is provided in Article 179 of the CC (“trafficking in human beings”) which states: *“(1) He/she who by means of deception, deceit, restriction of personal freedom (limitation of personal liberty), violence, threats of violence, threat of another severe injury or other forms*

²⁴ Referred by Handbook on Trafficking of Human Beings, Vol. II, Public Administration and the Judiciary. Ed.: Fehér, Lenke. International Organization of Migration. Budapest. 2004.

²⁵ Council Framework Decision on combating trafficking in human beings 2002/629/JHA, (adopted 19 July 2002), <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002F0629:EN:HTML>>, (accessed in December 2011).

of coercion, adoption or provision of money or other benefits to achieve the consent of the person on which the other person is dependent, or abuse of his/her position or abuse of the vulnerability, or otherwise vulnerable position deceives, transports, keeps, gives, or takes another, even with his/her consent, for the purpose of prostitution or other forms of sexual exploitation, including pornography, forced labour or forced services, slavery or practices similar to slavery, servitude, removal of organs, tissues or cells, or other forms of exploitation, will be punished by imprisonment for four to 10 years. (2) As in paragraph 1, he/she shall be punished who deceives, transports, keeps, gives or takes any person under 18 years, even with his/her consent, (...)."

As regards trafficking in children, the definition of trafficking contains only two of the above elements, i.e. the action and the purpose of exploitation, irrespective of the means used. This is in line with the definition contained in the CoE Convention. In addition to Article 179 (2) of the CC, trafficking in children is also governed by the provisions of Articles 180 and 181 named ("trafficking in children") of the CC. More specifically, Article 180 defines "placing a child under the control of another for the purpose of adoption in breach of general rules" as one of the forms of THB. However, it is not in line with paragraph 94 of the Explanatory Report of the CoE Convention which states that "the definition of trafficking in human beings does not refer to illegal adoption as such". Nevertheless, where an illegal adoption amounts to a practice similar to slavery as defined in Article 1(d) of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery, it will also fall within the Convention's scope". Finally, Article 181(1) of the CC states that "anyone who, in return for a reward, refers a child in the charge of another person for the purpose of its use for child labour or for other purpose shall be sentenced to four to 10 years of imprisonment". According to the Slovak authorities, this provision stems from the CRC and concerns only parents or legal guardians of a child, thus having a narrower scope than Article 179 (2) of the CC. The Ministry of Justice intends to perform an analysis of all criminal provisions relating to THB with a view to identifying duplications and ambiguities in the interpretation of the definition of THB as a criminal offence.

In **Sweden**, transnational THB for sexual purposes was criminalised by a new section of the Penal Code, Chapter 4 on the violation of a person's freedom and peace, Section 1 a, becoming effective in July 2002 (SFS 2002:436). After a reform, other forms of exploitation were included, as well as national trafficking from July 2004 (SFS 2004:406). A second reform of this section became effective in July 2010. The section reads as follows: "a person who, otherwise than by kidnapping by unlawful coercion, deception, abuse of someone's vulnerability or by any other improper means is recruiting, transporting, transferring, housing or receiving a person in order that he or she shall be exploited for sexual purposes, removal of organs, military service, forced labour or other activity in a situation of distress for the victim, shall be convicted of trafficking to imprisonment for at least two and at most ten years. A person who commits an act referred to in the first paragraph against a person under the age of eighteen years shall be sentenced for trafficking even if no improper means referred to therein have been used.²⁶ The third paragraph of the Section stresses that if the act is against a person under the age of 18, this constitutes trafficking although no improper means have been used. The reform in 2010 also removed the requirement for double criminality. Swedish court was thereby given a greater possibility to handle offences committed abroad. The Swedish section on trafficking has no explicit statement on the relevance of the person's consent, but the legislative history stresses that consent never, not even for adults, will have any legal relevance (Government bill 2009/10:152, pp. 25 – 26). Furthermore for children, an action and a purpose of exploitation are enough to constitute the crime, irrespective of any attempt to manipulate the child by dishonest means. As reported, often, courts in Sweden have not found all the elements of the THB to be proven beyond reasonable doubt. This has caused the prosecutors use of alternative claims for sentences on procuring, or more often aggravated procuring instead of THB. The statements of the criminal acts charged are then often on aggravated procuring with trafficking like acts included. The crime of procuring is placed in the Chapter 6 on sexual crimes, section 12, in the CC. The first paragraph legislates as follows: "A person who promotes or in an improper manner takes financial advantage of another person having casual sexual relations for remuneration, shall be sentenced for

²⁶ Criminal Code of the Kingdom of Sweden, adopted in 1962, as amended; chapter 4, section 1a.

procuring to imprisonment for up to four years".²⁷ The third paragraph in the section is generally more relevant for procurement involving children, even if children are not mentioned in the legal text or in the legislative history. If the crime is to be valued as aggravated, the sentence shall be for aggravated procuring to imprisonment for at least two and at most eight years. *In assessing whether the crime is aggravated, particular attention shall be on if the crime meant an activity performed on a larger scale, has resulted in significant gains or meant a ruthless exploitation of another person.* When the victim is a child, the wording on ruthless exploitation rather often is used in legal practice to stress aggravated procuring. Swedish judicial practice does not seem to conform to the obligations under Article 4 of the Convention as aggravated procuring is often used as criminal charges instead of human trafficking, even in cases involving children.

In **Italy**, the criminal law on human trafficking focuses on Articles 600 (reduction to and maintenance in slavery or servitude), 601 (trafficking and slave trading), 602 (conveyance and acquisition of slaves) and 416 (criminal conspiracy) of the CC as revised by Articles 1, 2, 3 and 4 of Law No 228/2003 (Measures against trafficking in human beings). The Law 228/2003 has taken steps to adapt the persecutory and sanctioning response so as to deal more efficiently with the phenomenon. Article 600 (reduction to and maintenance in slavery or servitude) states that: *"Whoever exercises on another person powers equivalent to property rights or who reduces to or keeps another person in a position of persistent subjugation, forcing him/her to work or furnish sexual services or to beg, or any whatever type of activity that implies his/her exploitation, shall be punished with imprisonment for a period of between eight to twenty years"*. Reduction to or maintenance in subjugation occurs when the conduct is carried out with violence, threat, deceit, abuse of authority, or by profiting from a situation of physical or psychological inferiority or a situation of necessity, with the promise or payment of money or other advantages to whomever has power over the person. The penalty shall be increased by one third to a half if the conduct referred to in the first paragraph concerns a minor. The Article criminalises the reduction and maintenance in slavery/servitude, rather than trafficking in itself. The concepts of slavery and servitude, in turn, both explicitly and

implicitly refer to a variety of criminal conducts, including coercion in sexual performance, labour exploitation, begging, and organ removal. Article 601 (trafficking and slave trading) criminalises those who dictate the movement of the victim, in specific ways (violence, threats, deception, etc.) whether in the case of international or internal trafficking; whether the victim is already in a situation of slavery/servitude (first case) or free (second case). In the second case, punishment is levelled against those who induce or constrain a third party to move from one place to another with the goal of exploitation and without the attainment of the objective being necessary. Article 602 (conveyance and acquisition of slaves) is applicable in cases where the transfer/alienation/purchase of people in slavery/servitude are made without the coercive means (violence, threat, etc.) outlined in Article 601. In addition, Article 4 of Law 228/2003 introduces a sixth paragraph to Article 416 (criminal conspiracy) of the CC providing for an embitterment of the penalty in cases where the criminal conspiracy is directed to perpetrate the crimes pursuant to Articles 600, 601 and 602.

Law No. 269 of August 3, 1998, (and subsequent changes), bearing the heading *"Provisions against the exploitation of prostitution, pornography, sex tourism involving children, as new forms of slavery"* inspired by the principles contained in the CRC states that *"the protection of children against all forms of sexual exploitation and abuse to safeguard their physical, psychological, spiritual, moral and social development, is a primary goal pursued by Italy."* In order to implement this principle, certain provisions containing a series of new criminal cases, including child trafficking, child prostitution and pornography, and sex tourism (Art. 600 bis – 600 septies), were introduced between Article 600 and Article 601. The provision for child trafficking was abrogated by Law 228/2003 which, at the same time, introduced the specification of minority as an aggravating factor.

Under **Austrian** law, the provision explicitly defining THB is Article 104a of the CC. According to this provision, (1) *any person who recruits, houses or otherwise accommodates, transports or offers or passes on to a third party a minor (under 18 years of age) or an adult using dishonest means (paragraph 2) against this adult with the deliberate intention of the minor's or*

²⁷ Criminal Code of the Kingdom of Sweden, adopted in 1962, as amended, chapter 6, section 12.

adult's sexual exploitation, exploitation through organ transplantation or labour exploitation, is to be punished with a prison sentence of up to three years. Pursuant to Article 104a of the CC, the following forms of exploitation are criminalised: sexual exploitation, exploitation through organ transplantation and labour exploitation. It can be said that the list as such is not open-ended and therefore appears to be more restrictive than the one to be found in the CoE Convention. According to the Austrian authorities, Article 104a of the CC has been interpreted by the judicial authorities in a rather wide manner as applying to types of exploitation which are not expressly mentioned. For instance, "sexual exploitation" encompasses the exploitation of the prostitution of the others and other forms of sexual exploitation, and "labour exploitation" covers forced labour or services as well as forced begging. Further, THB for the purpose of slavery or practices similar to slavery and servitude is covered by Article 104 of the CC, which prohibits slavery and slave trading. Under Article 18 of the CoE Convention, each Party shall establish as a criminal offence the conduct contained in Article 4(a) and that the list of forms of exploitation referred to in this provision is open ended. The Austrian authorities have indicated that in the process of implementing the new EU Directive on THB, the exact wording of the above-mentioned provisions will be subject to review.

It is interesting to observe how in different legal systems, the crime of human trafficking links to other offences. It can be summarised that the Bulgarian substantive criminal legislation on THB appears to be the most comprehensive, comparing to the other presumed countries of origin, followed by the Slovak and Hungarian legislative works. Bulgaria is the only country under analysis that has a special Law on Combating Human Trafficking. In addition the country also criminalises trafficking of pregnant women for the purposes of putting their children up for adoption (for financial gain), which appears to fall under the scope of the CoE Convention's definition of human trafficking.

In Sweden, human trafficking is to a great extent understood as aggravated procuring, which is peculiar when one considers that in Sweden, an action and a purpose of exploitation are enough to constitute the crime, irrespective of any attempt

to manipulate the child by dishonest means. In Italy, the offence is deeply interconnected with different forms of reduction to slavery or slavery-like practises and takes into account the wide and varied forms exploitation can take. In Austria, the scope of trafficking offences seem to evolve mainly through the jurisdiction of Austrian courts.

2.2.2. Procedural criminal law

In **Bulgaria**, the standing of children-victims of crime is regulated in several provisions of the Criminal Procedure Code (hereinafter, the CPC). In Bulgarian CPC a victim is a person who has sustained pecuniary or non-pecuniary damage from a crime (Art. 74). However, under Bulgarian law THB is a crime of a *general nature* where proceedings are initiated ex officio. Victims can initiate proceedings themselves for some less serious crimes (so called crimes of private nature), but their complaints can be a *legal ground* for authorities (Art. 208, CPC) to start action.

In principle, children in criminal proceedings can be represented by a lawyer, their parents or grandparents (Art. 91, par. 2, CPC). When the interests of the child victim and his/her parent or guardian are contradictory, the respective authority appoints him/her a special representative – attorney-at-law (Art. 101, CPC). There is no specific training (provided for in legislation or in practice) for lawyers representing children, including child victims of trafficking (Kukova, 2008: 30). For children victims of trafficking with no families present, including unaccompanied foreign children, the authorities under the Law for the Protection of Children (Social Assistance Directorates) take measures to ensure representation. In practice, researchers fear that the varied and excessive workload of social workers may not allow them sufficient time to prepare for representing child trafficking victims (Kukova, 2008: 31). Minor (under 14 years of age) victim witnesses are interviewed in the presence of a person of pedagogical background or a psychologist and, if needed, in the presence of their parents or guardians, who can ask questions with the permission of the relevant authority. The same is valid for underage (between 14 and 18 years of age) witnesses, if necessary. Interviewing minor or underage witnesses within the country can also be done via videoconference (Art. 140,

CPC).²⁸ In court, they could be interviewed behind closed doors (Art. 263, par. 3, CPC). Foreign child victims would also benefit from the general rights given to foreign victim witnesses – to use free of charge the services of an interpreter, if he/she does not speak Bulgarian (Art. 142, CPC) and be interviewed via videoconference or telephone conference, if outside Bulgaria (Art. 139, par. 7, CPC).

As victims of THB, they are given a range of entitlements and cannot easily be eliminated as participants in the criminal procedure. Therefore, several procedural strategies against re-victimisation can be applied. Firstly, the victim can be interviewed as an anonymous witness (Art. 141, CPC). Secondly, the victim can participate in the criminal procedure with his/her full identity, but measures for his/her physical protection and protection from re-victimisation should be applied (Art. 123, CPC). Thirdly, the encounters between the victim and the trafficker(s) during the criminal procedure could be limited by several other means (eg. videoconference, no direct confrontation or pre-trial interviewing).

According to anti-trafficking practitioners (Preventions Directorate Manual, 2008: 38), the Bulgarian CPC does not allow full compliance with internationally-endorsed recommendations that trafficking victims should not be interviewed as witnesses and should not encounter traffickers even in court in order to avoid re-victimisation. In fact, field researchers notice that (...) *once the victims agreed to testify they need to do so three times: before the policemen, before the prosecutors and before the court. Thus, they often meet the perpetrators several times and again experience the trauma and fear they would be re-victimised after they testify. None of the policemen, the service providers or the Roma interviewees mentioned any measures applied during the investigation to hide the identity of the witness or to prevent her/him from meeting the perpetrator. Some of the service providers mentioned they had victims fainting in the court room because of the stress, or changing their statements several times during the same hearing before the court because of the insecurity of their protection* (Kukova, 2011: 23)

In **Hungary**, Act XIX of 1998 on Criminal Proceedings contains several provisions relating to the standing of the child during criminal proceedings, such as appointing a legal guardian to a child, or interviewing, questioning of the child, giving evidence in court, use of audio-visual means, and so on. The most relevant requirements include: examination of the witness (Section 86) *“persons under fourteen years of age may only be heard as a witness if the evidence expected to be provided by his testimony cannot be substituted by any other means; confrontation (Section 124) “persons under fourteen years of age may only be involved in the confrontation (it means if the testimonies given by the defendants and the witnesses are contradictory, the conflict may be resolved by way of confrontation) if it will not cause apprehension”;* responsibilities of investigating judge (Section 207): *“at the motion of the prosecutor, prior to the filing of the indictment, the investigating judge (prior to the filing of the indictment, the responsibilities of the court of first instance are performed by this judge) shall hear the witness under the age of fourteen, if there is reasonable ground to believe that questioning at the hearing before the court would adversely affect his personal development; moreover: the legal representative of the minor witness may make a motion for hearing the witness by way of a closed-circuit communications system.”;* including the provisions on publicity of the trial (Section 237), holding a trial by way of a closed-circuit communication system (Section 244/A-C) and questioning the witness (Section 294). In Hungary, the following provisions of the Act on Criminal Proceedings can also be used for protecting the children participating in the criminal procedure (concerning THB or other crimes):

- specially protected witness (Section 97) – as a matter of course a child-witness may also be declared specially protected under the general conditions;
- personal protection of the participants of criminal proceedings (Section 98) – as well as the child-victim, the child-witness or the child-defendant can also receive personal protection. Also, a joint Decree 23/2003 (VI 24) of the Minister of Interior and Minister of Justice of Hungary on the detailed rules of the investigation of the investigating authorities falling under the direction of the

²⁸ At the beginning of 2009, a special place for hearings for children was established within the building of Sofia Directorate of Interior. The place consists of two rooms – one is especially furnished for children and the other is separated by glass mirrors behind which the child can recognise the suspects. One single hearing is conducted in the presence of a judge and a prosecutor and there is no need of the child to be present at the court. Another special room for hearings for children exists at the Crisis center for child victims of violence and human trafficking in Pazardzhik. Source: Bulgarian reply to GRETA evaluation, p. 6.

Minister of Interior – Section 22 is relevant in this case. **All mentioned measures are applicable only to children witnesses below 14 years of age** and as such, they are not in line with the requirements of the CRC and the CoE Convention on special protection measures to children victims of trafficking as persons below 18 years of age. In addition, the above mentioned procedural measures give wide discretionary powers to judicial authorities as to the actual application of such special guarantees and protection measures. In Bulgaria, on the contrary, the system seems to be in place, however, as reported, the implementing practice is often not in conformity with available rules and obligations.

In **Slovakia**, there is no separate section relating to the standing of the child during pre-trial or trial proceedings. The special approach is usually stipulated in concrete provisions related to adults by adding special article or provision on persons younger than 18 years of age. However, in cases of violation or threat of the rights of a minor, he/she has the right to the protection of his/her rights and legally protected interests at the court. Under Slovak law, majority is reached at the age of 18. Criminal law defines a child as a person younger than 18 years of age, unless he/she has reached majority earlier.²⁹ General legal capacity is obtained by reaching majority. However, even before reaching majority, Slovak law recognises capacity for legal acts, which are adequate to the intellectual and mental maturity corresponding to relevant age.³⁰ When a child is in a position of witness, Article 135 (1) of the Act on Criminal Procedure (hereinafter, the CPA) grants special approach towards a person younger than 15 years of age. The interrogation is conducted in the presence of a pedagogue, psychologist, vetted expert, possibly a legal representative and also other people who have experience with the education of youths. The law does not require the assistance of the legal representative or a guardian when a child is in a position of witness, but the court may order that a minor must have a legal representative during proceedings.³¹ The presence of a legal representative

is usually required in cases when it may help with the undertaking of a proper interrogation.³² In other stages of the proceedings, the young person should be interrogated only in exceptional cases and in the pre-trial proceedings only with the consent of the prosecutor (Article 135(2) CPA). This also holds for a child witness. Even though this provision is not present in the part of the CPA which regulates the position of a damaged person, in the majority of cases a damaged person (like a victim of crime) is also in a position of a witness because he/she provides evidence of a crime. However, by implication, persons between 15 and 18 years of age are not entitled to special approach, because the relevant Articles grant it only to children younger than 15 years of age. The Slovak legal system does not explicitly exclude child victims of trafficking from criminalisation, if their behaviour is considered a crime. However, there are a few provisions in relevant legislation preventing such a child from being punished with criminal penalties (eg. age of criminal liability, termination of criminal proceedings by prosecutor or judge in case of THB victims, mitigating factors stipulated in the CC, exceptional reduction of punishment).

Section seven of the CPA is entitled the *damaged person* and Article 48 (2) regulates the criminal proceedings with respect to a child in a position of a damaged person.³³ In this case, a child is represented by his/her legal representative, who is usually a parent. But in cases where a crime is committed on a close or entrusted person, when a *damaged person* is below the age of 18, a legal guardian is appointed by the court. The legal guardian is usually a state body or delegated representative of an organisation for the protection of victims. The legal guardian is appointed by a judge for the pre-trial proceeding based on the proposal of a prosecutor. In the same way, the legal guardian is appointed for the damaged person who is incapacitated or has restricted capacity for legal actions.³⁴ According to Article 2 (20), if the accused, his legal representative, damaged person, participating person or witness, announce that they do not command the language in which the

²⁹ Act No. 300/2005 Coll. the Criminal Code, as amended; art. 127 par. 1.

³⁰ Act No. 40/1964 Coll. the Civil Code, as amended; art. 8.

³¹ Act No. 99/1963 Coll. the Code of Civil Procedure, as amended; art. 23.

³² Act No. 300/2005 Coll. the Criminal Code, as amended; art. 135(1).

³³ Damaged by the wrongdoing of the crime, “poskodeny” in Slovak language.

³⁴ Act No. 99/1963 Coll. the Code of Civil Procedure, as amended; art. 48(1).

proceedings are pending, they have the right to an interpreter or translator. The Slovak CPA adheres to the principle of officiality (Article 2(6) and stipulates that the bodies active in the criminal proceedings are obliged to act from their official duty "*ex officio*" and the investigation and prosecution is not dependent only on the notion from/reporting by the witness or damaged person.

In **Sweden**, a person, who does not speak Swedish, has a speech impediment or seriously impaired hearing, is entitled to free assistance from an interpreter during the police investigation and during the main hearing, Code of Judicial Procedure Chapter 4, Section 6. The same applies for any other contacts with other authorities, for example the Migration Board or social services, Administrative Procedure Act, Section 8. As soon as a preliminary investigation is initiated the supposed victim in serious cases has a right to a counsel for the injured party (Law 1988:609 on counsel for the injured party, SFS 1988:609). It is the District Court that decides whether the victim is entitled to a counsel and if so, the court will appoint the counsel. The counsel, who is usually a lawyer, will look after the victim's interests and give guidance and support during the investigation and the hearing. The counsel will be paid by the state. If a person who has custody of a child is suspected of committing a crime against that child, the child is entitled to a special legal representative (Law on special legal representative, SFS 1999:997). This special legal representative is given a stronger position than the legal counsel and has the right to take some important decisions instead of the custodians.

The interviewing of a child during the primary investigation shall be planned and executed in order to reduce negative effects and the interviewer shall have a special competence, which in practice means police officers with special education and training – Pre-Trial Ordinance, Section 17 and 18 respectively, according to Ordinance 2001:645. In Section 17 it is specifically stressed that particular caution should be exercised if the questions are related to sexual life, that the interview may not be more detailed than the circumstances require and should not take place more times than is necessary with regard to the nature of the investigation and the best interest of the child. The interviews with children are most often videotaped, especially if the child is under 15 years of age.

During the last decade **special cooperation units of Barnahus (Children's House), alike Children Advocacy Centres, have been established in Sweden.** The child is passed to the Barnahus, where representatives from the different authorities are cooperating under one roof in a child-friendly environment. Together the representatives investigate the crime against the child and the child's need for protection and support. The child does not need to talk about problematic experiences an unnecessary amount of times to different people, in different places. In Barnahus a police officer specially trained on children will handle the interview. The other professionals can follow the conversation from another room through their earpiece and on a TV screen. **This is to be considered an example of good practice also for other countries under the current research.**

When the injured party is a child and still below 18 years when a suspected rather serious crime is reported, the primary investigation shall be conducted in an especially urgent manner. The crime then can be directed against the plaintiff's life, health, freedom or peace possible to result in imprisonment for more than six months. If so the primary investigation in principle shall be finished within three months, the Pre-Trial Ordinance after a reform by Decree 2001:1002. Children below 15 years of age seldom participate in the main hearing. If the witness is below 15 years, it is up to the court to decide if the witness, in light of the circumstances, might be heard during the hearing. No equivalent rule exists for children as the injured party, but in practice the same norm is used. The injured party has the right to be accompanied by a support person in order to cope better during the hearing, Code of Judicial Procedure Chapter 20 Section 15 (SFS 1994:420). **It is possible to have both a legal counsel and a support person, which is again considered good practice.** The support person is not allowed to say anything during the hearing, but can be placed close to the injured party in the court room. At a main hearing, everything of significance to the case is presented orally to the court. If the case in question is of a very sensitive nature, the court may decide on hearing in camera, Code of Judicial Procedure Chapter 5 Section 1.

The latest reform on human trafficking included an important complement on secrecy for both victims and witnesses. Information on their personal or

financial circumstances shall be held in secrecy if it may be assumed that he or she, or someone close to the victim or witness, can suffer injury or harm if the information is disclosed. **From all the countries under the research, the Swedish system on procedural guarantees and protection measures available for child victims of trafficking is the most sophisticated, offering the greatest levels of protection throughout the entire process.**

In **Italy**, the main way of protecting victims' safety when they give testimony is through using the "*incidente probatorio*" (special evidence pre-trial hearing) pursuant to Article 392 of the Criminal Code. It is a closed hearing and generally used in cases where there is a danger that evidence may be interfered with; it may also be used in cases where witnesses may be pressured not to testify or if there is a risk of them leaving the country before the actual trial starts. The *incidente probatorio* makes the giving of evidence less burdensome and more secure. Among the special safeguards provided to children by the Code of criminal procedure, it is worth mentioning Article 298 par. 5; Article 472 and Article 498. Article 298, paragraph 5, states that the judge has the power to establish the place, time and way, by which to proceed with the pre-trial. Moreover, the witness' statements are to be fully documented by means of audio or audiovisual reproduction. Furthermore, Article 472 provides for closed hearings and Article 498 calls for the presence of a minor's family member (if accompanied) and an expert in child psychology. In fact, testimonies allowing witnesses to testify in a location other than the courtroom is a safeguard that mainly applies to children younger than 16 years old, as usually testimonies testify in the courtroom. It has also been reported that in some cases offenders may be present in the courtroom while victims are testifying. This results in a major obstacle in obtaining a testimony which is consistent with the *notitia criminis* insofar as it hampers the efforts of reassuring the victim about his/her protection. **The Italian system also has in place rather solid special protection measures, however, the major impediment relates to the reported practice of the offenders being present in the courtroom while the child victim of trafficking is testifying.**

In **Austria**, as far as criminal proceedings are concerned, sect 65 par. 1 of the Code of Criminal Procedure (hereinafter, the CCP) defines a "victim"

as follows: 1) a person, who could have been exposed to violence or dangerous threat or whose sexual integrity could have been compromised through an intentional criminal offence, 2) the spouse, life companion, relative in a direct line, brother or sister of a person, whose death could have been caused by a criminal offence, or other relatives, who were witnesses of the criminal offence, 3) any other person, who could have suffered damage caused by a criminal offence or who could have otherwise been affected with respect to his/her interests protected by criminal legislation. This is relevant for the protection of certain rights of victims/witnesses during court proceedings; however, the provision of services, such as accommodation, health services etc., are not conditional upon meeting that CCP definition.

As illustrated by this section, Swedish procedural rights aimed at the special protection of child victims are rather impressive. From all the countries under the research, Swedish system on procedural guarantees and protection measures for child victims of trafficking is the most sophisticated, offering the greatest levels of protection throughout the whole process. Moreover Sweden provides several good practices with this area and may well endure as an example of proper procedural rules in cases involving of victims of trafficking.

2.3. Other legislation

As for other legislation, this section will illustrate how countries implement differing codes of conduct relating to human trafficking within a broad sphere of legislative measures ranging from the acts on socio-legal protection of children, residence of foreigners, victims compensation and foreigner's employment provisions. **There is no single common pattern across the countries under analysis apart from the fact that the major responsibility for trafficked children lies mainly with the country's social welfare authorities. However, law and practice differ considerably across the countries in relation to the compensation of victims of trafficking and their rights to remain within the territory (reflection period and residence permits).**

In **Bulgaria**, the LCHT and the Law on the Protection of Children (hereinafter, the LPC) are the leading pieces of 'other legislation' related to child trafficking. Some of the other acts, concerning

THB, include the Law on the Protection of Persons Endangered in Relation to Criminal Proceedings, the Law on Assistance and Financial Compensation of Victims of Crime and the Law on Foreigners in the Republic of Bulgaria. The LCHT emphasises the protection of children victims of trafficking inter alia, the measures for protection and support to victims of human trafficking, especially women and children. The other additional provisions of the LCHT present definitions of exploitation, child, victim, risk group and risk region. A child is any person under the age of 18 (same as in the Law on the Protection of Children – Art. 2) and his/her recruitment, transportation, transfer, harbouring or receiving for exploitation is deemed trafficking regardless of whether coercive means are used or not. A victim is any person who has become subject to trafficking in human beings. A risk group is a group of people, who, due to their age, sex, social status or location of residence, are potential victims of trafficking, while a risk region is an area in which risk groups are concentrated. The LCHT also provides the institutional framework for combating trafficking.

In its Additional Provisions (par. 1, item 11b, LPC), the LPC defines children at risk as children who are victims of *abuse, violence, exploitation or any other inhuman or degrading treatment or punishment* within or outside their families. Every child has the right to protection of his/her normal physical, mental, moral or social development and of his/her rights and interests and discrimination in this area is prohibited (Art. 10, LPC). This protection also covers degrading methods of upbringing, physical, mental or other violence (Art. 11, par. 2, LPC), as well as his/her

being used for mendicancy, prostitution, distribution of pornographic materials and receiving unlawful material benefits, as well as sexual violence (Art. 11, par. 3, LPC). As regards children's participation in administrative or judicial proceedings, where their rights or interests are concerned, the child is always heard, if he/she is over 10 years of age, unless that would harm his/her interests, and is heard, depending on his/her development, if he/she is under 10 years of age (Art. 15, par. 1-2, LPC). Children are heard in a setting appropriate for their age and in the presence of an officer from the Social Assistance Directorate or another appropriate specialist; also in the presence of a parent, guardian or another person taking care of the child, or a relative, unless that is not in the interest of the child (Art. 15, par. 4-5, LPC). The Social Assistance Directorate provides legal aid to the child, his/her parents, guardians and people taking care of him/her by giving advice and consultations on issues related to children's rights (Art. 31, Regulation on the Implementation of the Law on the Protection of Children).

In **Hungary**, other laws and regulations relevant to the prevention of and fight against child trafficking are: Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals,³⁵ Act CXXXV of 2005 on Crime Victim Support and State Compensation, Act LXXX of 2003 on Legal Aid, Government Decree 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals and Act XXXI of 1997 on the protection of children and guardianship administration. Hungary is undergoing significant systematic changes with regards to child protection and related services and care.³⁶

³⁵ *In the absence of the requirements for a residence permit (among others) the following persons shall be granted a **residence permit on humanitarian grounds**: for substantial national security or law enforcement reasons – by initiative of the national security or law enforcement agency – to any third-country national, or other affiliated third-country nationals on his/her account, who has co-operated with the authorities in a crime investigation and has provided significant assistance to gather evidence. The **validity period** of such a residence permit granted on humanitarian grounds shall be up to six months that may be extended by maximum six months at a time. Exiles and third-country nationals to whom a residence permit had been issued, who are victims of THB, shall be provided **aid and support** specified under specific other legislation. A certificate of **temporary residence** shall be issued to any third-country national (among others) who is a victim of THB, if initiated by the victim support authority, for the duration of support. Third-country nationals who are victims of THB may be **expelled** during the time of deliberation they are afforded only if their residence in the territory of the Republic of Hungary constitutes any threat to national security, public security or public policy.*

³⁶ *By the new measures of the Act XXXI of 1997 and by the related new governmental decrees the child protection system is undergoing a significant reform in Hungary in 2013-2014. It will focus on placement of children to adoption families, rather than to the institutional care, especially those of 0-12 years of age. Until the end of 2012 the Child Protection Division of the State Secretariat for Social, Youth and Family Affairs of the Ministry of Human Resources was directing the child protection policy on a national level, but a new national authority for child protection institution, the Social and Child Protection General Directorate, is to be established in January 2013 as regulated by Act XXXI of 1997 as amended on 8 December 2012 and by the 316/212 (XI.13.) Govt. Decree. Based on the Fundamental Act of Hungary the detailed legislation on the Rights of the Child (as it is determined by CRC) is laid down in Act XXXI of 1997 on Child Protection and Guardianship Administration as amended on 8 December 2012 and in the related new Governmental Decrees ensuring the protection of the special rights of all children staying in Hungary.*

Slovakia has quite a new Act concerning the welfare and legal protection of children,³⁷ which shall guarantee the full protection and care to the child, including unaccompanied children within the territory of the Slovak Republic, in his/her best interest. Any action involving children shall be executed in accordance with the Act on Welfare and the Legal Protection of Children. According to law *“welfare and legal protection of children shall mean a set of complex measures to safeguard the protection of a child and which are necessary for the benefit of the child and which shall respect his/her best interest according to international treaty.”* The term “child” shall include: a child (a person below 18 years of age) with permanent residence, temporary residence, or tolerated residence; a child (a person below 18 years of age) with Slovak citizenship that is living in another country; a child (a person below 18 years of age) who is not a Slovak citizen but is living unaccompanied in the Slovak Republic. According to the Act, all the authorities executing measures on the law on the welfare and legal protection of children are responsible for protecting children’s rights from threat and/or damage and all the authorities are obliged to guarantee all the necessary protection which is essential for children’s benefits and for the protection of their interests.

Apart from the above mentioned provisions of the Act on Welfare and the Legal Protection of Children, there are no special provisions for establishing the principle of the best interest of the child as a primary consideration for all actions affecting children. The Constitution does not lay down such a principle. Therefore, it is necessary to use the combination of the definition of the “best interest” principle defined by the law and by the international standards and to enforce it by using direct applicability of the international conventions and treaties as set up by the Constitution. Foreigners – victims of trafficking older than 18 years of age – may be guaranteed tolerated residence in the Slovak Republic for a minimum of 90 days and for a maximum of 180 days, even repeatedly, if their stay is necessary for the criminal proceedings³⁸ as guaranteed by the Act on the Residence of Foreigners. As far as

trafficked persons younger than 18 years of age are concerned, general legislative provisions on the social protection of children and social guardianship are to be followed. If a foreign unaccompanied child is suspected of being a victim of THB, he/she may obtain tolerated residence by virtue of being an unaccompanied minor found in the Slovak republic, as would any other unaccompanied whether they were victims of trafficking (hereinafter VoTs) or not, according to the Act on the Residence of Foreigners.³⁹ None of the legal provisions guarantee a “reflection period” of a minimum of 30 days for child victims of trafficking, but only a ministerial decree (not generally binding)⁴⁰ guarantees the period of 90 days for all victims, including children. So far, no unaccompanied minor has been suspected or identified as a victim of THB.

In **Sweden**, considerable responsibility for children as well as crime victims lies with the local social welfare authorities. This comes from a general responsibility of these authorities for every person present in the local community, irrespective of their nationality or time of stay, Social Services Act Chapter 2 Section 2 (SFS 2001:453). This could mean various forms of psychological and social support as well as financial and practical assistance. Some towns can offer other forms of support too, for instance, support centres for young victims of crime and Children’s Advocacy Centres (Barnahus). In severe cases, the responsibility includes sheltered housing as well. The responsibility for children is further developed. It includes that when an action involves a child, the child’s attitude shall as far as possible be clarified and the child’s will shall be taken into account with regard to the age and maturity of the child, Social Services Act Chapter 3 Section 5. The obligation to intervene and provide services for children at risk includes support by care and living in a family home or more specialised homes or shelters, Social Services Act Chapter 6 Section 1. In serious situations actions can also be taken without the consent of the child and/or the child’s custodians, Law 1990:52 on special provisions for care of young persons. This can occur if the problems are related to the home and family and for example include assault, improper

³⁷ Act No. 305/2005 Coll. on Social Protection of Children and Social Guardianship, as amended.

³⁸ Act No. 48/2002 Coll. on the Residence of Foreigners, as amended.

³⁹ Act No. 48/2002 Coll. on the Residence of Foreigners, as amended.

⁴⁰ Ministry of the Interior of the Slovak republic, Regulation No. 47 of the Minister of the Interior (30 June 2008) on Ensuring the Support and Protection of Victims of Trafficking in Human Beings, as amended by Regulation No. 170/2010.

exploitation or lack of care which create a real risk of the young person's health or development being damaged, according to section 2 (SFS 2003:406). Such care shall also be decided if the young person, now up to 20 years of age, exposes his or her health or development to a substantial risk of injury through abuse of addictive substances, criminal activity or any other socially destructive behaviour, according to section 3 (SFS 2006:896). If need of care is probable and the court decision cannot be awaited, the social welfare authority can decide to act immediately, according to section 6. However, such a decision shall be tested by an administrative court. The right to compensation exists regardless of whether the injured party is a resident of Sweden or a temporary visitor, but for non-residents the criminal injuries compensation covers only crimes committed in Sweden.⁴¹

The Swedish Alien Act (2005:716) does not give victims of THB any general right to asylum or a permanent residence permit. In some cases the victim has been given the right to stay because of particularly distressing circumstances according to Chapter 5 Section 6. This section marks circumstances that especially shall be taken into account. They are the alien's state of health, adaptation to Sweden and situation in the homeland. The second paragraph follows that a child may be granted a residence permit, even if the circumstances do not have the same seriousness and weight as required for an adult. For example a 17 year old Roma girl had come to Sweden from Romania as a result of having been trafficked for sexual purposes.⁴² By an application from the prosecutor she was granted a temporary residence permit for participation in the legal case. She had learned Swedish, been in therapy and started education. Had she returned she should have returned to very difficult conditions and the effects of her therapy risked being nullified. These circumstances together with her young age resulted in her right to stay. She was 19 years at the time of judgment.

In **Austria**, the Federal Youth Welfare Act and the nine *Länder* Youth Welfare Acts list services available to parents, families, children and allow for

intervention in cases where there is a threat to the best interests of the child (in combination with the provisions of the Civil Code/*Allgemeines Bürgerliches Gesetzbuch*). The Settlement and Residence Act regulates residency rights; sect. 69a contains explicit provisions for granting the right to stay in Austria in cases where the person in question has been of trafficking in human beings. The Act on Foreigners Employment (*Ausländerbeschäftigungsgesetz*) regulates access to the labour market – since an amendment in 2011, THB victims residing in Austria under sect. 69a of the Settlement and Residence Act have now the right to work. The Asylum Act regulates asylum procedure. It does not establish any clear links that take into account indications of possible involvement in THB cases, despite the generally difficult identification of victims of trafficking. Several laws deal with the schooling of children, e.g. Act on Mandatory Schooling (*Schulpflichtgesetz*) – irrespective of nationality, any child residing in Austria has the right and duty to attend school, starting at six years of age and continuing for the following nine years. Finally, the Act on Victims of Crime (*Verbrechensopfergesetz*) regulates compensation for crime victims, including of THB; however, there are many shortcomings in its application to THB victims.⁴³

In **Italy** Law 228/2003 constitutes the most important enforcement tool available to the Italian State, while Article 18 of the Legislative Decree 286/98 issues a special permit for the protection of foreign victims of violence and exploitation to enable them to escape from the constraints of the crime.

2.4. Measures to protect and promote the rights of children victims of THB

2.4.1. Identification of child victims of trafficking

In **Bulgaria**, the LCHT does not provide for a formalised process of identification of victims of THB as such, or for a formal victim status. In cases of child victims of trafficking, the Ministry of

⁴¹ See section II.6 Compensation.

⁴² Migration Court in Skåne County, 2006-11-22 in case UM 1335-06.

⁴³ See Planitzer, Probst, Unterlerchner, Steiner, COMP.ACT Austria, Possibilities to Obtain Compensation for Trafficked Persons in Austria (English summary) (2011).

Interior and the State Agency for the Protection of Children (hereinafter, the SAPC) are notified within 24 hours. A special Co-ordination Mechanism for the Referral and Care of Unaccompanied Children and Children Victims of Trafficking returning from abroad is in place, regardless of whether the children are Bulgarian citizens or not (hereinafter, the Co-ordination Mechanism).⁴⁴ Bulgaria also has a National Mechanism for the Referral and Support of Trafficked Persons (hereinafter, the National Referral Mechanism),⁴⁵ prepared by an inter-institutional working group, including non-governmental organisations (hereinafter NGOs). Identification of (children) victims of THB is included under the Mechanism's standard operating procedures (p. 25) and includes informal identifications, made by different institutions and organisations having established initial contact with the victim, and formal identifications, done by the pre-trial authorities in order to begin the investigation. Identification is undertaken through initial informal conversation with the victim and through observation, after which the risk assessment should be performed (National Referral Mechanism, p. 30). It can be done, *inter alia*, also via the National Hotline for Information, Consultation and Assistance to Children. Specifically, for each case of a national child victim, the SAPC should notify in writing the Social Assistance Directorate in the area, where the child permanently/currently resides, to form a multidisciplinary team to review the family and social environment of the child, to assess the risk of him/her being re-trafficked and to design an action plan together with the Crisis Centre team, where the child might be placed. During cases in which the child victim is returning to the country, Bulgarian diplomatic and consular representations through the Ministry of Foreign Affairs notify the SAPC and the Ministry of Interior. For children victims specifically, the Social Assistance Directorate in the area where the child permanently/currently resides undertakes an appropriate protection measure in accordance with the needs and interests of the child – most often, placement into a Crisis Centre.

As regards children from countries outside the EU, the relevant provision of the Law on Foreigners in

the Republic of Bulgaria (Art. 28a) regulate the status of unaccompanied foreigners under 18 years of age, who have entered the country on a legitimate basis and have not requested protection under the Law on Asylum and Refugees. Such children can have their stay on Bulgaria's territory prolonged. The SAPC temporarily provides them with the necessary material support and care. If the children's stay is not prolonged, they are returned to their families, or to an assigned guardian. When this is not possible or is contrary to the child's interest, the victims are directed to appropriate reception centres in their country of origin, or in a third country which is ready to accept them. As described above, **the Bulgarian system on the identification of child victims of trafficking appears well-designed with clear roles and responsibilities formalised through the National Referral Mechanism, where the SAPC is given a leading role, complemented by the Social Assistance Directorates and the Ministry of Interior.** In this respect, the existence of a special Co-ordination Mechanism is to be regarded as a positive development despite the fact that the LCHT does not provide for a formalised process of identification of victims of THB as such.

In **Hungary**, at present, the task of identification is mainly carried out by National Crisis-Management and Information Helpline under the direction of the Ministry of National Resources. The national crisis management hotline filters the victims of THB, and then takes the first steps to protect victims from additional misery. According to the Hungarian National Strategy against trafficking in human beings, a large spectrum of practitioners may identify trafficked persons ranging from the police through national coordinator, local governments, social services, asylum and aliens bodies, and NGOs. After identification the victims of THB are to be directed to the appointed contact person, who shall make steps to manage their future life. It is essential that non-governmental organisations are included in the system that can be reached immediately and can act promptly. It should also be noted that the SWOT analysis conducted by the National Strategy against THB acknowledged that the lack of

⁴⁴ When the child is a foreign citizen, has double or no citizenship or benefits from special protection under the Law on Asylum and Refugees, the Co-ordination Mechanism is applied, adapted for each particular case, and notifications are given to the State Agency for Refugees and the Migration Directorate of the Ministry of Interior, which gives residence permits, as well as to the National Anti-Trafficking Commission.

⁴⁵ It was approved by the National Anti-Trafficking Commission in November 2010 and is to be submitted for the Council of Ministers for adoption.

efficiency with regard to the identification of victims is a key failing within the Hungarian anti-trafficking system. The Hungarian system for the identification of trafficked persons, and in particular trafficked children, is in sharp contrast to the measures and policies in place in Bulgaria. However, Hungary is undergoing a significant change with respect to the antitrafficking measures and policies, which may bring a much comprehensive and effective practices of identification of VoTs.⁴⁶

In **Slovakia**, according to statistical information provided by the authorities of the Ministry of Interior (hereinafter, the MoI), all victims of THB identified in 2008 and 2009 were Slovak nationals and the numbers were quite low.⁴⁷ Given the fact that police statistics indicate high numbers of procurement/pimping cases in Slovakia, in which victims younger than 18 years of age are involved,⁴⁸ also cases of THB with children victims are being investigated, prosecuted and tried as procurement/pimping cases. So **there are shortcomings in the processes for the identification of child victims of trafficking**. At present, there are no special procedures for the referral of trafficked children to the social protection authorities. The Slovak authorities drafted a tool intended to assist social workers in identifying child victims of THB and for providing protection and assistance to them (internal standard no. IN – 068/2010: “Execution of Measures of Socio-Legal Protection of Children and Social Guardianship for the THB Victims”). However, this internal standard does not establish division of work that would have the potential of even an informal NRM. Furthermore, the National Programme to Combat THB for the years 2011-2014 elaborates on coordination activity in cases involving trafficked minors and foreigners, which is relevant to the identification of victims of THB. Recognition of victims of THB as such is essential for further protection and assistance measures, however, the status of a “victim of THB” is not defined by law. The only relevant definition is contained in Regulation No. 47 of the Minister of the Interior binding to the Ministry of Interior

of the SR. The status of being a victim of THB under the above-mentioned Regulation is given to any person who accepts to be included in the Programme of Support and Protection of Victims of Trafficking in Human Beings, implemented by the Ministry of the Interior in co-operation with NGOs on the basis of specific contracts. Victims are also informed about the possibility to enter the Programme of Witness Protection, financial compensation, and the possibility of obtaining permanent residence (if this is in the interest of the Slovak Republic). However, no examples could be given in this respect as no foreign victims have been formally identified so far. The absence of a proactive approach to the identification of foreign victims of THB creates a risk that a number of such victims remain unidentified and without any assistance. **The Slovak identification system relies heavily on self-reporting, and/or on the return of already identified national victims from abroad.** In the absence of a functioning national referral mechanism (hereinafter, the NRM) and formalised procedures for the referral of trafficked children to the social protection authorities, there are serious shortcomings in identifying and assisting child victims. The social protection authorities do not bear a prominent role in the process. The number of identified child victims of trafficking in Slovakia remains extremely low.

Neither has Sweden any regulation on the identification of potential victims of THB. Like in many other cases, it can be looked upon as an ongoing process from a possible suspicion of a crime to an eventual conviction. Staff within the Migration Board or social welfare authorities can be suspicious and contact the Police for further investigations. Police surveillance seems to be the most frequent starting point. This is related to the sexual exploitation experienced by most of the trafficked children in Sweden to date. If the child is involved in petty crime, like pick-pocketing or thefts in shops, this also can bring them into contact with the police. If the probable victim is a child, the police and many other authorities are

⁴⁶ For better identification of VoTs a new regulation was issued in 2012 on the methods of identification of a victim of trafficking that is 354/2012 (XII.13.) Govt. Decree on the Identification system of victims of human trafficking.

⁴⁷ By 30 September 2011, 10 men, 12 women and 1 child were identified.

⁴⁸ Based on disaggregated data provided by the Department for Combating Organised Crime of the Police Presidium to UNODC in 2008, the number of persons convicted between 2004 and 2007 for crimes of THB and procurement, in which the victim was below the age of 18, was more than 50 % of cases of trafficking in human beings (19 out of 34) and almost one third of cases of pimping (10 out of 32).

obliged to report on the child at risk to the local social welfare authority, according to the Social Service Act Chapter 14 Section 1. The leader of the preliminary investigation, always a prosecutor in these serious cases, is the only one who can apply for a temporary residence permit for a foreign child. As mentioned above, **Sweden has neither a fixed procedure nor named institutions with the competence to undertake identifications.** Different legislations have different norms for the respective cases. Under the Aliens Act, a specific right to a temporary residence permit can be given to victims of trafficking. According to this Act, the prosecutor may apply for a temporary residence permit for the injured party in trafficking. According to the law, the permit is depending on the co-operation of the injured party with the law enforcement authorities as well as on the promise of no further contacts with the suspected perpetrators, Chapter 5 Section 15. Assistance and protection are given to the victim of trafficking by following the general legislation.

Sweden adopts criminal justice approach to identification of trafficked persons mainly in sexual exploitation/petty crime and begging. There are currently no regulations on the identification of child victims of trafficking. Generally speaking, when a child is caught by the police while carrying out illegal activities, the Police are obliged to contact the local social welfare authorities, who may/may not identify a child as a victim of trafficking. There are no current procedures available in this area. Apart from the criminal justice procedural standing of an injured party/witness, there is no special status given to a victim of trafficking through e.g. assistance programme or similar initiatives as is the case in some other countries.

Also in **Italy**, there are no national standardised procedures for the identification of trafficked persons, nor a defined set of indicators to identify cases of trafficking in human beings. In general, organisations running under Article 13 and 18 as well as law enforcement agencies are in charge of the identification process. If law enforcement officers identify a trafficked person, they will refer him/her to organisations running the above-mentioned programmes. If the trafficked person is first identified by NGOs, the latter will contact the law enforcement agencies and offer the victim the chance to join the protection programme. Civil society, friends, acquaintances and clients of the

victim, as well as the National Hotline (Numero Verde Anti-Tratta) constitute important channels of the agencies' and police forces' outreach efforts.

In Italy, the procedures followed for the identification and support of child victims varies considerably throughout the national territory. In fact, agreements establishing identification and referral mechanisms are based locally. The agreements aim at creating a local network of various stakeholders including: the police force, public prosecutor offices, juvenile courts, health services, NGOs and other relevant actors. Some of these agreements are effective as they include standard operating procedures to identify and refer trafficked persons while others are more general and may prove less effective. Thus, by the means of protocols and memoranda of understanding, law enforcement agencies, NGOs and the judiciary (the Public Prosecutor in the Juvenile Courts) define their mandate and rules of cooperation. The anti-trafficking system has been in place since 1998, which has allowed for the consolidation of practices as well as local networks, thanks to coordination efforts being repeated many times and becoming institutionalised.

In general, after the first interview an investigation on the victim's family is carried out if the victim lacks documentation. Victims of trafficking are placed in emergency shelters for a short first stay period. A further step, after being referred to first reception centres, is constituted by in-depth interviews gathering information on the story of the victim, assessing the willingness to receive assistance and informing the victim of the measures of protection available. Finally, after receiving the authorisation of the Judicial Authority (the Juvenile Court for Children), the programme of assistance and integration, specifically for victims of trafficking, is implemented. The status of a victim of trafficking is granted to any person who accepts to be included in the programmes pursuant to Art. 13 and 18.

The so-called Protocol of Teramo, an initiative of its own, governs the roles of the key players involved and defines the operational procedures of cooperation between police forces, the judiciary, public figures and several civil society organisations. The Court of Teramo, in collaboration with the On the Road Association, engaged in the development and implementation of a set of "Guidelines for the approach to potential victims of trafficking in human

beings and exploitation, as well as facilitation of illegal immigration".⁴⁹ Although the Protocol may be regarded as a referral system of purely local significance, it can be listed among examples of good practices in the field of multi-agency approach and awareness-raising.

In addition, the Department of Equal Opportunities (hereinafter, the DPO) in collaboration with the ICMPD has drawn up "Guidelines for the Development of a Transnational Referral Mechanism for Trafficked persons in Europe" in order to contribute to a more effective and sustainable national and EU wide anti-trafficking response by developing mechanisms for comprehensive victim assistance through Standard Operating Procedures. However, the lack of a National Plan and of a National Referral Mechanism impedes the widespread use of standard procedures drafted along these lines in Italy. As a result, on the one hand Italy remains devoid of clear and homogenous identification and referral mechanisms, and on the other, the human capital for the assistance of children is inadequate since the projects do not have a specific focus on children, nor do professionals possess the specific skills necessary for the care of children. Therefore, the complexity of recognising a child victim of trafficking is evident. There is a lack of adequate legal protection for these children; and the phenomenon under investigation is underestimated. Leaving aside the specific vulnerability of children victims of trafficking, a crucial component of their identification process pertains to the assessment of their age, especially when they are undocumented.

In Austria, identification of (child) victims of THB is not limited to the police, as service providers such as the NGO "Lefö-IBF" (which specialised in dealing with female victims of trafficking, including girls of age 16 or above) or the Vienna municipality institution "Drehscheibe" (which deals with unaccompanied children, including child trafficking victims) may identify victims (e.g. through self-reporting to those organisations). However, similar to Sweden, in practice, most of the victims and children in particular, are first identified by the police.⁵⁰ This is

related to the forms of exploitation experienced by those children. In several cases these children were below the age of 14, which is the age of criminal responsibility in Austria. Consequently, at least in Vienna, police usually refers those children to the "Drehscheibe" institution for further care. However, there is a clear need for more intensive identification efforts in other areas of potential exploitation of children, such as prostitution, domestic service (e.g. in family businesses/restaurants) or other areas of labour exploitation. Furthermore, there are discussions about improving access for institutions such as Lefö-IBF to the main reception centre for asylum seekers arriving in Austria, located in Traiskirchen (Lower Austria). As explained in the Austrian report, a general challenge rests with the youth welfare authorities, which has overall responsibility for all children living in Austria, irrespective of their nationality, to intervene and provide services in cases of threats to the best interests of the child. The Taskforce Working Group on Child Trafficking has consistently raised this issue with youth welfare authorities of the *Länder*, but unfortunately, not all of them actively participate in that Working Group.⁵¹ Inconsistent approaches and policies create obstacles to the comprehensive identification of trafficked children; similarly, there is a strong need for the further training of social service personnel on THB, identification and referral. ECPAT Austria, for instance, has embarked on a training programme offered in several of the *Länder* in 2011. As stated above, there is no fixed list of institutions with competency for identification; and apart from this, the identification of child victims of trafficking in human beings depends on the relevant legislation applicable in the respective cases.

As discussed above in greater detail, the Italian system on identification, despite being based locally, serves as an example of a very well designed referral framework to identify and assist trafficked children. Over the years of its existence it has evolved, and has the potential to improve upon its weaker elements so as to make identification and assistance more homogeneous throughout the whole country. This is a similar

⁴⁹ "Procura di Teramo". Accessed January, 2013. <<http://www.procura.teramo.it/news.aspx?id=1132>>.

⁵⁰ See ECPAT Austria (ed), 'Alternative Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography' (April 2008) 30.

⁵¹ See the critical remarks regarding lack of cooperation and coordination among the *Länder* in Council of Europe, Group of Experts on Action Against THB, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Austria, Strasbourg, 15 September 2011, First evaluation round, GRETA2011(10), par 145.

to the Austrian system, in which Länder bears a substantial part of the responsibility. As for Sweden, it may have the potential to move away from a criminal justice based approach to the identification of trafficked children, and move towards the identification of trafficked children based on policies linked to migration and asylum.

2.4.2. Assistance, protection, medical care

A broad range of measures to ensure assistance, protection and care are in place in the countries under discussion. One of the common characteristics in all countries is that all of them have in place different regulations for reflection (reflection period), permission to stay in the country, and provide a variety of services more or less accessible at different stages of the assistance to (child) victim of trafficking, which are often directly linked to the status of the child in immigration, criminal proceedings and similar.

In Bulgaria, the LCHT legislates that, after having identified victims of THB, pre-trial authorities should immediately inform them about the possibility of getting special protection, if they, within a one-month reflection period, declare their consent to cooperate with authorities in prosecuting those who committed the crime (Art. 26, par. 1, LCHT). The special protection, provided for up until the end of the criminal proceedings, includes providing a long-term residence permit for foreign citizens and prolongation of their stay in shelters (Art. 25, LCHT). Pursuant to the National Referral Mechanism (p. 54), all trafficking victims are entitled to support during their reflection period. The (child) victim should be aware of the benefits of cooperating (special protection), of his/her right to obtain free legal aid, of the functions of the pre-trial authorities and his/her rights during criminal proceedings, and of his/her right to financial compensation.

The long-term residence permit, as part of the special protection status, is issued pursuant to the Law on Foreigners in the Republic of Bulgaria for up to 1 year or until the end of the criminal proceedings by the authorities of the Ministry of Interior (Art. 28, par. 1, LCHT). No permit is issued to persons who have no identity documents and refuse cooperation in the establishment of their identity (Art. 28, par. 3, LCHT). The stay in the shelter is prolonged in accordance with the term of the special protection, but cannot exceed the term for completing criminal proceedings (Art. 29, LCHT). The special protection under the LCHT carries no prejudice to the witness protection under the CPC (Art. 31, LCHT). In cases of non-cooperation with police/courts, the regulation of the stay of children victims, who are not EU citizens, will most likely fall, on national legislative level, under the provisions of the Law on Foreigners and the Law on Asylum and Refugees, combined with the protection under the LPC.

Centres for protection and assistance to THB victims are created with the local anti-trafficking commissions (Art. 11, par. 1, LCHT). They provide: information about administrative and judicial procedures, regulating the assistance and protection of THB victims, in a language understandable to them; specialised psychological and medical aid; assistance to reintegrating the victim into family and social environment (Art. 11, par. 2, LCHT). Each person is given a medical examination and medical aid or referral to a hospital is made when necessary (Art. 26). **In practice, children victims have been placed, since 2006, in Crisis Centres within the framework of social assistance legislation.** Children victims of trafficking in particular are most often placed in Crisis Centres for children,⁵² which are *social services of residential type* under the Regulation on the Implementation of the Law on Social Assistance,⁵³ where children victims of trafficking, but also of violence and other types of exploitation, are placed.⁵⁴ Researchers allege that, in practice,

⁵² Under the National Referral Mechanism, placement into a Crisis Centre is considered part of the crisis intervention (p. 46), which is urgent psychological and social aid, directed towards the victim's imminent needs in order to protect and support the victim and to prevent more serious trauma. As of September 2011, there are eleven Crisis Centres for children in Bulgaria with a capacity for 119 children. The annual budgetary allowance per one place in a Crisis Centre is BGN 7210 (appr. 3605 Euro). Source: letter of the Social Assistance Agency to the Center for the Study of Democracy dated 15 November 2011.

⁵³ Art. 36, par. 2, item 7c of the Regulation, adopted by Decree of the Council of Ministers № 243 of 5 November 1998, promulgated in SG, issue 133 of 11 November 1998, in force 1 November 1998, last amendments SG issue 63 of 16 August 2011, available at <<http://lex.bg/bg/laws/ldoc/-13038592>> (in Bulgarian only, accessed in November 2011). The normative framework, including also a regulation on social services for children, covers all social services of residential type and is not specific for the Crisis Centres.

⁵⁴ Notably, there are also children in the Crisis Centres, having committed *anti-social acts*, e.g. prostitution, mostly as a result of violence, exerted towards them, who may nevertheless interact badly with other child victims of violence (Gerginova & Petrov, 2011, p. 15-16).

placements are most often dependent on the subjective risk assessment by the placing authority and not on objective criteria (Gerginova & Petrov, 2011: 14). Also, Social Assistance Directorates are not obliged to place children in Centres closest to their current address and even place them in the furthest ones in order to sever them from their unfavourable environment, mostly without their consent and even against their/their parents'/guardians' will (Gerginova & Petrov, 2011: 17).

Each child is provided with an individual crisis plan, containing the most urgent actions to be undertaken, a programme to help him/her reintegrate into society and a social worker, leading the efforts on his/her case. Teams of psychologists, teaching specialists, a representative from the Local Commission on Combating Anti-Social Acts of Minors and Underage Persons and a police officer work with the children and also involve their families, unless that would be detrimental to the child's recovery and reintegration. According to anti-trafficking practitioners, there has not been a case so far in Bulgaria where parents who have trafficked or exploited their child have had their parental rights taken away. In fact, often after 6 months in the Crisis Centre children have been returned to their family environment and their exploitation has continued. For all out-of-family placements, within one month of the order for temporary administrative placement (Art. 27, LPC),⁵⁵ the Social Assistance Directorate makes a motion to the Regional Court for judicial placement of the child (Art. 28, LPC). This term and the necessity of applying for judicial placement are not always complied with in practice (Gerginova & Petrov, 2011: 18). **In fact, in a very recent judgment⁵⁶ the ECHR concluded that a girl's placement in a Crisis Centre for almost nine months without any judicial intervention combined with the closed regime of such Centre, amounted to deprivation of liberty and was done in violation of Article 5 of the ECHR.**

Under Bulgaria's legislation, children victims of trafficking are provided with education in state or municipality-run schools under the Law on People's

Education (Art. 23, LCHT). According to the Co-ordination Mechanism, Crisis Centres are supposed to assess the educational level of the child and take measures to provide the child with a certificate for completed education, while also creating conditions for meeting the child's future educational needs.

It can be summarised that in Bulgaria children are taken care of under the LPC and Centres for protection and assistance to THB victims under the LCHT regime. The non-existence of shelters for trafficked children and the lack of objective criteria in placing them in Crisis centres constitute a problem with regards to the assistance to VoTs. As reported in the Bulgarian country report, such placements may even constitute a violation of Article 5 of the ECHR, which is a rather serious allegation. The fact that there has not been a case so far in Bulgaria where parents who have trafficked or exploited their children have had their parental rights taken away also gives cause for concern.

Trafficked children, as well as unaccompanied minors and refugee children, in **Hungary** are formally entitled to free access to adequate healthcare – including mental healthcare – irrespective of their legal status. Regarding existing capacity, the recent report of the Hungarian Ombudsman highlights that the number of pediatric psychologists/psychiatrists is seriously insufficient for coping even with the existing general population's need. Currently, only the Cordelia foundation provides free specialised psychiatric treatment, psychosocial rehabilitation and reintegration service for children and adult VoTs, with the assistance of specially trained interpreters in their native language. Besides this trafficked children are also entitled to free board and lodging, social allowance and free education.⁵⁷

In **Slovakia**, there is currently no formalised best interest determination process, which directly involves the trafficked child concerned (being a national or a foreign child), for the identification of appropriate interim care and of durable solutions, including risk and security assessments prior to a possible return

⁵⁵ Administrative orders can be appealed pursuant to the Administrative Procedure Code.

⁵⁶ *Affaire A. et autres c. Bulgarie* (Requête N° 51776/08), Arrêt, Strasbourg. Accessed December, 2011.

⁵⁷ From July 2012 this assistance and services are immediately available because of the Humanitarian Card, which VoTs and others receive when their legal procedure on their status is starting and after their legal status is arranged, together with the residence permission they receive a social security card for free health care.

of the child to the country of origin, as reported above, apart from the general provisions on the socio-legal protection and the social guardianship of children and the mentioned general Program for Assistance and Protection of Victims of THB. **A formalised NRM in respect of children still needs to be set up.** As far as provisions on the reflection period are concerned, according to Slovak authorities, the provision equivalent to a recovery and reflection period is contained in Article 43(7) of the Act on the Residence of Foreigners. According to Slovak authorities, 38 victims of THB were granted a recovery and reflection period in 2008 and 20 in 2009.⁵⁸ However, this information is inconsistent with the fact that no foreign victims have been identified in the Slovak Republic. As clarified by the Slovak authorities, the permit for tolerated residence applies to all foreigners illegally present in Slovakia to ensure that their presence is made legal in cases specified by law, and not only in the cases involving victims of THB. Therefore, the previously mentioned figures in fact refer to all foreigners who have received such a permit, none of them having been a victim of THB.⁵⁹ The recovery and reflection period within the meaning of the CoE Convention differs significantly from the permit for tolerated residence provided for under Slovak law. The effect of the permit for tolerated residence is limited to legalising the stay of the person on Slovak territory, without entitling that person to any assistance and protection measures. This permit for tolerated residence is only issued to aliens who are illegally present.⁶⁰ Finally, the permit for tolerated residence is considered by the Slovak authorities as corresponding both to a recovery and reflection period and a residence permit for victims of THB. Assistance and protection measures under Slovak regulations may only be provided once a potential victim accepts to be included in the Programme of Support and Protection of Victims of THB (i.e. is formally identified – in case of children, either

parent or social services/legal guardian of a child would make such a decision for the child), which leads to the conclusion that before taking such a decision, potential victims of THB shall not have access to any assistance and protection measures, to which they are entitled to by virtue of Article 13 of the CoE Convention.

Slovak legislation guarantees the right to health care “equally to everyone in line with the principle of equal treatment” and explicitly prohibits discrimination on the basis of “sex, (...), skin colour, (...), national or social origin.”⁶¹ All children in the Slovak republic should have access to health care on the same footing as Slovak children before reaching the age of 18 guaranteed by the law. Medical expenses for unaccompanied minors and children who are asylum seekers are covered by the state. Medical expenses for persons under the Program to Protect and Assist VoTs are covered by the Program, both for adults and children. Nevertheless, at present, there are no legal/administrative provisions regulating immediate access to comprehensive health care packages for trafficked children, including mental health care aimed at enabling their recovery from their traumatic experiences. Care is not “trauma – informed”⁶² and there are no formalised procedures on informed consent in providing health care to trafficked children including best interest of the child determination.

Similarly to the right to health care, Slovak legislation guarantees the right to education “equally to everyone in line with the principle of equal treatment” and explicitly prohibits discrimination on the basis of “sex, (...), skin colour, (...), national or social origin”. All children in the Slovak republic have the right to education on the same footing as Slovak children. NGOs assisting with the return of trafficked Slovak children also arrange for them to have access to education in line with the requirements of the

⁵⁸ Council of Europe, Group of Experts on Action Against THB, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic, Strasbourg, 19 September 2011, First evaluation round, GRETA2011(9), par 106.

⁵⁹ Council of Europe, Group of Experts on Action Against THB, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic, Strasbourg, 19 September 2011, First evaluation round, GRETA2011(9), par 106.

⁶⁰ Act on the Residence of Foreigners, also see See the Explanatory Report on the CoE Convention, at paragraphs 172 and 173.

⁶¹ Act No. 576/2004 Coll. on Health Care and Related Services, as amended; art. 11.

⁶² Trauma-informed care involves recognising the impact of traumatic experiences (specifically, a range of violence that may include abuse prior to the actual trafficking experience), on an individual’s life and behaviour, and on their perceptions of themselves and their bodies; Harris, M. and R.D. Fallot, “*Envisioning a trauma-informed service system: a vital paradigm shift*”, *New Directions for Mental Health Services*, vol. 89, Spring 2001, pp. 3-22.

Mol Programme to Protect and Assist Victims of Trafficking (though not being child specific), when designing their individual reintegration plans. The same would hold for unaccompanied children who are also VoTs. Still, unaccompanied children with tolerated residence face numerous difficulties in accessing mainly secondary school education, due to the language barrier and missing documents on the level of education reached in their home countries, leading to reluctance by school directors to enrol these children at school. **There is currently no strategic binding document on ensuring equal access to education for unaccompanied minors, asylum seeking children or children of migrants/refugees, nor child victims of trafficking. As described, in Slovakia, most measures are provided for formally "on paper", but the practise varies considerably. It is not possible to report on foreign victims of trafficking since to date none have been identified and assisted within the country.**

In **Sweden**, for a foreign unaccompanied child (including a child victim of THB), a trustee shall be appointed. The Social Welfare Act is relevant for that child as well as a child who is a national. This means responsibility to intervene for any child at risk. The Swedish Alien Act was reformed in order to be in line with the EU directive 2004/81. According to Chapter 5 Section 15 it is possible for foreign victims of trafficking to have a special reflection period of 30 days with the right to a temporary residence permit. A longer but still temporary residence permit, for at least six months, is possible if the victim has clearly demonstrated a willingness to cooperate with the investigating authorities, and has severed all relations with the persons who are suspected of committing the crimes to which the investigation relates to. An additional condition is that this is needed for the primary investigations or main hearing in the criminal case. The number of children given temporary residence permits because of preliminary investigation or main hearing in a criminal case was one in 2008 and that child had a custodian as well, two in 2009 and then one of them had a custodian, and five during 2010. Administrative detention is in principle forbidden for all children. In addition a child can be in administrative detention together with a custodian and an unaccompanied child can be in detention pending deportation. In both cases, the detention shall be at most 72 hours, or in exceptional

circumstances for an additional 72 hours, Aliens Act (2005:716) Chapter 10 Sections 2, 3 and 5. Swedish legislation does not include any formalised assessment. The general legal norms have to be combined by the authorities involved. For a Swedish child these authorities include the local social welfare authorities and the police, and for a foreign child these include the aforementioned as well as the Migration Board. The County Administrative Board of Stockholm, together with the National Team for Methodological Support against Prostitution and Trafficking (NMT), published in 2011 National Guidelines on work against prostitution and trafficking for sexual purposes. These guidelines are supplemented with aspects focusing on children and on victims of forms of exploitation other than sexual exploitation. Children who are not registered as residents in Sweden are normally not covered by the right to education. However, some other categories of children have the right to education. Among these groups are asylum seeking children and children staying in Sweden with the support of a temporary residence permit for participation in the primary investigation or the main hearing during criminal cases, Education Act (2010:800) Chapter 7 Section 2 paragraph 3 and Chapter 29 Section 2. The County councils in Sweden have a primary obligation to provide health care and dental care to those who reside within the county. Victims with temporary residence permits have the right to medical and dental care to the same extent as persons who reside within the county, Law (2008:344) on health care for asylum seekers, section 5. **In Sweden, assistance is very much linked to some form of residency status. A child victim of trafficking is not primarily a child victim of trafficking but is assisted within the separate systems depending on his/her status as an irregular migrant, asylum claimant, refugee, victim of crime, or similar.**

In **Italy**, the situation is different. Article 18 of the Legislative Decree 286/98 recognises the possibility that the Police Chief (questore) issues a special permit for the protection of foreign victims of violence and exploitation to enable them to escape from the constraints of the criminal organisation. These measures constitute an exception from the norms regulating the entry and stay of foreigners introduced by the same Consolidated Act on Immigration. A formal recovery and reflection period, pursuant to Article 13 of the CoE Convention, is

not required by the Italian law. The lack of a formal reflection period is due to the fact that the legal standards that have introduced the system of anti-trafficking safeguards are subsequent to Italian legislation; in fact, an informal reflection period is always granted. The residence permit for social/humanitarian protection, according to paragraph 4 of Article 18, has duration of six months and may be renewed for one year, or for the longer period needed for reasons of justice. However, the permit can be revoked should the assistance programme, devised by the aid agencies, be interrupted or in cases where there is conduct incompatible with the purpose of the permit. Paragraph 5, after having set out the rights granted to the holders of this type of temporary residence permit, including access to social services, education, and employment, states that the permit may, at its expiry, be converted into a residence permit for study or work. Law 189 of 30 July 2002, "Amendment to the legislation on immigration and asylum", requires that two concomitant conditions be met for converting the temporary permit into a permanent one when reaching the majority age, namely:

- the minor has attended an integration programme for at least two years
- the minor can prove that he/she has been on Italian territory for at least three years

The difficulty of being in possession of these requirements leads the child to escape the attention of Italian authorities, with increases their risk of being (re)-trafficked.

A series of safeguards have been put in place in Italy, whereby minors are entitled to access: education, the National Health Service and employment. With the 1998 immigration law, Italy made progress in making healthcare services accessible to all immigrants. Contact through healthcare is widely considered to be the best way to get in touch with victims of trafficking. By contrast, foreign children lacking a residence permit are only entitled to limited health assistance, such as access to day hospitals and urgent or essential medical treatment,⁶³ such treatments being covered by public funds. However, care is not strictly speaking, "trauma – informed"

inasmuch as aid agencies lack psychologists for children and the only way to access mental health care is via the public system for which long and exhausting waiting periods are to be expected.

The Prime Ministerial Decree n. 525/1999, in conjunction with Article 343 of the Civil Code, provides for the appointment of a legal guardian for every unaccompanied minor, thus including victims of trafficking. The legal guardian is usually a social worker who is often in charge of a significant number of children. Another aspect relating to the protection of the child is the prohibition of expulsion and detention. Expulsion is only admitted when the minor poses a danger to public order and state security or in order to follow or be reunited with his/her family.

In **Austria**, youth welfare and social services for children are basically a competence of the *Länder*; this already creates obstacles for ensuring consistent approaches throughout the country in many areas (e.g. youth protection laws, social assistance); it is further complicated by the differing levels of attention being paid to victims of child trafficking by the *Länder*. Therefore, for instance, no consistent practice has been established as far as the appointment of legal guardians is concerned. Adding to this is the challenge of coordinating approaches in light of the asylum procedure. No general policy has been established under the *Länder* as to at which moment legal guardians are to be appointed.⁶⁴ As it is likely that there are trafficking victims among children seeking asylum, this lack of state */Länder/* policy on the consistent appointment of legal guardians (with a comprehensive mandate to provide legal representation, but also assistance and care) for all unaccompanied children, be it asylum-seeking or trafficked children, constitutes a serious deficit in the adequate protection of children's rights.⁶⁵

A generally controversial issue relates to the age assessment of children without proper documentation. In such cases, alien's police regularly refer them to medical assessments through x-ray screenings, despite scientifically well-documented limitations of such methods. The Law declares that in cases

⁶³ Law No. 286/98; art. 35 (3).

⁶⁴ See also National Coalition for the Implementation of the CRC in Austria, Supplementary Report 2011, p. 44.

⁶⁵ See Austrian Task Force on Combating Human Trafficking, *Report on the Working Group on Child Trafficking* (2008), p. 6.

where there is doubt about the age of the child, minority age has to be assumed.⁶⁶ **There is no explicit legislation on a specific reflection period.** However, the Ministry of the Interior has issued an internal decree⁶⁷ granting such right for 30 days;⁶⁸ within this period deportation of the victim is not allowed; police officers should be regularly informed about this decree. In the case of children, the practice of the “Drehscheibe” institution in Vienna has shown that children usually spend only a short time in that centre, and that they are returned to their country of origin as soon as possible, while ensuring safe return.⁶⁹ In Italy, on the other hand, the majority of assisted child victims of trafficking are integrated within the country. This is due to a humanitarian grounds regime on residency for trafficked persons.

As stated above, sect. 69a of the Austrian Settlement and Residence Act grants the right of victims of trafficking to apply for a “special protection” residence permit. Although by law this status is linked to legal proceedings, in practice, questioning of the victim at least, has not been mandatory.⁷⁰ There is no prohibition of detention pending deportation for children between 14 and 18.⁷¹ The Child’s Rights Coalition Report refers to data from the Ministry of the Interior which showed 146 children in detention pending deportation in 2009, and 172 children in 2010.⁷² Due to a lack of sufficient identification during the asylum procedure, the numbers of trafficked children in detention pending deportation remain unclear. There is no formalised best interest comprehensive assessment foreseen by law as yet; in practice it is left to the service providers to decide on the measures and to undertake risk assessments. As stated above, under school legislation, every child residing in Austria is granted access to education. In

practice, this can be ensured basically for the period of mandatory schooling (up to 15 years) only, but not for higher secondary education.⁷³

Regarding protection of identity and privacy of the victim, general fundamental rights standards, including data protection, are relevant; their application in the trafficking context however remains ambiguous.⁷⁴ Generally, only emergency medical treatment is guaranteed to trafficking victims until a “special protection status” residence permit has been issued.⁷⁵ As a comprehensive national referral mechanism for trafficked children has not yet been established in Austria, access to health care and psychological assistance depends strongly on the respective policies of the *Länder*; the Basic Welfare Act (*Grundversorgungsgesetz*) provides for general basic social services for groups like asylum-seekers, but may also apply to victims of trafficking. In the context of children however, the youth welfare authorities themselves may also offer such services to trafficked children. Regarding informed consent of children, as a general legal rule, informed consent from children above the age of 14 is mandatory for any medical treatment. As stated above, in the context of age assessments, these rules are not fully respected in practice (e.g. insufficient information in a language spoken by the young persons).⁷⁶

To summarise, the countries under the current research vary significantly in the forms, procedures and tools they use for securing the assistance of the victims of trafficking. Mostly they lack clear structures and schemes for support and protection of these victims. Bulgaria seems to be a potential example of a structured system of assistance, however, the practice has not been officially and properly evaluated. The other

⁶⁶ See, for instance, sect. 15 (1) 6 of the Asylum Act.

⁶⁷ Ministry of Interior, internal decree BMI-FW1700/0090-III/4/05 (unpublished).

⁶⁸ See also the Explanatory Notes 1565 d.B. XXII. GP 14 (government bill regarding the Council of Europe Convention on Action against Trafficking in Human Beings).

⁶⁹ Austrian Task Force on Combating Human Trafficking, *Report by the Working Group on Child Trafficking* (2008), p. 24.

⁷⁰ See Lefö, Annual Report 2009, 2010, p. 39.

⁷¹ See also Human Rights Advisory Board, Bericht Minderjährige im fremdenrechtlichen Verfahren, 2011.

⁷² National Coalition for the Implementation of the CRC in Austria, Supplementary Report 2011, p. 45.

⁷³ Nonchev, A. – Tagarov, N. Integrating refugee and asylum-seeking children in the educational systems of EU member states – Country Report Austria; Bulgaria: CSD 2011, p. 77 – 107.

⁷⁴ See questions posed in Austrian Task Force on Combating Human Trafficking, *Report by the Working Group on Child Trafficking* (2008), p. 23.

⁷⁵ See also, Austrian Task Force on Combating Human Trafficking, *First Austrian Report on Combating Human Trafficking, 2009*, p. 15.

⁷⁶ Human Rights Advisory Board, Bericht Minderjährige im fremdenrechtlichen Verfahren, 2011.

countries, especially Italy and Austria show signs of having locally organised and complex services that need to be formalised and properly adjusted to the various conditions.

2.4.3. Compensation

In **Bulgaria**, under the Law on Assistance and Financial Compensation of Victims of Crime (hereinafter, the LAFCVC), one-time (Art. 8, par. 3) financial compensation is provided to victims of crimes, having sustained property or material damage. In cases involving children victims, financial compensation will be directed towards their parents or guardians. Financial compensation is provided after the entry into force of: the guilty sentence, even when the case was heard in the absence of the defendant; the act, terminating the criminal proceedings or suspending them due to non-discovery of the offender (Art. 12, LAFCVC). Financial compensation is not provided, if, *inter alia*, the victim has received other compensation. The information about compensation is an obligatory component of legal consultation during the reflection period. Compensation can also be obtained via a civil claim within the judicial proceedings against the traffickers (Art. 84-88, CPC). For child victims the claim can also be submitted by the public prosecutor (Art. 51, CPC).

In Bulgaria, it seems to be **quite clear which type of compensation is actually accessible for victims.** The compensation scheme appears to be for sustained material damage, but not psychological trauma or similar. Payment of compensation to child victim's parents (guardians) also seems problematic, if they were involved in the trafficking. According to the GRETA Report,⁷⁷ there has been no compensation granted to victims of trafficking to date.⁷⁸

In **Hungary**, according to the available information, Act CXXXV of 2005 on Crime Victim Support and State Compensation contains the relevant provisions concerning the compensation of the children victims

of THB. According to this Act, the needy natural person who has been victimised by a violent deliberate crime – as well as the children victims of THB – shall receive compensation as defined in the Act. It therefore appears that health damage as a result of a violent crime is the reason for compensation to victims of trafficking, similar to Slovakia, probably as a result of transposition of the Council Directive 2004/80/EC of 29 April 2004. This is a general scheme for all victims of violent crimes. Such schemes are not suited for victims of trafficking as the provision of evidence on the use of violence are irrelevant in a great number of trafficking cases with subtle forms of violence and no direct physical damage.

In **Slovakia**, there is a legal framework for two types of compensation, first is born by the perpetrator and is provided for within the civil law proceedings and the second one might be born under specific circumstances by the Slovak republic. According to the Act on Criminal Procedure and its Article 46 stipulating the position and rights of a damaged person, such a person is entitled to compensation for the damage caused by the criminal offence. There has to be a relation between the damage and the offence. The damaged person is not entitled to compensation automatically, but has to claim for it within a certain specific time period and receives the entitlement upon the conviction of the perpetrator. **No trafficked person has so far received compensation under this scheme.**

Another possibility for compensation was stipulated in a separate legal act adopted in 2006, the Act on compensation of persons injured by violent criminal acts. This legal norm was adopted as a result of the transposition of the Council directive 2004/80/EC of 29 April 2004 relating to the compensation of crime victims. However, this Act deals only with the health damage suffered as a result of the crime and not with the psychological trauma or other aspects of damage, similar to the compensation norms of the other countries discussed above.⁷⁹ Moreover, this

⁷⁷ Council of Europe, Group of Experts on Action Against THB, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria, Strasbourg, 14 December 2011, First evaluation round, GRETA2011(19), par 188.

⁷⁸ The Report came out on 14 December 2011. For 2011, this is confirmed also by the Report of the National Anti-Trafficking Commission – Report of the National Anti-Trafficking Commission for 2011. Accessed August, 2012. <http://antitraffic.government.bg/bg/nacionalno-dokladi/nacionalen-doklad-2011> (in Bulgarian only), p. 13.

⁷⁹ According to this act an injured person is a person who has suffered damage to their health due to a criminal act, as well as surviving spouse or surviving child, and if they are not, then a surviving parent of a person who died due to the criminal act.

Act is applicable only in cases when the injured/damaged person is a citizen of the Slovak republic or another member state, or stateless person with a permanent resident permit in Slovakia or other member country.⁸⁰ The requirement of a residence permit or citizenship excludes both adult and child third-country nationals who have been smuggled and/or trafficked to Slovakia or are in Slovakia illegally. The compensation for damage suffered as a result of the criminal offence is available to victims and damaged persons but is also limited by specific time frames as well as specific groups of entitled persons. **There is no special legal framework for the compensation of child victims and as yet no compensation has been paid to child victims of THB.**

In Sweden, rights to compensation are notably different in comparison to the other countries under analysis, and **victims of trafficking have actually received compensation.** As a part of the Government's Action plan against prostitution and trafficking for sexual purposes, the Crime Victim Compensation and Support Authority was asked to investigate how the payment of criminal injury compensation to victims of human trafficking could be secured.⁸¹ The Crime Victim Compensation and Support Authority of Sweden presided over thirty applications concerning trafficking or other crimes similar to trafficking. It reported that compensation was awarded to victims of trafficking for sexual exploitation in Sweden in all cases but one. A complementary study of the applications on crime victim compensation between 2008 and 2010 concerning THB or procuring showed that no child was among the applicants. **Sweden is the only country under analysis that has shown clear political commitment to tackle the problem of compensation to trafficked persons**, and it is also the only country under analysis which has granted compensation under their scheme.

The compensation primarily covers violation of personal integrity and personal injuries along similar norms as the Liability for Damages Act (1972:207). The right to compensation for violation of personal

integrity applies if the crime is considered to be a serious violation of personal integrity, private life or human dignity. Personal injuries can include compensation for both psychological and physical injuries arising from the crime, like expenses for medical treatment, counselling and other costs related to the injury and for pain and suffering, for example painful or unpleasant experiences during the period of illness. The crime must always have been reported to the police. If the suspect has been identified, a conviction is required in principle. An application on compensation must in general be submitted to the Crime Victim Compensation and Support Authority no later than two years after the conclusion of legal proceedings. In some cases, however, an application may be reviewed even if it was received later. This exception is intended primarily for children who were not helped to look after their rights to compensation. In practice this opens the possibility for a child victim to apply for crime victim compensation after the age of majority.

In **Italy**, EU legislation on preventing and combating trafficking in human beings is only partially implemented. In fact, the most recent directive 2011/36, which underscores the need for the judiciary to use the tools of attachment to fund the assistance and protection of victims, including their compensation, has not yet been implemented. The European Council Directive 2004/80 on compensating victims of crime was, instead, transposed by Legislative Decree 204/2007. The Directive stressed the need for victims of trafficking to be legally assisted for the purpose of claiming compensation. Nevertheless, the right to obtain compensation is difficult to enforce.⁸² The main difficulty lies in the fact that no special economic compensation programme for victims of trafficking is in place in Italy. It is, however, possible for victims to undertake civil action for damages as a civil party against the trafficker in the criminal court. It must be highlighted that offenders wittingly hide their profits outside of Italy thus impeding compensation.

In **Austria**, compensation may be sought from both the trafficker (through criminal or civil court

⁸⁰ Act No. 215/2006 on Compensation of Persons Injured by Violent Criminal Acts, as amended; art. 3.

⁸¹ Holm – Fanny: *Payment of criminal injuries compensation to victims of human trafficking* – report on a government commission, Umea: Crime Victim and Compensation Authority, 2010.

⁸² See more, European Action for Compensation for Trafficked Persons, 2010 – 2013. Accessed December, 2011. <http://www.compactproject.org/?main=home>

procedures) and from the State (through the Act on Victims of Crime), but also here, access to compensation remains difficult for victims of trafficking in practice. A further limitation relates to the conditions for access to compensation under the Act on Victims of Crime, in particular to the provision requiring legal stay at the time of the offence – a condition often not met by the victims due to the very nature of trafficking (often involving illegal entry into Austria). The same challenge was discussed for Slovakia.

With the exception of Sweden, countries under analysis in the present research do not have in place accessible compensation schemes for (child) victims of trafficking apart from the remote possibilities of an award of damages in civil/criminal proceedings and as victims of violent crimes.

2.4.4. Return

In **Bulgaria**, according to the NRM, return to the region/country of origin is made after all measures have been taken to ensure the safety of the victim and the continuation of reintegration. Return is carried out, if the victim wishes so; if the reflection period has expired or the special protection status has been terminated; if the long-term residence permit or the prolonged period of stay in the shelter has expired. The return should be voluntary and the (child) victim should get from his/her consultant sufficient information about his/her opportunities to remain in the region/country of destination or to return to the region/country of origin. Return is only carried out after an updated risk assessment of the factors which may hamper the victim's social inclusion. As mentioned above, the child victim's identity papers are often taken by the traffickers. If the victim is a foreign citizen, temporary documents are issued by the respective embassy or consulate (if the child is not an asylum seeker). Travel expenses can be covered by the repatriation programmes of international organisations or NGOs or specialised state or international repatriation funds. Furthermore, the lead consultant on the case identifies a receiving organisation in the region/country of origin and establishes a preliminary contact with it, all with the explicit consent of the victim. The receiving organisation is provided with information on the

child victim, his/her status and needs, as well as the risk assessment. Preliminary contact between the victim and the receiving organisation should be established, if possible, and the exact returning and reception details for the victim are arranged. In principle, the organisation should be ready to receive the victim at any time at an airport/station. Special safety precautions should be taken in view of the risk of the traffickers also waiting at the airport/station for the victim to return. In cases when the victim is a child and also a Bulgarian national, after his/her stay in the Crisis Centre (1-6 months, maximum term not always complied with in practice – Gerginova & Petrov, 2011:21), he/she is returned to his/her family environment⁸³ or placed in an institution, if the family does not have the necessary parental capacity or was involved in the trafficking.

In **Hungary**, a so called Hungarian Assisted Return and Reintegration Programme (hereinafter, the HAVRR) was operated by the IOM-Hungary in 2011. The program consists of two components: an operational return component where beneficiaries will be provided with assistance in arranging their voluntary return (obtaining travel documentation, purchasing travel tickets, departure, transit and arrival assistance) and a reintegration component, which will focus on providing returnees with assistance in finding and supporting the reintegration opportunities in their country of origin/return contributing therefore to the long term sustainability of return. The HAVRR Programme builds on previous assisted voluntary return programmes (in particular HARRP1, 2 and 3) and strives to provide the continuity and sustainability of assisted voluntary return initiatives within Hungary. **That said, AVR scheme is not a scheme designed for the return of trafficked persons. Apart from this Program, there are no schemes for victims of THB in Hungary.** The costs of the return of the foreign children from Hungary to their home countries are financed by the National THB coordination office.

All unaccompanied children in Hungary have to be placed exclusively in the child protection institutions for an interim period until a decision is made about their future placement by the Child Protection authority. If a child cannot be returned

⁸³ In practice, it is the view of researchers that overworked and underpaid social workers rarely have the capacity to work with trafficked children's families and children are often directed to institutions, especially in bigger cities (Gerginova & Petrov, 2011, p. 27).

to his/her home country he/she should stay in the child protection institute in Hungary, or may travel to a third country, where his/her family is residing. The fact that the child protection institutions are relatively open caused several escapes of children from these institutions and they might have been subject to re-trafficking or another crime. For the disappeared children both the guardian and the director of the relevant institute submit a request for a warrant to the Police office.

In **Slovakia**, as regards facilitating the return of victims of THB who are nationals or habitual residents of the Slovak Republic, once such a person has been identified as a victim of THB by the competent authorities of another country and is repatriated to the Slovak Republic, he/she may request to be included in the Program of Support and Protection of Victims of Trafficking in Human Beings. Victims of THB (including child victims) are repatriated with the assistance of the International Organisation for Migration (hereinafter, the IOM). According to the Slovak Government, the repatriation and return of foreign victims of THB would be carried out under the Act on the Residence of Foreigners and the Act on Asylum. The examination and decision making in cases concerning the return of victims of THB would fall within the competence of the Department of Alien Police. The return would be organised by the office of the IOM in Bratislava under a co-operation agreement with the Ministry of the Interior. However, it has not been possible to apply these provisions in practice as so far no foreign victims of THB have been identified.

Currently, there are no formalised procedures on durable solutions⁸⁴ following the return of trafficked Slovak children in determining his/her best interests. Similarly, there are no agreements or procedures for the safe return of foreign child victims of trafficking to their country of origin, including a risk and security assessment, as there are no formalised procedures on how trafficked child are received in Slovakia upon return (by an appointed social services workers/legal guardian/parent) and provided with appropriate services. There are

at present no clear national guidelines/directives to assist in determining how and where family reunification can be achieved for unaccompanied minors, not to mention the lack of determination of the best interest of the child or a full risk and security assessment.

In **Sweden**, in 2011, the County Administrative Board in Stockholm presented guidelines which included handling the safe return of persons exposed to prostitution or human trafficking. These guidelines were compiled by the County Administrative Board for the National Action Plan and reported to the Government in 2010 (Report 2010:03 A safer return of persons exposed to prostitution and trafficking in Sweden). The report includes an overview of a number of projects in which Sweden were involved in, a few of which focused on child victims. Based on the information described above and on interviews with key personnel within Sweden, the report from the County Administrative Board in Stockholm stresses the importance of the local social welfare authorities in handling agreements and procedures for the safe return of victims. It also calls for the systematisation of the existing knowledge in the field in order to create procedures for safe return and procedures on how Swedish professionals should act and how they should communicate and cooperate with actors in the countries of origin. The interviewed persons shared the view that the number of known child victims of trafficking in Sweden is very low. The national guidelines contain a chapter on safe return, which is based on their Report 2010:03. These guidelines also cover issues such as THB for purposes other than sexual exploitation and include special recommendations for trafficked children. The publication includes check lists and applies for scheduled data collection. No formalised procedures exist apart from the national guidelines published in 2011 by the County Administrative Board in Stockholm, as described above. An important recommendation is that the local social welfare authority in Sweden should both pay and organise the trip back, and also provide the child with good clothing and other material of importance to be used after the child's return.

⁸⁴ According to the UNHCR Guidelines on Formal Determination of the Best Interests of the Child (2006), the first principle to be observed in the decision-making process is that the best interests of the child are a primary consideration. This means that a leading agency responsible for decisions on durable solutions may not give priority to other factors which particular authorities consider crucial and want to be taken into account. Decision makers are required to weigh and balance all the relevant factors of a particular case, giving appropriate weight to the rights and obligations recognised in the CRC and other HR instruments so a comprehensive decision that best protects the child's rights can be taken.

The child however should not receive money. This means that services in the country of origin remains the responsibility of that country.

While in **Italy** the expulsion of minors is generally prohibited, **the measure of Assisted Voluntary Return is in place.** This is implemented by the Department of Civil Liberties and Immigration of the Ministry of the Interior – the authority responsible for the European Return Fund – through the cooperation of the IOM, and public and private territorial organisations. This mode of intervention has contributed to the establishment of an informal network, consolidated through the financing of the project NIRVA⁸⁵ (Italian Networking for Assisted Voluntary Return), aimed at reorganising public and private realities in a national referral system for Assisted Voluntary Return. The procedure allows victims of trafficking to be accompanied to their country of origin free of charge; to receive a sum of money to compensate them for their immediate needs; and to be supported throughout the process of reintegration in their native country. Victims of trafficking can access the service even if lacking a residence permit. The assisted voluntary return procedures are carried out in close cooperation with the IOM. In addition, the anti-trafficking IOM focal points of the victim's country of origin assess the opportunity of the return in relation to the margin of risk involved (risk assessment) and the feasibility of a durable solution. Family tracing, also performed by the IOM, is an important step in verifying the subsistence of adequate conditions for minors' return. The Committee for Minors (Comitato dei Minori), of the Ministry of Labour and the IOM have cooperated in drawing up a questionnaire on family tracing. This tool allows one to comprehend the situation of the child and proves to be important both in cases of repatriation and when setting up durable solutions in Italy. In cases of reintegration in the country of origin, the IOM's anti-trafficking Focal Points follow closely the individual path of the child in collaboration with the minor's family, as well as with local NGOs, agencies, and institutions. The reintegration plan is multifaceted and includes: medical, psychological and legal assistance;

vocational training and catch-up educational courses both pre-departure and after arrival in the native country. **It is necessary to underline, however, that the numerical consistency of assisted voluntary returns is rather scarce, especially in relation to minors and no data is currently kept.** That is due to several factors: firstly, the absence of a return project; secondly, the operators' awareness that the absence from the country of origin affects the perception of a cultural distance for the potential returnee and thirdly, because of the preference by Italian social workers to focus on the integration in Italy (see II.8 below).

In Austria, due to the lack of a comprehensive NRM, no consistent return policies have been developed. It is thus left to the service providers, such as Lefö-IBF or "*Drehscheibe*" to initiate their own risk assessments. IOM has assisted "*Drehscheibe*" in the actual implementation of such returns. Moreover, "*Drehscheibe*" has initiated several projects and cooperation agreements with Bulgaria and Romania for the setting up of child welfare centres taking care of children returned from Austria to these countries.⁸⁶ This should allow for monitoring the situation of children even after their arrival and prevent re-trafficking; however, challenges relating to the sustainability of these centres have also emerged due to financing from the authorities in the countries of origin. Monitoring after return is only possible when cooperation agreements have been concluded by the Viennese municipality institution "*Drehscheibe*", such agreements are however voluntary. No guidelines to assist in determining how and where family reunification can be achieved for trafficked children in the interest of the child including a full risk and security assessment, have been adopted. GRETA recommends that the Austrian authorities "develop a clear institutional and procedural framework for the repatriation and return of victims of THB, with due regard to their safety, dignity and protection and, in the case of children, by fully respecting the principle of the best interests of the child."⁸⁷ Apart from that, ensuring access to key services in the country of origin remains a primary responsibility of that country (and not e.g. of the destination country).

⁸⁵ See "Rete Nirva". Accessed January, 2013. <<http://www.retenirva.it/nirvaprogetto.asp>>.

⁸⁶ Austrian Task Force on Combating Human Trafficking, *Report by the Working Group on Child Trafficking* (2008), p. 24.

⁸⁷ Council of Europe, Group of Experts on Action Against THB, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Austria, Strasbourg, 15 September 2011, First evaluation round, GRETA2011(10), par 131.

As discussed under this section, the IOM run AVR scheme is used as an important tool for return of trafficked persons (nationals) to their countries of origin, or repatriation of third-country nationals, who are trafficked from the reception countries to their countries of origin throughout all the countries under analysis. Despite the fact that the AVR scheme's main goal and design has not been established with the aim to return victims of trafficking, and it works differently in different countries, some countries, notably Italy, have inserted valid elements, such as the establishment of an informal network of NGOs cooperating on AVR, consolidated through project financing, family tracing, etc., for the return of trafficked persons through this scheme. Remarkably, Viennese municipality institution has also established cooperation agreements with organisations in countries where child victims of trafficking are mostly returned from Austria.

2.4.5. Re/integration

In **Bulgaria**, according to the Co-ordination Mechanism, after the child victim of trafficking is given the necessary assistance and support, his/her case is followed up for a period of one year (depending on the child reaching 18 years of age) to prevent the child being re-trafficked or taken out of the country. The State Agency for the Protection of Children co-ordinates the efforts of institutions until the process of reintegration is finished, while the Agency for Social Assistance monitors the cases of unaccompanied children and children victims of trafficking. As for the National Referral Mechanism, it starts the process of reintegration by providing long-term psychological support and empowerment. The long-term support of the child trafficking victim and his/her family is performed by the Child Protection Division. **As of the present moment, there are still no specialised long-term reintegration programmes for children victims of trafficking.** They are supported by social services that direct their activities towards all children at risk. If the child is under judicial placement in a Crisis Centre, the support is given by the specialists in that Centre.

In Hungary the reintegration of the foreign child victims of trafficking could take place together with the unaccompanied minors who are placed in

the State Children Center in Fót. The reintegration process takes a rather long time and mainly focuses on educational assistance, such as Hungarian language course, regular school attendance and other related activities. The educational integration is supported by the Education Team of the Reformed Church Mission for Refugees and the psychosocial care is provided by the Cordelia Foundation. However in the last years no foreign VoTs cases were registered in Hungary. Regarding the Hungarian nationals, few young Hungarian Roma women returned to Hungary from the Netherlands, where they were exploited by the sex industry. Firstly they were placed in a shelter and then returned to their families, or stayed in an educational institution.

As mentioned above, in **Slovakia**, victims of THB are repatriated to Slovakia with the assistance of the IOM, which also helps them with reintegration. Assistance measures under the Program for Support and Assistance to VoTs are also provided by NGOs in accordance with agreements concluded with the Ministry of the Interior. These measures include a general health assessment, psychological counselling and psychotherapy, therapeutic care, social assistance and counselling, assistance in contacts with the authorities, legal advice, temporary safe accommodation, requalification and job search assistance. The co-ordination of assistance measures is carried out by the IOM. Despite trainings organised by Mol and carried out by the IOM, **there is currently no systematic, formalised training on the special needs and rights of trafficked children for professionals who are to care for former children victims of trafficking.** There are also no binding provisions requiring the appointment of a specially-trained social worker or other professional to offer support and information and monitor the welfare of the child, who was a victim of THB. In a similar fashion, there are no binding provisions (except from best practice recommendations of service providers) aimed at monitoring the reintegration of trafficked children after their return home (whether nationals or foreign children). Slovakia has so far not undertaken initiatives in the realm of developmental cooperation to ensure the monitoring of the unaccompanied child victim's reintegration after their return to their country of origin. NGOs providing services to trafficked children act in line with their own best practice

manuals aimed at also meeting victims' needs for education and vocational training, so as to ensure their successful reintegration. **So far, there has been no quality monitoring of the provision of such services.** The current system of identification of trafficked children should be reviewed with a view to ensuring appropriate identification of such children and providing them with the corresponding residence status with the aim of ensuring their meaningful reintegration within Slovakia, irrespective of asylum procedure or their return to their home country.

Similar to Slovakia, **Sweden** does not have any systematic training the staff within the social welfare authorities on the needs of trafficked persons, whether they are children or adults. The Swedish Social Services Act, in Chapter 3 Section 3, highlights in general terms, good quality actions that have been carried out within this area, and the obligation to have staff with appropriate training and experience within this field. So even if no specific training is needed, the wording of the section above can be seen as a demand for special competence when actions concerning children or trafficked children. The National Board of Health and Welfare shall oversee the local social welfare authorities and is obliged to monitor and develop the activities, according to the Social Services Act Chapter 13. The report of the County Administrative Board in Stockholm includes calls for routine monitoring of the child's reintegration (Report 2010:03), but no specific norms exist so far. Initiatives on cooperation are taken mainly in relation to the Baltic Sea States as mentioned above. The Expert Group for Cooperation on Children at Risk (hereinafter, the EGCC) has established a system of National Contact Points (hereinafter, the NCP) within the member states. The Swedish NCP is placed at the Ministry of Justice. No specific legal norms exist for education or training in order to meet the needs that trafficked children might have. But the general norms stress each child's specific needs, whatever the reason for these needs might be, shall be met according to the Social Services Act.

In addition, Austria, in a similar way to Sweden reports on training activities aimed at the special needs of trafficked children. The NGO ECPAT Austria has provided several "multi-stakeholder trainings" since 2010 on children's rights in the context of child trafficking, including on identification and care standards. There are general obligations and standards in the (Federal and *Länder*) Youth Welfare Acts (*Jugendwohlfahrtsgesetz*) about staff qualifications for dealing with children, however, they are not specifically designed for trafficked children. In the context of the asylum admissions procedure (first stage), the absence of requirements on for example, expertise on interviewing children for the mandatory legal counsellors, has also been criticised by refugee and anti-trafficking organisations.⁸⁸ As far as the monitoring of reintegration is concerned, see the answers given above (mainly through individual engagement by the "*Drehscheibe*", in relation to countries, such as Romania, Bulgaria, for a period of up to six months). Regarding development cooperation, a new list of relevant activities is currently (end of 2011) under preparation.⁸⁹ Given the very limited number of actors providing assistance to child trafficking victims, it depends basically on their own engagement, e.g. *Drehscheibe* Vienna, Lefö (on an exceptional basis when dealing with girls), the *Länder* of Lower Austria and Tyrol. In relation to the new EU Anti-Trafficking Directive 2011/36, it should be noted that the obligations under Article 15, relating to access to free legal counselling and representation including for claiming compensation, are currently not adequately ensured.

In its most recent assessment in September 2011, the Council of Europe monitoring body for the Convention on Trafficking in Human Beings, GRETA, has made proposals for reform in Austria in the following areas of protection to victims of trafficking, including children.⁹⁰ Based on this Report, the Committee of the Parties to the Convention highlighted in particular the need to reinforce co-operation between Federal and the *Länder* government, establish a national system for identification and assistance for child victims of trafficking, step up

⁸⁸ National Coalition for the Implementation of the Convention on the Rights of Child in Austria, Supplementary Report 2011, p. 46.

⁸⁹ Austrian Task Force on Combating Human Trafficking, *Report by the Working Group on Child Trafficking*, 2009.

⁹⁰ Council of Europe, Group of Experts on Action Against THB, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Austria, Strasbourg, 15 September 2011, First evaluation round, GRETA2011(10), Appendix I.

identification for labour exploitation and male victims of trafficking, ensure a reflection period and develop a repatriation framework.⁹¹ **Austria faces several clearly articulated challenges regarding the reintegration of VoTs, however, it appears that efforts undertaken to remove the imperfections of the system are being seriously considered by the Austrian authorities.**

As far as **Italy** is concerned, until 1998, it lacked a legal framework for social protection services addressing the needs of victims of trafficking. However, the assistance and reintegration apparatus that has developed over the past twenty years, through the implementation of projects pursuant to Article 18 Legislative Decree 286/98 and Art. 13 L. 228/2003, provide effective protection for victims of trafficking, including children. Assistance projects under Art. 18 represent the response to long-term care implemented by the Department of Equal Opportunity. In order to access the programmes under Art. 13 it is not necessary to be in a state of danger, but it is enough to be a victim of a crime pursuant to Art. 600 and 601; whereas, the presence of a state of danger (see II.3) is required for entry into programmes under Art. 18. Both types of projects are carried out by the social services of local authorities, associations, cooperatives registered in the Registry Section at the Ministry of Labour, Health and Social Policy. The interventions cover contacts with the target, harm reduction, the anti-trafficking hotline, drop-in centres, safe houses as well as re-integration activities aimed at victims' empowerment, such as: legal support, health and psychological care, education and professional support (training, support for entrepreneurship, internships, etc.). The projects function as reception centres and assistance providers that offer tailored-made programmes aiming to meet the needs of the victims participating in them. In Italy there is a wide array of shelters that are available to victims.

Children are usually first placed in centres for unaccompanied that keep two emergency places available for victims of trafficking. However, this is regarded to be a situation that deprives children

victims of trafficking of a considerable portion of their legal rights. In addition, the asymmetry between the vulnerability of unaccompanied children and the specific circumstances of victims of trafficking may also result in the disruption of harmony within shelters, as reported by several social workers in the field who point out the “culture of seduction” in relation to the handling of young female children who have been trafficked. An important way of meeting the needs of children victims of trafficking from the point of view of their accommodation has thus been individuated in family placements, thanks to the cooperation of voluntary families known by social workers. As regards the professional insertion of adult victims, as well as adolescents who are at least 16 year old, vocational guidance and training courses are provided either directly by the organisations providing support or by local agencies.

The Italian system for the reintegration of trafficked children based on Article 18, which allows victims to stay within Italian territory, has been, for an extended period of time, regarded as a solid, promising practice for child victims of trafficking by NGOs, IOs and other actors involved in the fight against THB in Europe and beyond. The idea behind the creation of Article 18 is truly child friendly and represents an example of good practice. It regards the child first and foremost as a rights-holder, and not simply as a subject of immigration status regulations, crime victim or similar. Moreover this article applies to victims of trafficking of any age.

3. INSTITUTIONS AND ORGANISATIONS

The institutional framework for combating trafficking in human beings has an important role in this respect. Thus the countries of current research were examined with regard to such institutions and organisations. Generally all six countries have very different structures and institutional frameworks for pursuing their anti-trafficking efforts.

⁹¹ Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, Recommendation CP (2011)1 on the implementation of the CoE Convention by Austria, adopted on 26 September 2011, Preamble.

3.1. Governmental institutions

In **Austria** in November 2004, a national Task Force on Combating Human Trafficking was set up by a Resolution of the Austrian Council of Ministers. The Task Force is “charged with coordinating and intensifying the measures taken by Austria” in combating trafficking in human beings.⁹² The task force is comprised of all the relevant Ministries and state authorities as well as NGOs and research representatives, and is chaired by the National Coordinator of Combating Human Trafficking. In addition, the Task Force has set up two Working Groups, one on Prostitution and one on Child Trafficking. There is clearly a domination of state structures in the Task Force on Combating Trafficking in Human Beings and its Working Group on Child Trafficking; however, a general **respect for the roles** of state and non-state institutions and organisations has developed over the years.⁹³

One of the main tasks of the Task Force Working Group on Child Trafficking under the current National Plan of Action (2009 – 2011) has been to discuss concepts and operational measures for the setting up of a comprehensive NRM, including a cooperation and referral structure encompassing all relevant state and non-state actors on the federal and *Länder* level. Although the Working Group has made progress in this regard, e.g. by devising operational guidelines for the identification and referral of child victims of trafficking in relation to different actors (police, youth welfare authorities), they have not yet been approved. **Thus, so far, no NRM for children exists in Austria.** Besides this data on trafficking in human beings in general, as well as data on trafficking for labour exploitation in particular, are scarce.⁹⁴

The main institution in relation to assistance for child victims of trafficking is the institution “*Drehscheibe*”, established by the Vienna municipality as a crisis centre for children, and some assistance measures for trafficked victims (e.g. accommodation, counselling) have been implemented by individual authorities of the *Länder*. Currently, **there are no specialised and**

designated multi-disciplinary authorities for child trafficking, apart from the work of the *Drehscheibe* under the Vienna municipality, and some of the *Länder* (see above).

In **Bulgaria** the main coordinating body in the area of response against THB is the Bulgarian National Anti-Trafficking Commission. It is a body with the Council of Ministers, chaired by the Deputy Prime Minister. In the sessions of the National Commission, representatives of non-for-profit legal entities and international organisations involved in combating THB and protecting its victims can participate as observers. The National Commission has seven local commissions. It coordinates the interaction among the authorities and organisations in combating human trafficking and determines and manages the implementation of the national policy and strategy in the area. **There is no formally established National Rapporteur** on human trafficking as defined by the CoE Convention, but the National Commission de facto fulfils this function.

Other relevant governmental institutions are: the State Agency for the Protection of Children; Agency for Social Assistance, Social Assistance Directorates, Commissions on Children actively working with children victims of trafficking through their local structures; the Ministry of Interior; the Ministry of Foreign Affairs and diplomatic and consular representations of the Republic of Bulgaria abroad and the State Agency for Refugees. Key players are also the IOM and UNHCR. **Bulgaria also uses the National Mechanism for the Referral and Support of Trafficked Persons as a Co-ordination Mechanism for the Referral and Care of Unaccompanied Children and Children Victims of Trafficking Returning from Abroad.**

In contrast to the other countries, **Italy**, there still has **no National Anti-trafficking Plan**, though its development and implementation have been given impetus; similarly there is no National Referral Mechanism although “local” mechanisms do exist based on memoranda of understanding that has developed through cooperation

⁹² Task Force on Combating Human Trafficking, Leaflet 2009. Accessed December, 2011. <<http://www.bmeia.gv.at/en/foreign-ministry/foreign-policy/human-rights/main-human-rights-issues/combating-human-trafficking.html>>.

⁹³ See, for instance, also the general description of functions in the current second National Action Plan on Combating Human Trafficking, 2009 – 2011.

⁹⁴ Planitzer, J.-Sax, H. Combating Trafficking in Human Beings for Labour Exploitation in Austria, in Rijken (ed.) Combating Trafficking in Human Beings for Labour Exploitation; Nijmegen: Netherlands, 2010, p. 15.

throughout the years; and finally, the National Rapporteur position has not yet been established. A national coordination body is represented by the Department of Equal Opportunity and it has instituted the “Inter-ministerial Commission for the support of victims of trafficking, violence and serious exploitation” and the Technical Panel on multi-agency support.

Local authorities, through the National Association of Italian Municipalities and the Union of Italian Provinces, have established a national coordination body which commits them to act together to support the VoTs. With regard to the collection and elaboration of quantitative data, the National Anti-trafficking Observatory was set up with the creation of a centralised and computerised database, capable of real-time processing. The coordination of the investigative dimension falls within the competence of the National Anti-Mafia Directorate. The fight against organised crime is carried out against various criminal organisations including the Mafia, Camorr, 'Ndrangheta and foreign criminal organisations, such organisation being involved in a range of criminal activities including trafficking in human beings and drugs.

Sweden does not have any overall national coordinating body within the government or ministries. The different missions within the NAP were not coordinated either. The Swedish NPC within the Council of the Baltic Sea States’ special group for child issues, the EGCC is located within the Ministry of Justice. In order to coordinate information from the field, this institution organised meetings with a number of key actors. A National Method Support Team on Prostitution and Trafficking was established under the leadership of the County Administrative Board of Stockholm in January 2009, in agreement with state actors whose work encompassed activities relating to human trafficking. The team will act as a strategic resource and will support the work of the counties and regions that have limited experience with combating

prostitution and human trafficking.⁹⁵ The County Administrative Board is a regional administrative authority responsible for coordinating government activities within each county and according to the National Action Plan, all boards in Sweden were required to strengthen regional cooperation aimed at combating prostitution and human trafficking. The County Administrative Board in Stockholm has, together with the National Method Support Team on Prostitution and Trafficking, made progress in its work, for example by devising operational guidelines for the identification and referral of child victims of trafficking in relation to different actors, especially the police, social welfare, counties, the Migration Board and NGOs. **So far, no NRM for children exists in Sweden.** Some specialised units exist within the Police. As part of the National Action Plan, the Crime Victim Compensation and Support Authority was charged with developing and delivering educational programmes to members of the police forces, prosecutors, judges, and staff from the Migration Board.⁹⁶ In 1997 the government gave the National Police Board a mandate to act as a National rapporteur on human trafficking at the request of the EU.⁹⁷ The National rapporteur is an expert often participating in lectures, conferences and trainings both nationally and internationally. Sweden does not collect data on trafficking comprehensively, as coordinated by one institution. So far the Swedish figures are concentrated within the judiciary and published by Swedish National Council for Crime Prevention. The National Rapporteur is together with NMT and the County Administrative Board of Stockholm, engaged in a test period in order to gather statistics from different areas.

In **Slovakia**, the Ministry of the Interior is the leading governmental body responsible for fighting trafficking in human beings and for creating efficient anti-trafficking policy. The Department of Parliamentary, Governmental Agenda and Advisory Activities of the Office of the Minister of the Interior is responsible for action against THB.⁹⁸ The State Secretary of the Ministry of the Interior is a

⁹⁵ <http://projektwebbar.lansstyrelsen.se/nmtsverige/Sv/Pages/default.aspx>

⁹⁶ Prostitution och människohandel för sexuella ändamål – utbildningsprogram för ökad kunskap och bättre bemötande – redovisning av ett regeringsuppdrag. Prostitution and trafficking for sexual purposes – education for increased knowledge and better treatment – presentation of a government mission.

⁹⁷ Government Decision 1997-12-16, A97/3077/JÄM.

⁹⁸ Council of Europe, Group of Experts on Action Against THB, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic, Strasbourg, 19 September 2011, First evaluation round, GRETA2011(9), par 17.

National Co-ordinator for Combating THB within the National referral system. Since 2006, the Ministry of the Interior runs the Programme of Support and Protection of Victims of Trafficking in Human Beings in cooperation with other state bodies and non-governmental organisations. The Ministry of Interior established a multidisciplinary Expert group in 2008.⁹⁹ This Expert group is led by the National Co-ordinator for combating THB and is composed of various representatives from governmental bodies and non-governmental organisations. In 2010, the Ministry of the Interior created and established the Information Centre for Combating Trafficking in Human Beings and Crime Prevention in Koýice as its structural unit, which was charged with the task of collecting and processing data on THB.

As the MoI also heads the Police, the issues relating to combating THB as one of the forms of organised crime are dealt with by the Division on Trafficking in Human Beings of the Office for Combating Organised Crime of the Presidium of the Police Force.¹⁰⁰ The combating of THB is assigned to the regional and district headquarters of the police and their activities are co-ordinated by the Division of Trafficking in Human Beings at the Police Corps, which has national competence.¹⁰¹ Other Ministries and state authorities are also involved in anti-trafficking activities, mainly through the Expert group membership and their own agendas.

In Hungary the Ministry of Interior is responsible for the coordination of the fight against trafficking of human beings, including child trafficking, on the national level. The Deputy State Secretary, responsible for the fight against organised crime and terrorism and trafficking of human beings, is the National Anti-Human Trafficking Coordinator of Hungary. In 2008 the Government adopted the Hungarian National strategy for combating human trafficking. The task of executing the strategy belongs to the mechanism directed by the National Coordinator. The National Coordinator is

responsible for the implementation of the National Strategy and also acts as a contact point for the national and international stakeholders involved. The National Coordinator keeps the Committee for Human Rights and Minorities of the Parliament continuously informed about the efforts of the coordinative mechanism. In Hungary the crime of human trafficking belongs to the investigating authorities of the County (Budapest Metropolitan) Police Headquarters, except if the crime has international connections. In this latest case the investigation is carried out by the Department for Combatting Human Trafficking, the Organised Crime Department of the National Bureau of Investigation.

The Hungarian-American Working Group against trafficking in human beings is worth mentioning as well. The Working Group was set up on the initiative of the Ministry of Foreign Affairs has been in operation since the second half of 2004. The aim of this body is to improve the efficiency of governmental actions taken against trafficking in human beings. The Office of Immigration and Nationality also plays an important role in protecting the victims of THB. In Hungary, official data collection concerning trafficking in human beings and child trafficking is managed by a single body, the Unified System of Criminal Statistics of the Investigative Authorities and of Public Prosecution.

3.2. Non-governmental organisations and research institutions

The key trafficking victim support organisation in **Austria** is Lefö-IBF. However, Lefö-IBF has been set up for trafficked women exclusively, and deals with girls below 18 only in exceptional cases. In relation to children, the main institution here is the crisis centre *Drehscheibe*, set up by the Vienna municipality. This body is able to deal with

⁹⁹ Ministry of the Interior of the Slovak republic, Order No. 22 of the Minister of the Interior (30 June 2008) establishing an Expert group for the area of the fight against trafficking in human beings, as amended by Order No. 50/2011 of the Minister of the Interior (1 April 2011).

¹⁰⁰ Council of Europe, Group of Experts on Action Against THB, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic, Strasbourg, 19 September 2011, First evaluation round, GRETA2011(9), par 23.

¹⁰¹ Council of Europe, Group of Experts on Action Against THB, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic, Strasbourg, 19 September 2011, First evaluation round, GRETA2011(9), par 23.

children below the age of 14 through specialised social workers, but with very limited capacities (5-10 children).¹⁰² *Drehscheibe* has established cooperation agreements with social services in other countries, such as Bulgaria and Romania, and most of the children are repatriated as soon as possible, which, however, makes individual assessments of longer-term perspectives difficult.¹⁰³ There is **currently no designated state policy or NGO programme focusing specifically on the integration of child victims of trafficking in Austria**. As far as research is concerned, few institutions have focused on child trafficking so far. Among them there was the EU Fundamental Rights Agency, ICMPD, IOM and ECPAT Austria.¹⁰⁴ The Ludwig Boltzmann Institute runs a special department on children's rights, women's rights and trafficking in human beings, with a special focus on child trafficking.¹⁰⁵

In **Bulgaria** the National Anti-Trafficking Commission cooperates with several NGOs in the field and publishes and disseminates information on NGO initiatives in the Commission's Annual Reports. However, at the local level the cooperation between NGOs and the anti-trafficking commissions is rather weak, especially in case of Roma NGOs (Kukova, 2011:7). One good example to the contrary is given by the cooperation between the P.U.L.S. Foundation and the Roma NGO *Vkupate* (Together) in view of organising seminars against the trafficking of Roma women and children.¹⁰⁶ NGOs active in the field against trafficking in human beings include: the Animus Association; Face to Face Bulgaria who specialise in reducing human trafficking victimisation; CARE International Bulgaria for the prevention of human trafficking; the Partners Bulgaria Foundation; the Bulgarian Gender Research Foundation; the Nadja Centre Foundation; and the P.U.L.S. Foundation.

In **Italy** in 2007 the Equal project "Observatory and Resource Centre on Trafficking in Human Beings" carried out a national census of the public and private entities performing work pursuant to Art. 13 and 18, finding a total number of 280 bodies engaged in such work. Associations and non-profit organisations represented the majority of institutions working in this field while public entities (municipalities, provinces, Red Cross, IOM, etc.) constituted one third of the institutions surveyed. The agencies implemented projects to combat sexual exploitation, one half ran projects combating forced labour, one third operated projects against begging and other illegal actions, while a small percentage worked to combat the removal of organs and illegal adoption. The monitoring and evaluation of activities carried out within projects pursuant to articles 13 and 18, are conducted through the compilation of periodic reports that are intended to update the DEO on the progress of such work. In addition, the Commission, through its experts and Departmental officials, perform random monitoring on-site visits in order to assess the implementation of such projects. Within Italy there are many organisations and nongovernmental institutions active in the field of anti-trafficking, whom provide assistance to victims of trafficking and third-country nationals and work on a variety of other issues.

The most important organisations active against trafficking in children in **Sweden** are UNICEF and ECPAT. Sweden also has at least three large NGO's working on victim support, running campaigns and providing assistance to individual victims. Two of them are women's shelter movements, Roks – Women's and Young Women's Shelters in Sweden, and the Swedish Association of Women's Shelters and Young Women's Empowerment Centres. The Crime Victim Compensation and Support Authority

¹⁰² See ECPAT Austria (ed), 'Alternative Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography' (April 2008) 8 and 55; see also Ammer/, Nowak, FRA Thematic Study on Child Trafficking, Austria (2008) [82]. Accessed December, 2011. <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-at.pdf>>.

¹⁰³ See also, Planitzer, J.-Sax, H. Combating Trafficking in Human Beings for Labour Exploitation in Austria, in Rijken (ed.) Combating Trafficking in Human Beings for Labour Exploitation; Nijmegen: Netherlands, 2010, p. p. 50.

¹⁰⁴ Most recently, ECPAT engaged in a ICMPD-led Study on Child begging; see also the comprehensive assessment led by ECPAT Austria on implementation of the CRC Optional Protocol on the sale of children, child prostitution and child pornography in Austria, ECPAT Austria (ed), 'Alternative Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography' (April 2008).

¹⁰⁵ See <<http://bim.lbg.ac.at>> (accessed in December 2011).

¹⁰⁶ See P.U.L.S. Foundation's Annual Report. Accessed November, 2011. <http://www.pulsefoundation.org/pdf/annual2010.pdf>>, p. 14.

provides to NGO's, as well as other authorities and individual victims, general information of importance. The Specific resources necessary for research on child trafficking do not exist within Sweden. The Crime Victim Fund, administrated by the Crime Victim Compensation and Support Authority, is open and used for different victim related projects. Research in this area is rare in Sweden and has so far mostly focused on prostitution. Sweden has only general oversight mechanisms in place. Services provided by social welfare authorities are controlled by the National Board of Health and Welfare. Sweden is heavily reliant on the state and the public sector within this area. Dominance exists for government officials and authorities. At the same time NGOs and their representatives often have unique experiences, which are respected. They are for example often invited to be present during hearings of the Ministries if the theme is related to crime victim issues, and are also often included within groups with lower levels of power for policy discussions purposes. Victims of THB are mostly represented by others, especially if they are children. However, NGO members have no right to participate in legal proceedings, more than being support persons during preliminary investigations and/or the hearings, Code of Judicial Procedure Chapter 20 Section 15.

In **Slovakia**, there are several non-governmental organisations which deal with issues relating to THB and actively work against THB. DOTYK – Slovak Crisis Centre is one of these NGOs and it focuses on providing accommodation and assistance to victims of trafficking and domestic violence, both adults and children. The Civic Association Náruč runs a crisis centre and offers shelter and protection to adult and child victims of domestic violence as well as child victims of abuse, including child victims of trafficking. The Children's Home in Topoľčany has recently been designated to provide accommodation and care to child victims of THB during their re-integration. There is also the Slovak Catholic Charity Caritas which runs programmes of assistance to victims of trafficking.¹⁰⁷ These and other NGOs co-operate with the Ministry of the

Interior and some of them are also represented in the Expert Group. The largest portion of activities focused on victims of THB is covered by the Office of the IOM in Slovakia which runs assistance and return programs and closely cooperates with the Ministry of the Interior. Assistance in the reintegration of victims of THB and voluntary returns is mainly provided by the Office of the IOM in Bratislava, DOTYK – Slovak Crisis Centre and the Slovak Catholic Charity.¹⁰⁸

As for assistance to child victims, accommodation is provided by the Civic Association Náruč, the Children's Home in Topoľčany, and in general by the offices of the authorities for the social and legal protection of children and social guardianship. Within regard to NGOs, only a few of these organisations are able to provide services or conduct research on issues relating to THB. This may be a result of the low financial and human resources within the NGO sector as well as the procedures involved in conducting activities and providing services.

In **Hungary** the most significant NGOs, victim support organisations and research institutions active in preventing and combatting THB in Hungary are: the MONA Foundation for the Women of Hungary; NANE Women's Rights Association; Hungarian Baptist Aid (HBAid); Hungarian Interchurch Aid (HIA); the White Ring Public Benefit Association, "White Ring for the Victims"; the Sex Education for Public Benefit Foundation; the Menedék Hungarian Association for Migrants; the Eszter Public Benefit Foundation; the Chance for the Families 2005 Foundation; and the IOM Office in Hungary. These organisations conduct various activities and provide services to victims of trafficking. They engage in advocacy and research as well as providing shelter, social and legal counselling and health assistance. They also engage in educational activities, awareness raising, and prevention initiatives.

Besides the IOM Office in Hungary and the UNICEF Office in Hungary in the period of present research there were only a few NGOs really active

¹⁰⁷ Council of Europe, Group of Experts on Action Against THB, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic, Strasbourg, 19 September 2011, First evaluation round, GRETA2011(9), par 12.

¹⁰⁸ Council of Europe, Group of Experts on Action Against THB, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic, Strasbourg, 19 September 2011, First evaluation round, GRETA2011(9), par 27.

in the field of THB, especially in the provision of assistance and reintegration of the VoTs. The Cordelia Foundation provides psychiatric treatment and psychosocial reintegration, the Reformatio Mission for Refugees offers assistance in education and Hungarian language courses for the foreign children and the Baptist AID Refugee Mission provides social help and shelter for adults. The MONA Foundation performed international projects on prostitution and female victims trafficked for sexual exploitation and contributed to the drafting of relevant legislation.

4. POLICIES AND PROGRAMMES

The legal and institutional framework is the basis for effective and comprehensive anti-trafficking responses. However there is a need to engage in a variety of other activities in order to overcome this phenomenon. Therefore this section provides an overview of the different policies and programs available in the countries of current research and their efforts to combat trafficking in children.

TABLE 1. AUSTRIA

Policies
The National Plan on Action 2009 – 2011 adopted by the Council of Ministers in 2009
No separate NAP on child trafficking
Preventive initiatives
The Ludwig Boltzmann Institute of Human Rights implemented an EU-funded Twinning project with police authorities in Romania in 2009 which included support for research design on child trafficking and the prevention of trafficking in women
<i>Drehscheibe</i> and the Ministry of the Interior are currently preparing a prevention project with authorities in Moldova
Awareness raising initiatives
The Task Force Working Group on Child Trafficking issued a leaflet on child trafficking, providing background information, indicators for identification and contact details for relevant service providers, including a hotline established by the Ministry of the Interior
ECPAT Austria, partly together also with partners such as ICMPD, the Boltzmann Institute, the Ministry of the Interior and some of the <i>Länder</i> , have undertaken several so-called multi-stakeholder trainings for professionals
Data protection initiatives
no specific initiatives aimed at the protection of the personal data of trafficked children have been carried out in Austria
[Re]integration initiatives
there are no comprehensive integration programmes currently being implemented which were specifically designed for child victims of trafficking

TABLE 2. BULGARIA

Policies
The National Programme for Preventing and Combating Human Trafficking and Protecting Victims for the year 2011 was adopted by the Council of Ministers in 2011 (prepared and elaborated annually)
The National Strategy on Children for the period 2008-2018 adopted on 31 January 2008 by the Bulgarian Parliament and encompassing child trafficking
The National Programme for Child Protection for 2011
Preventive initiatives
The National Anti-Trafficking Commission together with its local commissions and the Ministry of Education, Youth and Science, in 2010 developed a Handbook on the Prevention of Human Trafficking within the framework of the project <i>Trafficking in human beings in Bulgaria and the Netherlands – common efforts in counteraction</i>
The National Anti-Trafficking Commission together with the Face to Face Association published an interactive prevention multimedia CD <i>Pay It Forward</i>
The National Anti-Trafficking Commission together with various partners undertook a number of information and prevention initiatives in 2010 (eg. a children's comics entitled <i>You Are not for Sale</i> was produced; as well as an information campaign for the prevention of human trafficking for labour exploitation <i>Reducing the number of Romanian and Bulgarian victims trafficked into Spain and Italy</i>)
Several prevention activities took place in the regions of Bulgaria – Pazardjik, Bourgas, Varna, Sliven, Montana
Awareness raising initiatives
The “Trafficking in human beings in Bulgaria and the Netherlands – common efforts in counteraction” project focused on building the capacity of Bulgarian institutions to respond to human trafficking, This project was implemented during 2009 – 2010 by the National Commission together with various Dutch partners
In February 2010 a training was delivered by the Institute of Social Activities and Practices to representatives of the crisis centres for children on the problems of child victims of trafficking
In November 2010 social workers from the Child Protection Divisions in the regions of Blagoevgrad, Kyustendil and Pernik were trained within the framework of the Bulgarian-Norwegian project on responses to trafficking
In March 2009, officers from the children's crisis centre in the town of Alfatar and local authorities were specifically trained on understanding the specifics of working with child victims of trafficking.
In 2008 the National Institute of Justice (NIJ) gave two specialised trainings on combating human trafficking for judges and prosecutors
In May 2009 the National Anti-Trafficking Commission and UN.GIFT held a large international forum, entitled <i>Combating Trafficking in Children: Challenges, Promising Practices and Cooperation</i>
In June 2009 Border Police officers were trained on the role of the Border Police in identifying victims of trafficking within the framework of the National Referral Mechanism

TABLE 2. BULGARIA (CONTINUED)**Initiatives to improve reception conditions**

The Co-ordination Mechanism for the Referral and Care of Unaccompanied Children and Children Victims of Trafficking Returning from Abroad

The National Anti-trafficking Commission implemented a major project entitled *Reducing the number of Romanian and Bulgarian victims trafficked into Spain and Italy* from 2007 – 2010¹⁰⁹

[Re]integration initiatives

Development of a National Referral Mechanism by the National Anti-Trafficking Commission together with the Animus Association/La Strada Bulgaria

Developing transnational referral mechanisms for victims of trafficking between countries of origin and destination (TRM-EU project, 2008 – 2009) and for trafficked persons in South-Eastern Europe (TRM-SEE project)

In January 2009 the Centre of Women's Studies and Policies started the implementation of a two-year international project ROOTS on successful reintegration of victims of trafficking in Bulgaria and Romania

Between 2008 and 2011 Caritas Bulgaria implemented a project entitled *The Development of transnational mechanisms to fight against human trafficking in Romania and in Bulgaria*

TABLE 3. ITALY**Policies**

No National Anti-trafficking Policy

Preventive initiatives

The Italian Government, through the Directorate-General of the Italian Development Cooperation, which is part of the Ministry of Foreign Affairs, and the DPO, has put in place a number of prevention campaigns on the phenomenon with the help of external organisations such as UNICEF, UNICRI, Terres des Hommes, Save the Children, ECPAT, and the IOM.

Terres des Hommes has promoted several international campaigns for the support of minors such as: "Stop Child Trafficking"; "Please Disturb"; "Let's take action against the trafficking of children"

Save the Children implemented the "React" project which aimed at preventing the trafficking and exploitation of children by new technologies

Awareness raising initiatives

In 2007 DEO launched "Project Freed: Combating trafficking for labour exploitation"

From December 2004 to March 2006 the project "Awareness Training on Trafficking in Human Beings for Police, Border Guards and Customs Officials" was implemented by ICMPD and its' partners

¹⁰⁹ More information about the project, <<http://antitraffic.government.bg/en/>> (accessed in October 2011).

TABLE 3. ITALY (CONTINUED)**Awareness raising initiatives**

IOM implemented “Project Re-Form” which was designed to strengthen technical expertise in the field of assisted voluntary repatriation of local representatives and operators in direct contact with migrants eligible for repatriation

Data protection initiatives

There are currently no special initiatives aimed at protecting the personal data of trafficked children

Initiatives to improve reception conditions

In 2006 the Ministry of the Interior-Department for Civil Liberties and Immigration, launched project “Presidium” as part of the consolidation of reception capacity, by signing individual agreements of collaboration with the IOM, UNHCR, the Italian Red Cross, and from the third year on, with Save the Children Italy

[Re]integration initiatives

There are many projects aimed at providing assistance and supporting the reintegration of victims as a result of the arrangements provided by the DPO in pursuant to Art. 13 and 18 (eg. in Campania, Tuscany)

TABLE 4. SWEDEN**Policies**

In July 2008 the Swedish government launched the first National Plan of Action against prostitution and human trafficking for sexual purposes

Preventive initiatives

The Swedish International Development Cooperation Agency (SIDA) has given support to a CBSS project on illegal labour and to the International Organisation for Migration (IOM) in Ukraine in order to combat THB

Awareness raising initiatives

Awareness raising initiatives were part of the NAP between 2008 and 2010 and as a result trainings were provided for professionals who were most likely to come in contact with the victims of child trafficking, such as police, prosecutors, judges and staff within the Migrant Board.

No specialised trainings are provided for trustees of child victims of THB

Data protection initiatives

The importance of secrecy is stressed within guidelines and during training and data protection and security for witness and victims follow legal norms

Initiatives to improve reception conditions

Sweden does not have specialised shelters for child victims of trafficking

TABLE 5. SLOVAKIA

Policies
The National Program to Combat Trafficking in Human Beings 2011 – 2014 was adopted by the Slovak Government in 2011
National Action Plan for Children for the years 2009 – 2012
No separate NAP on child trafficking
Preventive initiatives
National communication campaign on THB was created by the Ministry of the Interior in cooperation with IOM office in Slovakia and was launched in the media on the European Day against THB (18 th October 2011)
In 2009, the “HELP” campaign was launched by the Ministry of the Interior in co-operation with the IOM office and aimed to inform the general public about THB and the existence of a national helpline for victims of THB
Awareness raising initiatives
Employees of the Department of Socio-Legal Protection of Children and Social Guardianship and the respective local departments have undergone training on identifying child victims of trafficking
Currently, there are no formalised programs aimed at providing specialised training for the identification of trafficked children, incl. for police forces, youth welfare officers and social workers, health professionals, NGO staff active in areas such as refugee protection and migration
Data protection initiatives
There are currently no special initiatives aimed at protecting the personal data of trafficked children
The Information Centre for Combating Trafficking in Human Beings and Crime Prevention has the task of collecting THB related data
Initiatives to improve reception conditions
No evaluations of the adequacy of reception conditions for children who are returned to Slovakia, or could be returned to their home country for the purposes of family reunification, have been carried out
[Re]integration initiatives
there are currently no specific reintegration policies/programs aimed at providing for a child victim's safe, dignified and sustainable reinsertion into society

TABLE 6. HUNGARY

Policies
The National Strategy against Trafficking in Human Beings 2008 – 2012
No separate National Strategy on child trafficking
No National Action Plan on THB or child trafficking
Preventive initiatives
In 2001, a secondary school tuition programme aimed at the prevention of trafficking in human beings was accredited by the Ministry of Education
In 2003, the migration-related information centre was opened as part of the framework of cooperation between the Ministry of the Interior and Ministry of Foreign Affairs, as part of a programme implemented by IOM
In 2006 and 2007, various information campaigns were implemented within Hungary
Awareness raising initiatives
The IOM office in Hungary, together with various partners, organised trainings and education activities for representatives of relevant state authorities and NGOs
Data protection initiatives
No information was found on initiatives that aim to protect the personal data of trafficked children or adults.
Initiatives to improve reception conditions
No specialised shelters exist for children victims of trafficking

CONCLUSIONS AND RECOMMENDATIONS

This report has focused on six member states of the European Union and their practices in assisting and reintegrating child victims of trafficking. The countries examined were divided into two groups, countries of destination and countries of origin. However, it needs to be emphasised that this division is not strict and we understand that countries of origin may also be countries of transit, and even destination. Similarly countries of destination can also be countries of origin in some cases.

The report elaborated on the legal, institutional and policy framework of each country under investigation and a comparison of these frameworks was carried out. The legal analysis identified differences regarding legislation and

the frameworks for dealing with trafficking in human beings, especially trafficking in children. Generally speaking, these countries were more or less in line with the international and regional legal obligations stipulated within the ratified conventions. The provisions of the respective Criminal Codes varied, but it can be summarised that substantive Bulgarian criminal legislation appears to be the most comprehensive among the countries examined. However Austria and Sweden went much further in ensuring children’s rights and emphasising the best interests of a child. The non-punishment clause stipulated in CoE Convention is not properly established in any of the countries analysed. Similarly, criminal procedures need to be improved in order to fully protect child victims of trafficking. The procedures should be more sensitive to victims and limit, as much as possible, the intervention of enforcement officers. Sweden, with its procedural rights aiming at the special

protection of child victims, is quite impressive in this regard and may serve as a positive example. Besides this, none of the countries, except Bulgaria, adopted a special law on combating the trafficking in human beings. Bulgaria's approach appears to provide the most effective and comprehensive response to this phenomenon. Therefore the countries investigated under the present research may take some inspiration from the approach of Bulgaria and improve their legal frameworks by adopting special laws on trafficking.

The countries also differed in terms of the procedures and established frameworks for providing assistance to child victims of trafficking. The identification of victims is a common cause for concern within all the countries examined and besides Bulgaria, none of them have an effective and well-designed national referral mechanism, which hinders the proper assistance that victims need to receive. Italy may provide an example of some good practice regarding the identification of potential victims, as it operates special systems for providing assistance to victims of trafficking. Although these systems are locally based and without any formalised structure, throughout the years they have evolved and now form a quite comprehensive anti-trafficking response. Nevertheless systematic and formalised identification procedures will surely improve the combating of trafficking in all the countries under research. Functioning national referral mechanism should also be put in place within the countries examined in order to ensure systematic, effective and comprehensive assistance to victims of trafficking. The concept of systematic care and support to child victims of trafficking should be developed and thoroughly implemented.

In addition, clear and effective durable solutions within long-term integration strategies should also be put in place, as in most of the countries the integration of child victims of trafficking is quite limited and insufficient. The fact that the presumed countries of destination often return the victims to the countries of origin should not excuse the absence of long-term integration procedures. Still, it is Italy, a presumed country of destination, that appears to have the most advanced system of reintegration, which is in contrast to the so-called

countries of origin, Bulgaria, Hungary, Slovakia, that have no clear and effective long-term integration mechanism or procedures. Victims of trafficking should also have access to compensation as victims of violent crimes. However at present only Sweden has a well-designed and accessible compensation scheme for victims of trafficking, which may well serve as a successful example to other nations.

An important part of the effective anti-trafficking response is the institutional basis and the involvement of relevant bodies and institutions in this process. Most of the countries have some sort of working group or bodies that try to tackle trafficking within their territories. However, the work of such bodies needs to be coordinated and formed by various members coming from different sectors. The proper anti-trafficking response can be ensured only when public bodies cooperate with non-governmental organisations, whom are often the only service providers in the country. Within the researched countries, NGOs face the same problems concerning scarce and inadequate funding and difficulties in ensuring the sustainability of their programs and services. Therefore these insecurities should be overcome and cooperation between the public and non-governmental sector needs to be strengthened. Anti-trafficking bodies should be given proper competencies, but should also have strict obligations and be held accountable for their responsibilities.

This present report provided thorough analysis and comparison of the six countries examined. It proved that though all the countries are EU members and bound by nearly the same international and European legal obligations, their systems and frameworks for combating trafficking and for providing proper assistance to child victims of trafficking varies significantly. In some cases we found great similarities between the countries, but generally within each area examined, there are only one or two countries that can provide examples of good practices. Still there were several good examples identified and provided they are implemented within the other countries of research, trafficking in human beings and particularly trafficking in, children, may be tackled more adequately and effectively.

GLOSSARY OF TERMS

Child	Child shall mean any person under eighteen years of age
Child trafficking	Is the recruitment, transportation, transfer, harbouring, or receiving of children for the purpose of exploitation. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in human beings” even if this does not involve any of the means.
CoE Convention	Council of Europe Convention on Action against Trafficking in Human Beings
Compensation	Something, such as money, given or received as payment or reparation, as for a service or loss
Country of origin	Country from which the trafficked child comes
Destination country	Country to which the child is trafficked
Exploitation	Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
Internal trafficking	Trafficking within the same country (between regions/districts, etc.).
National Referral Mechanism	Procedure designed to ensure coordination among government ministries, NGOs and others that are involved in caring for victims of trafficking and making decisions in regards to them.
Offence	‘Offence’ and ‘crime’ are used interchangeably in the Report and do not imply that one is more serious than the other.
Palermo Protocol	Trafficking Protocol referred to as the ‘Palermo Protocol’ – UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, linked to the UN Convention against Transnational Organised Crime (2000)
Recovery and reflection period	Period granted to victims of THB to recover from their experiences of at least 30 days. Such a period shall be sufficient for the person concerned to recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities. During this period it shall not be possible to enforce any expulsion order against him or her.
Refoulement	The expulsion or return of a refugee to the frontiers of territories where his or her life or freedom is threatened because of his or her race, religion, nationality, membership of a particular social group or political opinion.
Reintegration	Policies/programmes aimed at providing for a victim’s safe, dignified and sustainable reinsertion into society and a normalised life, which include a full range of services, from shelter assistance or other accommodation, medical and psychological care, social and legal counselling to reintegration grants, school reinsertion, and vocational training.
Repatriation	Act on safe return of a trafficked person to the country of birth, citizenship, or origin.
Separated child	Separated from both parents or from their legal or customary primary caregiver, but not necessarily from other relatives. These may include children accompanied by other adult family members.
Trafficker	A person who engages in trafficking in persons as defined by the UN Convention on Transnational Organised Crime and its Protocols.
Unaccompanied child	An unaccompanied child or minor is a child who is separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so.

LIST OF ABBREVIATIONS

ARECHIVIC	– Assisting and reintegrating child victims of trafficking: promotion and evaluation of best practices in source and destination countries, project led by CSD and funded by EC
AVR	– Assisted voluntary return
CC	– Criminal Code
CPA	– Act on Criminal Procedure
CPC	– Criminal Procedure Code
CCP	– Code of Criminal Procedure
DEO	– Departmental officials (Italy)
DPO	– Department of Equal Opportunities (Italy)
EGCC	– Expert Group for Cooperation on Children at Risk (Sweden)
ECHR/CoE Convention	– European Convention on Human Rights
EU	– European Union
GRETA	– Group of Experts on Action against Trafficking in Human Beings
HAVRR	– Hungarian Assisted Return and Reintegration Programme
ICMPD	– International Centre for Migration Policy Development
IO	– International organization
IOM	– International organization for migration
LAFCVC	– Law on Assistance and Financial Compensation of Victims of Crime (Bulgaria)
LCHT	– Law on Combating Human Trafficking (Bulgaria)
LPC	– Law on the Protection of Children (Bulgaria)
MoI	– Ministry of Interior
NAP	– National Action Plan
National Referral Mechanism	– National Mechanism for the Referral and Support of Trafficked Persons (Bulgaria)
NCP	– National contact point (Sweden)
NGOs	– Non-governmental organizations
NIJ	– National Institute of Justice (Bulgaria)
NIRVA	– Italian Networking for Assisted Voluntary Return
NRM	– National Referral Mechanism
SAPC	– State Agency for the Protection of Children (Bulgaria)
SCC Interpretative Decision	– The Interpretative Decision No. 2/16.07.2009 of the Bulgarian Supreme Court of Cassation
SIDA	– Swedish International Development Cooperation Agency
THB	– Trafficking in human beings
VoTs	– Victims of trafficking
WS	– Workstream

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ASSESSMENT OF PROGRAMMES FOR ASSISTANCE AND RE/INTEGRATION OF CHILD VICTIMS OF TRAFFICKING

AUSTRIA, BULGARIA, HUNGARY, ITALY, SLOVAKIA AND SWEDEN IN COMPARISON

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1. INTRODUCTION

The present comparative report has been developed in the framework of the EU DG JUST funded project 'Assisting and reintegrating child victims of trafficking: promotion and evaluation of best practices in source and destination countries'. The overall goal of the project is to contribute to long-term sustainable efforts to provide adequate support to trafficked children by comparative assessment of the progress made in six EU Member States.

A central action of the project involved conducting evaluations of national programmes of child victims support and re/integration in three countries typically considered countries of destination (Italy, Austria, Sweden) and three typically considered countries of origin (Slovakia, Bulgaria, Hungary) of trafficked children.¹ The aim of the evaluation is to propose recommendations for programme improvement in line with provisions in international human rights and child rights legal frameworks. The present comparative report draws on the data and analysis presented in the six national evaluation reports with a view to providing some EU-relevant typologies, conclusions and recommendations.

1.1. Aims of the research

The present study draws on the results of six national evaluation studies of the programs in child victim support and re/integration conducted

in Austria, Bulgaria, Hungary, Italy, Slovakia and Sweden between September 2011 and March 2012. The aim of the study is to establish typologies and divergences in child victim support as well as to discuss the factors that explain progress or deficiencies in the systems of child victim support in each of the six countries. The present report pays attention to a number of divergences between the countries under study, such as whether they are countries of origin or destination, whether they have decentralised or highly centralised child care systems, and whether the volume of child trafficking is considerable or insignificant.

The aims of the six national evaluation studies on which the present report is based include evaluation of the degree to which the goals and objectives of the programmes for assistance and reintegration of child VoT comply with international legal standards and guiding principles; evaluation of the process of implementation of programmes for assistance and reintegration of child VoT, including stakeholder involvement and provision of adequate funding; evaluation of the results² of national programmes for assistance and reintegration of child VoT in line with established measurable indicators; evaluation of the monitoring mechanisms of programmes for assistance and reintegration of child VoT; evaluation of the extent to which the preconditions for effective assistance to child VoT have been put in place; evaluation of the outcomes of programmes for interim care and protection of child VoT in line with measurable indicators; evaluation of the outcomes

¹ The authors of the present report are aware of the conditionality of the origin/destination countries divisions. For example Austria appears as country of transit of child VoT while Hungary is reported to be also country of transit and destination.

² The terms 'results' and 'outcomes' are used interchangeably in this text.

of programmes for reintegration of child VoT in line with measurable indicators. The six national studies identified strengths and shortcomings in the implementation of programs for assistance of child victims in their physical, psychological and social recovery and provided recommendations in the above listed evaluation areas.

1.2. Methodology

The design of the national studies involved two levels of research, the first regarding the official governmental counter-trafficking policy response and the second examining the existing assistance and long-term reintegration programs in each country. The two levels of research were structured along specific areas of involvement as discussed in the major practical instruments for victim support and protection.³ Each area of reintegration is evaluated along a uniform set of indicators and with respect to its adequacy, quality and compliance with internationally approved standards.

The study relies on a number of data collection methods, including desk research of primary documents, governmental reports and secondary literature; surveys among responsible stakeholders; study visits to child VoT care centres; and semi-standardised interviews with experts and officials from respective institutions. Survey questionnaires to institutions were developed to assure the collection of documents, statistics and targeted information that is not publicly available. Expert interviews and study visits aimed at the collection of qualitative data with regard to the reintegration services offered to child VoT. In line with this design, a total of 100 interviews were conducted in the six studied countries, of them 61 with experts and stakeholders and 39 with service providers. In addition, a total of 18 study visits to child VoT accommodation facilities were conducted.

Researchers in each of the six countries faced certain limitations. The lack of systematic and disaggregated data on child trafficking and the lack of monitoring mechanisms for child VoT support impede the evaluation of certain spheres of reintegration based on quantitative analysis. The lack of systematic

statistical data was compensated for by researchers with the collection of qualitative information through on-site visits and interviews. The decentralised approach to the provision of social care services in Austria, Italy and Sweden makes it impossible to conduct comprehensive nation-wide assessment of the child VoT protection and support systems in these countries. In Austria this issue was solved by taking the assessment to the level of federal provinces (*Länder*), including those of Vienna, Lower Austria and Tyrol, and in Italy by the formulation of a standard questionnaire for 27 service operators throughout the territory of the country. The small number of identified child VoT in Slovakia prompted the introduction of two case study descriptions. The absence of publicly available data and the refusal to participate in the study on the part of some institutions were reported as limiting the sources and the depth of the evaluation conducted in Hungary.

1.3. Report structure

The present comparative report begins with a background chapter where the institutional and policy frameworks with regard to child trafficking are presented in comparative perspective. In addition, the chapter places under discussion the strengths and shortcomings in data collection mechanisms on child trafficking. Data collection and statistical monitoring mechanisms and systems are a signifier of the ways in which different EU member states perceive trafficked children as well as of the major factors in formulating specific policy responses. The second chapter of this report deals with assessment of the overall policy response along major criteria such as structure of strategic documents, compliance with international standards, government ownership, civil society participation, the presence of a human rights based approach as well as an interdisciplinary and intersectoral approach, monitoring and evaluation mechanism and results. The third chapter offers a comparison of the assessments of the practical implementation of measures for assistance and reintegration of child victims of trafficking. The analysis is structured along the different stages of the reintegration process to involve screening and documentation, individual case assessment,

³ UNICEF Guidelines on the Protection of Child Victims of Trafficking; IOM Handbook on Victims Assistance; ICMPD Guidelines for the Development and Implementation of a Comprehensive Anti-Trafficking Response; UNODC Toolkit to Combat Trafficking in Persons; FRA Report on Developing Indicators for the Protection, Respect and Promotion of the Rights of the Child in the European Union.

appointment of guardians and interim and long-term care. The final chapter offers a critical summary of the major conclusions presented in the national reports from a comparative perspective.

2. BACKGROUND

2.1. Institutional set-up and policy framework

The six countries under study comply to differing degrees with the international guidelines for organising a counter-trafficking response at the national level (CT response). Some countries have not developed National Action Plans (Italy and Hungary). However, Hungary has adopted a National Strategy on Trafficking in Human Beings (for the period 2008 – 2012) and Italy has formed a Board of Experts to draft guidelines for the development of a national and transnational referral system and an Italian National Plan on Trafficking. Sweden developed a National Action Plan for the period 2008 – 2010 but it has not been followed by a new one. Other countries have not designated independent National Rapporteurs (Italy, Bulgaria, Austria,⁴ Slovakia and Hungary) or have not established National Referral Mechanisms for identification and assistance of trafficked children (Austria, Italy, Sweden, Slovakia). However, Hungary has a National Coordinator against trafficking in human beings who is considered to act as equivalent mechanism to a National Rapporteur. The main functions of the National Coordinator in Hungary are in the realm of coordinating the CT response and in reporting annually to the government. Only two countries have developed specific national coordination mechanisms for assistance and reintegration of victims of trafficking (Bulgaria and Hungary). While Bulgaria adopted a Coordination Mechanism for Referral and Support of Trafficked Persons (2010), it is the only country to draft a targeted Coordination Mechanism for reception and assistance child victims of trafficking: Referral and Care of Unaccompanied Children and Child Victims of Trafficking Returning from Abroad (2010). There

is no National Referral Mechanism as such for child victims of trafficking in Hungary.⁵

The coordination of the CT response at the national level is located within different national institutions of the six countries. In Hungary and Slovakia, for example, the CT response is centred within the Ministries of Interior. Migration-related administrative affairs in **Hungary** are dealt by the Office of Immigration and Nationality, the corresponding investigation and law enforcement matters are implemented by the Border Police (part of the National Police), both institutions being under the auspices of the Hungarian Ministry of Interior. The country's National Coordinator for human trafficking is the Deputy State Secretary of the Ministry of Interior, who acts also, as the National THB Rapporteur. The main responsibility for implementing anti-trafficking legislation and policy in **Slovakia** lies with the Ministry of the Interior and its Department for the Prevention of Crime at the Office of the Minister of the Interior. The country's National Coordinator for Combating Trafficking in Human Beings is the State Secretary of the Ministry of the Interior. The CT response in Austria and Italy is the shared responsibility of different state institutions, with a significant role allocated to ministries that do not deal with law enforcement issues. While in **Austria** the Ministry of the Interior is the lead CT institution, the Task Force on Combating Human Trafficking (TF) is under the coordination of the Federal Ministry of Foreign Affairs (established in 2004). It is composed of representatives of ministries, federal provinces, NGOs and research organisations. Issues of child trafficking are dealt with by the Working Group on Child Trafficking within the Task Force which is coordinated by the Federal Ministry of Economy, Family and Youth. In **Italy** issues regarding immigration, including trafficking, are under the authority of the Ministry of the Interior, but the coordination of support structures for victims of trafficking is the responsibility of the Department for Equal Opportunities, placed within the Prime Minister's Office, under the auspices of the Ministry of Employment and Social Policy. Italy has established an Inter-ministerial Committee for the support of victims of trafficking, violence and serious exploitation. The Committee is responsible for guiding, coordinating, monitoring and planning the

⁴ Austria's National Coordinator is not independent.

⁵ Fundamental Rights Agency (2008), Thematic Study on the Rights of the Child (Child Trafficking), Hungary, p. 10.

resources used to fund projects designed to provide support and social integration pursuant to Articles 13 and 18 of Legislative Decree 286/98. **Sweden's** CT response is located within a regional body, the Country Administrative Board of Stockholm, which acts as the central institution handling the national coordination with regard to the CT response and the development of assistance programs for rehabilitation of victims of trafficking. The National Rapporteur in the country is performed by the Swedish National Police Board. **Bulgaria** offers yet another approach to handling its CT response. The central coordinating body with regard to anti-trafficking in the country is a separate institution, established within the Council of Ministers: the National Commission for Combating Trafficking in Human Beings. Seven Local Commissions for Combating Trafficking in Human Being have been established to take care of local implementation.

The systems for support of child VoT in Austria, Sweden and Italy display certain similarities related to their highly decentralised social welfare and youth welfare systems. Accordingly, support schemes for child VoT in Austria and Italy are quite diverse and differ by region. In Austria, for example, they are under the competence of the nine federal provinces of the country, following nine implementing laws of the Federal Youth Welfare Act. In Italy they are under the competence of regional service projects (implemented by local public and private bodies), which are funded by the Italian Department of Equal Opportunities. In Sweden, the legislation concerning child victims is binding for all municipalities and in all regions. Child VoT support services are under the competence of Social Welfare Authorities. The country has 290 municipalities, some of them divided in up to 10 districts, each with a local social welfare authority of its own. In some of the studied countries, child VoT may be assisted within different care regimes. In Austria, for example, they can fall under the refugee system, with its basic welfare (*Grundversorgung*), or under the Youth Welfare system (*Jugendwohlfahrt*, YWA). Similarly, in Italy child VoT are served within the system of generally available services for unaccompanied minors (UAM), minors in difficulty or minor victims, pursuant to Articles 13 and 18 of Legislative Decree 286/98. In Bulgaria,

child VoT are served under the framework of the child protection system in the country, with child VoT being served as part of the group of 'children at risk' who are entitled to special protection.

In contrast to child support systems in Austria, Italy and Sweden, those in Bulgaria, Hungary and Slovakia remain rather centralised with a strong tradition of institutional care. Child VoT support in Bulgaria and Slovakia is provided on a centralised principle. In Bulgaria it is the responsibility of the State Agency for Child Protection and the Agency for Social Assistance. The child protection system in the country is undergoing a slow transformation towards decentralisation with child institutions and child care services to be managed locally at the municipal level by governmental and non-governmental organisations. In Slovakia, the overall responsibility for the system of socio-legal protection and guardianship of children lies with the Ministry of Social Affairs and Family, with the Central Office of Labor, Social Affairs and Family and the local Offices of Labor, Social Affairs and Family. Both Bulgaria and Slovakia share a history of institutionalised care for children, which is currently under transformation with the emphasis being given to the establishment of community-based and family-type facilities for child care. Until 2012 the child protection system in Hungary has been a mixture of community and institutional care. The community care level was represented through family help centres, child welfare system, child protection divisions and guardianship authority in the public administration. The institutionalised care level was implemented through child protection institutions and special homes for handicapped children or children with behavioural and mental problems. Overall, until 2012 the child protection system in Hungary was directed and supervised by the Child Protection Division of the State Secretariat for Social Affairs of the Ministry of Human Resources. However, with the recent amendments of the Act XXXI of 1997 on Child Protection and Guardianship from 8th of December 2012 the child protection system in Hungary is undergoing a reform towards centralisation with child protection and specialised institutions being shifted from local governments' to state responsibility.⁶ A new national authority

⁶ From 1st of January 2013 the network of 126 child protection institutions and 46 specialised institutions/homes for (psychiatric and addict patients, problem-behaviour persons, sociopath and the disabled) adults and children in Hungary is subject to nationalisation under the auspices of the new General Directorate for Social and Child Protection (316/2012 (XI.13.) Govt. order).

for child protection institutions is established – the Social and Child Protection General Directorate. The reform which is to be implemented between 2012 – 2014 also involves shifting of focus from institutional care placement of children to placement in adoptive families (especially for children in the age 0 – 12).

2.2. Data collection mechanisms and trends in child trafficking

All six countries share common imperfections with regard to the collection of data on human trafficking in general, and on trafficking in children in particular. The main identified problems stem from the absence of centrally coordinated data collection on child trafficking (Bulgaria, Austria, Slovakia, Sweden, Hungary). This leads to a situation where different institutions store data by different indicators (Bulgaria, Austria, Italy, Slovakia, Hungary), thus precluding the comparison of information from different sources. The absence of data on child VoT, clearly distinguished from data about children from other categories such as unaccompanied minors or child victims of other forms of violence (Bulgaria, Austria, Italy, Hungary), limits possibilities for monitoring. Other imperfections such as the absence of clearly disaggregated data on child trafficking by gender, age, nationality, type of exploitation (Bulgaria, Austria, Italy, Slovakia, Hungary) or the limited data on protection and reintegration measures (Austria, Bulgaria, Sweden, Hungary) also limit the potential for analytical investigations based on clearly established statistical data. In Austria, for example, criminal court statistics do not disaggregate data in relation to the age of the victims involved. Therefore, it is not possible to establish how many criminal proceedings took place against perpetrators of child trafficking.

Divergences in figures on child trafficking provided by different institutions are apparent in Bulgaria, Austria and Italy. For example, the data base of the Agency for Social Assistance in Bulgaria points to a total of 80 children assisted between 2008 – 2010 while the data provided by crisis centres point to 115 children supported during the same period. A similar disparity

is identified in Austria, where official statistics on identified child VoT (by the Austrian Ministry of Interior, the Federal Province of Lower Austria and the *Drehscheibe* Vienna) point to a number of one to six child VoT per year per institution. At the same time, the number of unaccompanied minors (including some presumed child VoT) running away from the *Drehscheibe* are 36, 56 and 30 in the years of 2008, 2009 and 2011.

Although some countries have established institutions with designated functions for centralised data collection on trafficking,⁷ these bodies either have not yet launched respective systems for central data collection and accordingly do not collect data (Bulgaria, Slovakia) or have not made public the collected data (Italy). Other designated bodies remain only decisions on paper, such as the National Observatory on the Phenomenon of Trafficking in Human Beings in Italy, or are still under development, such as the so-called *Barns behov i centrum XXX* (BBIC) in Sweden, launched by the National Board of Health and Welfare to collect information on possible child VoT and to evaluate support given to them.

The lack of coherent statistical monitoring of the phenomenon of trafficking, including trafficking in children, does not allow for the establishment of a systematic picture of the main tendencies and the volume of child trafficking at the national level. For this purpose, the analysis of the main trends of child trafficking in the six countries is based on critical interpretation of the often fragmentary and contradictory statistical accounts provided by different national institutions.

The available information about trends in child trafficking at the national level points to numbers of identified trafficked children that are believed by researchers to be generally lower than the real numbers. Official statistics by the Austrian Ministry of Interior, the Federal Province of Lower Austria and the *Drehscheibe* Vienna on identified child VoT in Austria point to a number of one to six child VoT per year per institution. In Sweden the following numbers of suspected cases of either procuring or trafficking for sexual purposes, or trafficking for other exploitation were identified: 16 in 2009; 29 in 2010;

⁷ The National Commission for CTHB in Bulgaria; the Information Centre for the Fight against Trafficking in Human Beings and Crime Prevention at the Ministry of the Interior in Slovakia; the SIRIT database for beneficiaries under DPO-funded projects in Italy.

and 14 in the first half of 2011. Official statistics in Slovakia show low levels of child trafficking, with a total of 6 identified child VoT between 2008 and 2011. In Bulgaria a total number of 71 child VoT were identified in 2008 and 57 in 2009.⁸ In Hungary the Unified Statistical System of the Police and Prosecution Offices (ERÜBS – operational up to 2008) pointed to 33 trafficked children between 2000 and 2005. No cases of child VoT have been officially registered in the country in 2011 and 2012. Higher numbers of trafficked child victims are reported only by institutions in Italy, which report an average of 1 500 – 2 000 minors working in prostitution each year (most of them victims of trafficking). Italian institutions point to a total of 1 246 minors assisted between 1999 and 2011 by projects under art. 18 and 13 of Legislative Decree 286/98. It is not clear, however, what is the share of trafficked children from the overall number of assisted children, as these projects are framed to service unaccompanied minors in general.

The six countries studied display some differences in the size of the phenomenon of child trafficking. While thousands of child victims are identified in Italy, only a handful of trafficked cases are reported in Slovakia, Sweden and Austria. It should be noted that the low official numbers of identified child victims in some of the studied countries might be the result of underdeveloped identification procedures and/or the imperfect data monitoring mechanisms rather than an indication of an insignificant amount of child trafficking. Three of the studied countries appear predominantly destination countries for trafficked children (Austria, Italy and Sweden), and three are predominantly origin countries (Bulgaria, Hungary and Slovakia). Austria and Italy appear also countries of transit, whereas Hungary appears to be a country of destination and transit for UAMs and country of internal trafficking for Hungarian children.⁹ Accordingly, the systems for protection, assistance and reintegration of identified child VoT in these countries treat either children who are foreign nationals (Austria, Sweden, Italy) or nationals (Bulgaria, Hungary, and Slovakia). The main countries of origin for child VoT identified in Austria appear to be Bulgaria, Romania, to a lesser extent Hungary

and Slovakia, as well as Afghanistan, Russia, Nigeria and Tanzania. The profile of countries of origin of child VoT in Sweden includes Albania, Estonia, Kosovo, Poland, Romania, Slovakia and Nigeria. The main country of origin for victims of sexual exploitation in Italy is Nigeria, followed by Romania and Albania. Romania appears to be the origin country for sexually exploited boys (often of Roma origin) who use Italy as a transit corridor to countries of Northern Europe. Reported destinations of trafficked children from Bulgaria include countries such as Austria, Greece, Sweden, Denmark, Italy, the Netherlands, Germany, Belgium and France. The destinations for trafficked victims (adult and children) from Hungary include the Netherlands, Switzerland, Austria, Italy and Spain. Trafficked victims from Slovakia (adult and children) have been identified in UK, France, the Netherlands, Germany, Austria, Slovenia, Sweden and Italy.

According to existing information, the most prevalent forms of child VoT exploitation in Austria include sexual exploitation, begging and pickpocketing/theft. Data from Sweden shows a predominance of suspected child victims of sexual exploitation, but cases of child VoT in other forms of exploitation are found as well. The prevailing form of exploitation in child trafficking in Italy and Slovakia involves sexual exploitation, but cases of begging (mostly by Roma minors in Italy) and labour exploitation (mostly of Egyptian minors in Italy) are also observed. Child VoT in Bulgaria are victims of both international and internal trafficking. Of the 2008 cases, 42 % were subjected to sexual exploitation and 15 % to servitude. From the victims of 2009, 52.6 % were children subjected to forced labour services and the rest to sexual exploitation and to servitude. International trafficking in Bulgaria appears to be dominated by the group of children who are trafficked abroad for pickpocketing and to a lesser extent begging and sexual exploitation.

The abovementioned imperfections of the data collection systems in the six countries allow only limited reconstructions of the average profiles of trafficked children. In Austria, a prevalence of girls in 2010 and 2011 was preceded by equal shares of

⁸ Report Concerning the Implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by Bulgaria, GRETA 2011 (19), Council of Europe, p. 10.

⁹ Bilger Veronika and others, Study on the Assessment of the Extent of Different Types of Trafficking in Human Beings in EU Countries, ICMPD, 2010, p. 174.

boys and girls in 2009. The majority of child VoT are above the age of 14, but there also is also a significant proportion of children below 14 (e.g., to avoid criminal responsibility, which is set at 14 in Austria). The gender profile of trafficked children in Italy, Bulgaria and Slovakia is dominated by girls. Child VoT in Bulgaria are Bulgarians of mixed ethnic origin, but with a higher representation of Roma children.

3. EVALUATION OF THE OVERALL NATIONAL CHILD VOT REINTEGRATION APPROACH

3.1. General structure and content of the strategic documents

The gaps in institutional set-up and data analysed in the previous part of this report already provide an indication of the existing deficiencies in the overall policy framework and structure of the strategic documents. Among the six countries where research took place, it could be concluded **the countries of origin have achieved somewhat more significant progress in establishing a counter-trafficking policy framework in line with international standards.** This is probably the result of a larger degree of international attention to the problem of trafficking with respect to these countries, and the relatively larger caseloads of victims identified and returned over the years. However, none of the countries studied has developed counter-trafficking strategies focusing specifically on child victims of trafficking. Instead, child VoT assistance is addressed in the context of the overall counter-trafficking response. Another conclusion that points to a general deficiency in the counter-trafficking response is that among the six countries analysed, **only half of them – again traditional countries of origin (Bulgaria, Hungary and Slovakia) – have established a national referral mechanism.** The need for the establishment of national referral mechanisms is recognised in all of the countries studied and in fact most have established some sort of coordination/guidance and referral system. However, initiatives for coordinated

referral of victims have in some cases been project-based (Italy), have been established on a provincial rather than a national level (Austria), and have not provided a basis for an institutionalised cooperation framework.

Among the countries of origin, Bulgaria and Slovakia have both established anti-trafficking bodies and have developed counter-trafficking programmes. The Hungarian Ministry of Interior, responsible for counter-trafficking policy has developed a national strategy on trafficking of human beings for the period of 2008 – 2012, but has not followed-up with the establishment of national action plan or annual programmes. Among the countries of destination, Austria has developed the most elaborate counter-trafficking policy response, which also pays attention to the special vulnerability of children. This reflects the relatively early identification of child VoT in Vienna in 2004 and the subsequent cooperation established with countries of origin. While Italy has provided for an elaborate and advanced protection and assistance system for victims of trafficking, the protection measures provided by the Department of Equal Opportunities have not been institutionalised in counter-trafficking strategies and action plans.¹⁰ Similarly, Sweden does not currently have a CT action plan, although such a plan was implemented in 2008 – 2010 with a focus on education.

All existing programmes identified – the National Program on Fight against Trafficking in Human Beings for the years 2011 – 2014 in Slovakia, the National Programme for Prevention and Counteraction of Trafficking in Human Beings and Protection of the Victims for 2012 in Bulgaria and the Second National Action plan against Human Trafficking covering the period from 2009 – 2011 in Austria – are based on a comprehensive, intersectoral approach, outlining actions in the fields of prevention, protection, prosecution and cooperation/coordination. In the CT programmes, the intersectoral approach is pursued by the designation of responsibilities to the relevant ministries for the implementation of actions. The three countries with CT programmes have developed and reported on several national programmes and the subsequent drafts have seen various improvements in terms of their scope and level of detail.

¹⁰ A National Action Plan of Italy was under preparation at the time of writing of the report, but had not been formally adopted.

TABLE 1. OVERALL COUNTER-TRAFFICKING FRAMEWORK

Country	CT Body	CT Strategy	CT Plan of Action/ Programme	National Referral Mechanism
Austria	Yes		Yes	No
Bulgaria	Yes		Yes	Yes
Hungary	Yes	Yes	No	Yes
Italy	Yes		No	No
Slovakia	Yes	Yes	Yes	Yes
Sweden	No		Yes, 2008 – 2010	No

Even though Bulgaria, Slovakia and Austria show a higher level of institutional commitment as compared to the other countries studied, the strategic and policy documents in the field of counter-trafficking in these countries suffer from a number of deficiencies. Firstly, **the national programmes lack a detailed, evidence-based analysis of main trends in trafficking in persons to serve as a basis for setting priorities and targeting actions.** The deficiencies in establishing centralised data collection mechanisms outlined in the previous section of this report provide an explanation for the lack of in-depth analysis to serve as a basis for policy efforts.

Another weakness of the national counter-trafficking response in these three countries is **the lack of clear schedule for the implementation of activities.** Instead of providing a specific date or period for the completion of actions, the national programmes of Bulgaria and Austria state the deadline for their implementation, which for most cases is the end of the year or within the two year period. This poses a significant challenge for monitoring the progress in implementation.

The lack of clearly defined and diverse indicators as well as the absence of accompanying monitoring and evaluation systems pose additional obstacles to assessing the progress, results or impact of the counter-trafficking policies. Although all three

countries have suggested some sets of indicators to measure progress, these indicators remain vague or entirely output oriented. None of the countries has established elaborate monitoring systems, or has held external evaluations of the implementation of policies. Instead, the reporting of implementation is assumed by the counter-trafficking bodies, which produce annual/bi-annual reports on the implementation of the counter-trafficking programmes. However, the reports lack analysis of the impact of the implementation of activities and, as in the case of Bulgaria, mostly describe counter-trafficking events that have taken place over the course of the year.

A common deficiency of the counter-trafficking programmes is their **failure to identify the resources (human, financial, technical) required for the implementation of actions.** Assignment of adequate technical and financial resources to intended measures is lacking in the Austrian national programme, while the Bulgarian policy document states that funds for each action will be provided from the leading institution's budget, without delineating the amount of funding to be committed. No information is available on the funds committed to anti-trafficking and reintegration of victims in Hungary.¹¹ The only exception to the general lack of clear commitment of resources to support and reintegration of victims was found in Italy. Even though Italy lacks a national action plan on counter-trafficking, resource mobilisation for

¹¹ The total amount of funding designated for improvement of the circumstances of refugees, asylum-seekers and migrants, and for purpose of protection of the outer borders is 4,2 billion HUF (about 14,238,000 EUR) but there is no breakdown of funds designated to counter-trafficking.

projects for assistance and reintegration of victims is ensured annually by the Department of Equal Opportunity. The adequacy of resources will be further analysed in the section on assessment of resource and budget mobilisation.

3.2. Government ownership

Although most of the Member States studied had established counter-trafficking bodies, thereby fulfilling the basic criteria for government ownership of the counter-trafficking response, significant challenges exist in regards to the adequacy of the policies, their implementation and sustainability.

The analysis of the institutional set-up, available statistics and general structure of the strategic documents provided in the previous sections indicates some deficiencies in the ownership of the CT response by the national authorities common to all countries studied.

A common challenge for most countries is the lack of uniform data collection mechanisms, which would allow statistical evidence on the occurrence of child trafficking to guide government response in the field. While data collection and analysis is a primary responsibility of any counter-trafficking body, the research established that in most cases, data on child trafficking is collected by different national institutions, which disaggregate data by different categories. Data sets are thus not comparable and are not subject to a thorough analysis by the central body. In Italy, the National Anti-trafficking Observatory was set up in 2008 with the creation of a centralised and computerised database capable of real-time processing (SIRIT), but the data are not available to the public.

The lack of mechanism of data collection and evidence-based analysis of child trafficking thus undermines the overall quality of the counter-trafficking policy documents put in place by government bodies. As previously outlined, three of the six countries studied had current counter-trafficking action plans

(National Programmes) with a section devoted to victim support and reintegration, but the national policy response was not based on sound research and analysis on trends in child trafficking. Sweden had developed one National Action Plan in 2008, focusing only on combating prostitution and human trafficking for sexual purposes.

While the counter-trafficking bodies in Austria, Bulgaria and Slovakia produce annual or bi-annual programmes on counter-trafficking and report regularly on their implementation, a rather formalistic approach to policy development and implementation undermines true 'ownership' of the measures in the sense that *the government assumes full participation, responsibility and accountability in defining the objectives, implementing the activities and meeting the outcomes of the national anti-trafficking response*.¹² For instance, Bulgaria, which has the longest history of formulating a national counter-trafficking policy response among the countries studied,¹³ still lacks a monitoring evaluation system to assess the outcomes and impact of the implementation of the annual national programmes. Moreover, in many cases, specific activities (including in the field of assistance to child VoT) are present in several consecutive programmes, as their implementation within the set deadline did not take place. As there are no defined financial resources for the implementation of actions and no clearly defined responsibilities of all actors involved, the accountability of progress made is only ensured through narrative accounts of specific CT events and initiatives, without analysis of their impact, effectiveness or efficiency.

Similarly, the counter-trafficking body of Slovakia has not produced a detailed analysis or evaluation of the national programmes that have already been implemented. This prevents drawing conclusions and fine-tuning the objectives of the action plans in line with main findings. The Ministry of Interior has stated its intention to appoint an independent expert who would conduct the monitoring of the implementation of the Programme of Support and Protection of Victims of THB in line with GRETA report recommendations,¹⁴ but no such expert was

¹² ICMPD Guidelines for the Development and Implementation of a Comprehensive Anti-Trafficking Response, p. 21.

¹³ The first National Programme for the Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims was drafted in 2005.

¹⁴ Council of Europe, Group of Experts on Action Against THB, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic, Strasbourg, 19 September 2011, First evaluation round, GRETA2011(9), para. 102.

appointed by the set deadline in June 2011. So far, only one report has been produced to account for the activities of the previous National Program for the years 2008 – 2010, but as in the case of Bulgaria, the report lacks impact analysis that could guide national authorities in future CT and victim assistance actions.

The lack of effective political will and issues of competence/jurisdiction of the federal state and the federal provinces (*Länder*) have also undermined the establishment of a centralised data collection system in Austria, especially in regard to the role of the provinces, which should take the lead in matters on child protection and welfare. However, partly due to lack of awareness and of standardised identification procedures, several provinces actually report that there are no such cases of child VoT at all.

The research found out that **counter-trafficking bodies have established initiatives for international cooperation for the identification and referral of victims, though most of this cooperation takes place on an ad hoc basis**, rather than on the basis of institutionalised mechanisms. In Austria, cooperation agreements between the Viennese Youth Welfare authority and counterparts in Romania and Bulgaria have been established for the repatriation of unaccompanied minors (some of them presumed child VoT). Joint police operations have also led to the identification of victims and uncovering of human trafficking networks. In Slovakia, authorities have engaged in long-term cooperation with the International Organisation for Migration for the repatriation and return of trafficked persons in general. However, neither the National Strategy, nor the Act on the Social-Legal Protection and Guardianship of Children stipulate any special provisions for repatriation of child victims. Sweden has established an Expert Group for Cooperation on Children at Risk, which joins senior officials from the ministries responsible for children's issues in the member countries of the Council of the Baltic Sea States¹⁵ and the European Commission. The Expert Group for Cooperation on Children at Risk has established a system of National Contact Points, which can offer consultation or coordination when a child is returning to the country of origin.

A second conclusion reached in previous parts of the analysis that indicates challenges in government ownership of the CT and child VoT protection in particular is that **none of the countries of destination has established a national referral mechanism that outlines the responsibilities of all parties for the return and reintegration of victims of trafficking and child VoT.**

While the government needs to ensure that a standardised risk assessment is in place in order to protect victims and their families, such formalised procedures were not identified in five of the six countries studied. The governmental stakeholders and representatives from youth welfare authorities interviewed in Austria confirmed that there is no standardised, nation-wide formalised procedure on victim support and assistance, integration or risk assessment with regard to repatriation of child VoT. In Sweden, the National Guidelines, which were developed by the County Administrative Board of Stockholm as a continued mission from the NAP, stress the importance of risk and security assessment. However, the Guidelines are only recommendations and do not have binding force. Slovakia also does not provide any formalised procedure for risk assessment in case of the return of VoT, including binding principles on the return of trafficked children. In Bulgaria, the only country with formal risk assessment procedures, risk assessment is outlined in the Coordination Mechanism for Referral and Assistance of Unaccompanied Minors and Child Victims of Trafficking Returning from Abroad.

With regard to the participation of national authorities in the establishing, monitoring/licensing and/or funding of accommodation facilities of child VoT, it can be concluded that in all six countries the government has some level of participation in the assistance framework. In all six countries, some service providers receive funding from the national budgets to maintain shelters and/or offer services to victims of trafficking. However, none of the countries studied has established specialised accommodation facilities for child VoT in particular. Child VoT are assisted alongside adult victims of trafficking, UAM or with other children at risk or children who have experienced violence.

¹⁵ <http://www.cbss.org/>. The Council of the Baltic Sea States member countries are Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia and Sweden.

TABLE 2. INDICATORS OF GOVERNMENT OWNERSHIP

Country	Reports on NAP	Existence of facilities funded by government ¹⁶	Centralised data collection mechanisms	Formalised risk assessment procedure
Austria	Yes	Yes	No	No
Bulgaria	Yes	Yes	No	Yes
Hungary	No NAP	Yes	No	No
Italy	No NAP	Yes	Yes	No
Slovakia	Yes	Yes	No	No
Sweden	Yes	Yes	No	No

3.3. Human rights-based approach

All six EU countries have ratified the relevant international conventions related to countering trafficking in human beings and protecting the rights of the child, including the United Nations Convention against Transnational Organised Crime (2000) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; the ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999); and the UN Convention on the Rights of the Child (1989). The research established that in all countries child victims of trafficking are entitled to some form of assistance and healthcare and have access to education on equal footing with nationals, although in some cases these rights are tied to obtaining a residence permit. For instance, in Austria, access to health care is only guaranteed for recognised unaccompanied minor refugees (UAMR) (*Grundversorgung*), and technically, child VoT who do not fall under that regime of basic welfare support are only entitled to emergency treatment. Nevertheless, Youth Welfare Authority experts confirm that each child, regardless of its residence status, who is at least in (interim) custody of the Youth Welfare Authority, is guaranteed access to health care.

In Sweden equal rights to education as Swedish residents is given only to asylum seeking children,

and children with temporary residence permit for participation in a criminal case. These categories of children are also given rights to medical and dental care. The Administrative County Board of Stockholm has, in a formal letter to the government, recommended that all persons harmed in prostitution, procuring and THB shall be granted adequate support and care independent of an initiated preliminary investigation and a temporary residence permit.

Although the six Member States have ratified the Convention on the Rights of the Child, which stipulates that the child's 'best interest' should guide any actions or measures taken on his/her behalf, **none of the countries has developed formal provisions for best interest determination.** In Bulgaria, respondents from state institutions explained that such a procedure is not developed, as the Law on Child Protection provides a formal definition of the child's best interest. Nevertheless, a definition cannot provide specific instructions on *how* the assessment of child's best interest should be conducted. In Austria, representatives from youth welfare authorities report that they apply the best-interest determination to all children according to Youth Welfare Authorities standards. However, this conclusion is not entirely convincing, keeping in mind that there is no uniform guidance on how to apply this best interest determination in the case of child VoT. Moreover, as in the case of the

¹⁶ Although all countries offer accommodation facilities for child VoT, none of them offer facilities that are especially and exclusively provided to child VoT.

Drehscheibe in Vienna, in practice such a decision is usually focused on safe repatriation, in line with cooperation agreements with several countries and the established crisis centres in Bulgaria and Romania.

In line with the Convention on the Rights of the Child, the national laws of the six countries analysed include provisions on the child's right to information and the need for consideration of the child's views and opinions in line with his/her level of maturity. However, the research came across indications that such provisions are not always fully respected by authorities and service providers. For instance, in Hungary, although official procedures for hearing of the child are in place, experts have indicated that the child's views are not fully taken into account upon border apprehension and detention. In Austria, interviewees have indicated that the established mechanisms for safe repatriation of VoT are often given more weight than the views of the child.

The research did not come across any provisions in policy documents that address the need to consider the ethnic background of the victim. Regulations for service providers may include provisions on cultural and linguistic sensitivity (Slovakia) but no such approach was identified in practice. Having in mind the disproportionate representation of ethnic groups such as the Roma in the caseloads of child victims in the six Member States, the lack of specific measures to reflect and accommodate the ethnic background of the victims may be considered a serious deficiency. For instance, in Bulgaria, none of the service providers offering support to child VoT had language proficiency in the dialects of the Roma subgroups or involved Roma care givers in the assistance to child VoT. Some of the interviewed experts in Austria show a misperception of child begging as a cultural practice of the Roma. This may also explain the low identification rate of Roma children trafficked for begging and pickpocketing.

More positive examples were found with regard to taking into account the gender of the victim. In Bulgaria, there is a specialised crisis centre for girls who are victims of trafficking. Reportedly, in Austria the gender of the UAM/child VoT is taken into consideration in providing accommodation, special leisure time programs, and assistance by female care takers for female UAM/child VoT.

No special provisions targeting the empowerment of children were identified in the National Programmes.

3.4. Interdisciplinary and intersectoral approach and civil society participation

The six EU countries pursue different strategies for ensuring an interdisciplinary and intersectoral approach in counter-trafficking and assistance to victims, including child VoT. Bulgaria, Slovakia, Hungary, Austria and Italy have established national counter-trafficking structures that include participation of relevant government bodies. In addition, Bulgaria, Slovakia, Austria and Hungary have formed expert groups that include members of civil society organisations. Although Italy and Sweden do not have permanent expert/advisory structures, both countries pursue some level of civil society involvement through participation in other relevant structures or involvement in specific committee hearings that deal with child victims of trafficking.

Within the existing national counter-trafficking bodies of the four Member States (Bulgaria, Slovakia, Hungary, Austria), all relevant government ministries are represented, including health, labour, education, external and internal affairs, among others, thus reflecting the complexity of measures needed to address trafficking in persons. Italy has also pursued an intersectoral approach through the establishment of an Interministerial Commission for the Support of Victims of Trafficking, Violence and Serious Exploitation at the Department of Equal Opportunities composed of representatives of the Ministry of Interior, Social Solidarity, Justice, and Policies for the Family.

Bulgaria, Slovakia and Austria have pursued an interdisciplinary approach by establishing expert groups/task forces on counter-trafficking, which are tasked, among other things, with participating in the development of national policy documents. In Bulgaria, the expert group on trafficking in human beings includes all relevant national authorities and representatives of seven NGOs/IGOs; in Slovakia, three NGOs take part in the expert group, while in Austria three NGOs are members of the task

force. All three countries involve organisations with expertise in children's rights and child protection. In fact, Austria and Slovakia have established specific working groups on child trafficking within the consultation structures. In Hungary, civil society is represented by nine Hungarian NGOs in the National Coordination Mechanism under the auspices of the National Coordinator.

Although these four countries have established an institutional framework for the participation of civil society organisations, the full-fledged involvement of NGOs in policy making and implementation is often hindered by structural or administrative obstacles. First, in three of the four countries (Bulgaria, Slovakia, Austria), the participation of civil society is limited to a few NGOs, which are greatly outnumbered by representatives of government institutions. Even when civil society organisations have voting rights, it is difficult for them to push forward a specific agenda if it conflicts with the interests of the national authorities. With regards to policy formulation, both Slovakia and Bulgaria report that civil society input is rarely (if at all) taken into account in the drafting of national programmes. An exception to some extent is Austria, which reports that the views of the three NGO members are welcomed and often taken into account in the national action plan.

Even though Bulgaria, Slovakia and Austria have established expert bodies with the participation of civil society, the three countries report that the consultation processes are mostly informal: The meetings of the expert groups are not regular but rather summoned on an ad hoc basis, and there are no formal channels of communication beyond a mailing list of the members.

In Italy, consultation with civil society seems to be even more impromptu. NGOs take part in the Technical Panel, which was established in 2010 with the task of drafting a CT action plan. NGOs also consult the Board of Experts within the Department of Equal Opportunities, though the quality of this collaboration has not been consistent. NGOs were active in the drafting of the legislation for victim assistance (Article 18 and Article 13), though reportedly their influence has waned. Currently, many civil society organisations do not feel that their views are taken into account in policy formulation. A recent evaluation of NGO participation in the

decision making processes related to Article 13 and 18 established that nearly half of the respondents believed that they do not have any role in policy formation, and only three out of 27 respondents believed that the NGO entities involved in the sector played an important role.

In Sweden, even though a national coordinating body on trafficking does not exist, reportedly civil society organisations are often invited in hearings at the Ministries if the theme is crime victim issues, and are also often included in groups on lower levels of power for policy discussions. NGOs were reportedly active in the drafting of the National Action Plan and are likely to participate in a network established by the County Administrative Board, which focuses on information sharing. However, to date meetings of the network have not been organised on a regular basis.

Civil society organisations are often included in the **implementation** of CT activities, although, with the exception of funding for service providers for victim assistance, **none of the six countries studied designate financial resources for the implementation of CT actions by NGOs.** In Bulgaria, an NGO specialised in victim support played an instrumental role in the development of the national referral mechanism for victims of trafficking, though funding was mobilised through external sources.

In all six countries, non-governmental organisations are active in the field of victim support, and in most cases receive funding from the national and/or municipal budgets to maintain shelters and/or offer services to victims of trafficking. In Hungary, an NGO is commissioned to manage a shelter for victims of trafficking. In Bulgaria, two NGOs receive delegated budgets to offer services to child VoT in crisis centres. In Austria, the Drehscheibe is part of the Viennese Youth Welfare Authority and therefore is funded by the Municipality of Vienna. In Slovakia, three NGOs represented in the expert group receive funding from the state budget based on the public procurement for services to victims of THB on the basis of a call for tender by the Ministry of Interior. Certainly, the most generous system for victim assistance is offered by Italy, where 159 entities are registered in the Second Section of the Register of entities and associations that implement programmes providing assistance and social protection for victims of trafficking, all

of which receive funding from the Department of Equal Opportunities.

3.5. Sustainability

The six countries ensure different levels of sustainability of the child VoT assistance and reintegration approach. A higher degree of sustainability is achieved by the countries that have established CT bodies (Slovakia, Bulgaria, Hungary, Italy, Austria) and implement annual CT programmes (Slovakia, Bulgaria, Austria¹⁷) with specific sections on victim support and child VoT assistance. At the other end of the spectrum are countries that have not established a permanent CT body. For instance, in Sweden, the government's special mission to County Administrative Board of Stockholm is designed as a project. Their work with developing the National Guidelines is limited to 2014.

Although Slovakia, Bulgaria and Austria include actions in the field of child VoT assistance and reintegration annually or bi-annually in the National Counter-trafficking Programmes, **the sustainability of the measures is marred by the lack of adequate financial and technical resources designated for their implementation.** All three countries designate resources for the operation of the counter-trafficking bodies, but the programme documents are not backed by clearly defined, sufficient resources from the state budget for their implementation, and in many cases implementation is tied to external donor funding.

The research established a general lack of predictability and commitment of national funding for counter-trafficking for each year, and in fact some Member States (Bulgaria, Hungary) reported that funding has been significantly affected by the economic crisis. In the case of Hungary, even though the country has a counter-trafficking coordinating body, which developed a Counter-trafficking Strategy for 2008 – 2012, sustainability is not achieved as the strategy has not been accompanied by action plans or financial resources and at this stage exists only on paper.

Another common challenge to achieving sustainability of the child VoT assistance and reintegration

approach identified in all countries is the **lack of centralised data collection mechanisms which would produce empirical data on the dimensions of child trafficking.** This means that the national policies or particular measures, where such policies are absent, are not founded on evidence-based analysis of identified trends and risk groups. Moreover, the lack of independent, evidence-based research on recruitment mechanisms, factors of vulnerability and socio-economic and cultural background of the victims does not allow for revision of the policy documents and development of services that are in tune with the needs of victims.

A problem related to the deficiency of data collection identified in the six countries is the lack of established monitoring and evaluation mechanisms to assess the impact and effectiveness of policies and measures. Keeping in mind that where counter-trafficking bodies have been established, they assume a rather general approach to the assessment of the implementation programmes (with annual/bi-annual reports focused on output indicators), it is not surprising that some of the actions that have not been implemented are automatically rolled over to the National Programme of the following year, as in the case of Bulgaria and Slovakia.

A positive aspect identified in terms of achieving sustainability is the mainstreaming of child VoT assistance and protection measures in some of the national child protection policies. For instance, since 2004, when the first Bulgarian child victims of trafficking were identified in Vienna, all annual Child Protection Programmes in Bulgaria have included measures for assistance and reintegration of child victims of trafficking. In Slovakia, the National Action Plan for Children for the years 2009 to 2012 addresses the UN Committee on the Rights of the Child recommendations to address child begging by setting strategic objectives of increased attention to discovering child labour by the Labour Inspectorate. In Italy, the Third National Biennial Plan of Action for the Protection of the Rights and the Development of the Child adopted in 2012 includes a chapter on trafficking, sexual and labour exploitation and irregular migration of children. In Sweden, child VoT were included in the *Barns behov i centrum* XXX (BBIC) system of child welfare, which

¹⁷ At the time of writing of this report, the CT Action Plan of Italy, which was planned to be drafted and approved in 2011, was not yet adopted.

integrates a focus on education into foster care assistance.

Another indicator of the sustainability of the child VoT support policies identified in all countries is the commitment of financial resources to different forms of assistance and reintegration of VoT and UAM. In some cases (Bulgaria, Slovakia, Hungary), the government dedicates funding for state operated shelters for VoT and/or UAM. In other cases (Bulgaria, Austria, Italy, Hungary), funds are envisaged to service providers offering assistance to child VoT and UAM. In Sweden, municipalities often provide support to victims of crime in close cooperation with civil society actors. Many shelters are run by NGOs but are dependent on funding from the municipality or group of municipalities.¹⁸

3.5.1. Assessment of resource and budget mobilisation

The research encountered significant challenges in gathering information on the resources and budget mobilised to implement counter-trafficking and victim assistance policies. A common problem identified in three countries that have developed national CT programmes (Austria, Slovakia, Bulgaria) is that **the policy documents do not identify the necessary and committed financial resources for their implementation from all ministries involved.** In fact, the policy documents in Austria and Bulgaria state that the resources from the implementation of actions will be mobilised from the budgets of the respective ministries in charge, without designating actual amounts. The budgets of the respective ministries, however, do not provide information on the resources committed to actions in the field of CT and child VoT assistance. Conversely, in Slovakia, mobilisation of resources is designatde only by the Ministry of Interior, while the commitments of other ministries are not defined. This type of approach is not conducive to transparency and commitment to implementation of actions. In all three countries, interviewed stakeholders indicate that **the resources mobilised for implementation of actions in the field of CT and child VoT support and reintegration are insufficient.**

A positive example of clearly designated financial resources for CT measures was identified in Sweden, which provided information on the costs of all the measures (projects) included in the Action Plan Against Prostitution and Trafficking for Sexual Purposes. The total amount designated in the action plan was 230 million SEK or around 27 million EUR.¹⁹ The estimated amounts, however, do not offer an indication of resources designated for child VoT. Moreover, as the Action Plan is outdated and there is no current policy document outlining measures in the field of CT and victim support, a detailed analysis of the financial resources must be left aside.

A reference point for the level of financial commitment to CT and victim support actions may be provided by the budgets of the CT bodies. Information was acquired for the national CT body in Bulgaria, the National Commission for Combatting Trafficking in Human Beings. With an annual budget of between 150-200 000 EUR per year (for the last three years) the National Commission has to cover the salaries of seven personnel, the expenses of seven Local Commissions and the operations of two shelters managed by the Commission. It is not difficult to see that the state-allocated resources are stretched thin along the structures of the main counter-trafficking body and that supplementary funding by the National Commission for measures specifically targeting the reintegration of child VoT is not possible.

The amount of funding made available to service providers to offer support and reintegration assistance to child VoT could be another reference point for the assessment of mobilisation of financial resources. However, as previously mentioned, in the six countries studied, child VoT are assisted by service providers that offer support to different age groups, or groups at risk as well as victims. Thus, the lack of aggregated data on child VoT assisted by all service providers makes an assessment of the resources committed to child VoT assistance impossible. For instance, Italy dedicates between four and four and a half million euros to VoT support through project funding provided by the Department of Equal

¹⁸ Most of these shelters have largely been used for adult victims of trafficking, sometimes together with their children. For child VoT the municipalities most often use either family homes or other sheltered accommodations specialized for children. Accommodation facilities are described in more detail in following sections.

¹⁹ An action plan to combat prostitution and human trafficking for sexual purposes. Accessed September 25, 2012. <http://www.sweden.gov.se/content/1/c6/13/36/71/ae076495.pdf>.

Opportunities, but there is no available data on the amount that has been used to support minors in particular. Similarly, in Bulgaria, the crisis centres for child victims of violence (including victims of trafficking) receive around 3,600 EUR for each place per year, or around 36,000 EUR annually, as the centers have the capacity of about ten placements.²⁰ However, there is no official data on the number of child VoT assisted by the network of the crisis centres annually. In Hungary, foreign child VoT and UAM are placed in child protection institutes or the state Children Center in Fot. Child VoT of Hungarian nationality are directed to the child institutes or provided assistance in NGO-run shelters, funded by the Ministry of Interior. There is no financial data on the amount of state funding dedicated to child VoT in these facilities, though the dire effect of the financial crisis has prompted some of the institutes to refuse to accept foreign minors for interim care.

The lack of information on the resources committed to the implementation of CT policies as well as to individual programmes for child VoT assistance indicates that policies and programmes are developed without any analysis of their effectiveness and efficiency, a conclusion elaborated further in the next section on monitoring and evaluation.

3.5.2. Assessment of monitoring and evaluation mechanisms

The lack of established monitoring and evaluation mechanisms was one of the main challenges for effective policy formulation and implementation identified in the six countries studied. Practically all countries that had developed counter-trafficking strategies and national programmes (including measures on child victim support and reintegration) had not put in place any mechanisms to monitor progress or evaluate the effectiveness of their implementation. One of the key challenges in this respect, which has been discussed in detail in previous sections of this report, is related to the absence of centralised data collection mechanisms on child trafficking, which would allow for the aggregation of data to be used in impact-oriented evaluation mechanisms.

One common approach to evaluation of the national response mechanism in CT has been identified in

all three countries that currently have a coordinating body and a national programme in the field of trafficking in persons. In Bulgaria, Slovakia and Austria, annual or bi-annual reports are produced on the implementation of the national programmes. These reports are the result of joint efforts on the part of all structures and organisations engaged in the implementation of the programme. These structures and organisations submit reports to the national body, which in turn is in charge of consolidating all of this information into a national report. This type of approach is conducive to cooperation between the different partners and to some extent demands accountability from all bodies involved in counter-trafficking efforts. However, this approach results in national reports that mostly focus on accounts of meetings, seminars or other activities, without using a range of types of indicators, without reflecting on overarching goals and specific objectives, and most of all without providing any analysis of the impact of the implemented activities. Similarly, Sweden, which does not have a CT body but has implemented one National Action Plan, has reported on its implementation based on indicators for output and without analysis on impact to guide further actions.

Slovakia has declared intentions to conduct external monitoring, though concrete steps to this end are yet to be made. In Bulgaria, the child protection authorities have been more progressive in conducting evaluations, including of policies that affect child victims of trafficking. The implementation of the National Strategy on the Child 2008 – 2018 has been assessed internally, and a first evaluation report has been produced for the period 2008 – 2010. Nevertheless, there are some deficiencies in the existing evaluation. For instance, the monitoring process relies primarily on the annual reports on the national child protection programme and thus lacks a variety of perspectives and information resources, which could add wealth and objectivity to the analysis. There is no particular or publicly available Terms of Reference of the monitoring, no multiplex data collection system (beyond the review of the annual reports), or clearly established indicators, which would ensure the quality, replicability and further improvement of the monitoring system.

The research did not identify any existing evaluation systems that could assess the effectiveness of the

²⁰ Official Response Agency for Social Support, (15.11.2011).

(re)integration assistance provided to child victims of trafficking. Although in some cases service providers offering reintegration assistance to child VoT are licensed and to some degree monitored by state institutions, impact-oriented evaluations are not carried out for a number of reasons. One reason is the lack of centralised, disaggregated data on victims of trafficking assisted. For instance, in Bulgaria, the first monitoring report/analysis of the implementation of the National Strategy of the Child 2008 – 2018 provides a number for the ‘successfully reintegrated children at risk’. However, since there is no break-down on the types of reintegration or the profile of the children at risk, it is impossible to establish how many child VoT were ‘successfully reintegrated.’ Also, any information on the methods and indicators used to establish the success and effectiveness of the reintegration is lacking, which calls into question the validity of this category.

Italy, which has the most developed and generous system of service provision, has yet to put in place systems for the evaluation of the services provided. The Department for Equal Opportunities does not currently perform any evaluations of the projects it has funded, which would provide some indication of the effectiveness of the assistance services provider. In 2008, the department created a database with information on the profile of victims of trafficking and the services offered by the assistance networks. However, the Department has not yet reported on this vast wealth of information to the large number of implementing bodies, and the data has not been used to analyse the effectiveness of the services provided to victims of trafficking and child VoT in particular.

3.6. Assessment of results

An assessment of results of the implementation of child victims assistance and reintegration policies is challenged by several factors, outlined in previous sections of this analysis. The lack of centralised data collection and the absence of monitoring and evaluation mechanisms in the countries that have established CT and victims support policies make assessment of the implementation of policies rather difficult. As previously mentioned, Austria, Slovakia and Bulgaria account for the implementation of annual/bi-annual CT Action Plans through reports that are based on output indicators and offer little

analysis on difficulties in implementation, and no information on the impact of the actions. One common tendency identified in all three countries is the rolling over of certain actions that have not been implemented from one Action Plan to the next. For instance, in Austria, the development of a nation-wide national referral mechanisms for child VoT was covered under National Action Plan II (2009 – 2011) and was consequently included in National Action Plan III. Similarly, in Bulgaria the development of a methodology for the operation of crisis centres for child VoT and victims of violence has been present in Child Protection Programmes since 2010 and was finally developed and adopted in April 2012. As there is no external monitoring and evaluation or public discussion about the implementation of these programmes, the reasons for the difficulties in implementation of actions are not provided. The development of a standardised, nation-wide concept for the provision of adequate care and support of children and young persons as victims of child trafficking has been a key challenge also in Austria, and to date no such document has been established. According to experts, the main difficulty lies in establishing formal cooperation mechanisms between the federal state and the nine provinces.

Sweden has also focused on internal reporting and evaluation of the implementation of the National Action Plan. The implementation of tasks (which encompassed five areas: increased protection and support for exposed persons, strengthening of prevention, enhanced quality and efficiency of the judiciary, increased cooperation nationally and internationally, and increased knowledge) was reported to the government by the bodies responsible for implementation. These reports were summarised and evaluated by the Swedish National Council for Crime Prevention. The evaluation of the effects of trainings conducted as part of the Swedish NAP provides a positive example in term of assessing the impact of measures.

In Italy, which does not currently have a national action plan in the field of CT but has an elaborate system of victim support, regular assessments should be made on the effectiveness of the projects funded by the Department of Equal Opportunities and implemented under Articles 13 and 18, as well as on the effectiveness of the reintegration plans for victims of trafficking. Although the

TABLE 3. OUTCOME OF PROGRAMMES UNDER ARTICLE 13, 2011, ITALY

Outcome of the programme	Number	Value in %
Continuation of the programme under Article 13 with the same organisation	137	24.3
Transfer to a project under Article 18	130	23.0
All contact lost	84	14.9
Start of independence and social integration	22	3.9
Assisted repatriation	21	3.7
Community supervision	15	2.7
Return to the exploitation circuit	8	1.4
Emigration to a third country	3	0.5
Transfer to another project under Article 13	3	0.5
Protection as an informant	0	0.0
Other	141	25.0
Total	564	100.0

Source: Department of Equal Opportunities.

establishment of SIRIT database marks an important step towards developing a system of evaluation of the assistance measures, to date the database has not been used to assess the results of the assistance programmes. The lack of standardised procedures at a national level for the various phases of support and assistance, in particular for minors, poses a challenge for any assessment of results, as there are no standards and indicators against which the success of the reintegration programmes could be measured. Nevertheless, some attempts made by the Department to trace the outcomes of the programmes under Article 13 could be used as a starting point for establishing a system of assessment. For instance, currently, the Department for Equal Opportunities maintains data on the share of victims who have begun the process of developing independence and social integration and on the share of those who have returned to the circuit of exploitation, clear indicators of the success or failure of measures implemented. Steps should be taken to disaggregate the data to trace the percentage of minor victims of trafficking and to provide additional indicators on the success of the interventions.

4. EVALUATION BY AREA OF RE/INTEGRATION

While the first level of analysis was focused on the policy framework of child VoT assistance and reintegration and its correspondence to internationally accepted standards, this second level provides an evaluation of the actual implementation of policies and measures. The analysis begins with a general assessment of the effectiveness of measures considered as preconditions of child VoT support, discusses the quality of interim care and concludes with an evaluation of the available support mechanisms for the long-term reintegration of child VoT.

4.1. Appointment of a guardian

Child VoT may be granted different levels of guardianship in all six countries. A limited form of custody involves the legal custody (representation), provided in Austria by the Youth Welfare Authority, which is similar to the representation provided in

Bulgaria. In Bulgaria, this form of guardianship is executed by social workers at child care departments or by directors at child care institutions. These institutional representatives have limited prerogatives with regard to a child VoT's well-being, as parents or close relatives retain legal guardianship. Guardianship authorities in Hungary appoint ex officio guardians to child victims of trafficking in temporary placement. As in Bulgaria, such guardians in Hungary are either the heads of the care institutions or foster parents.²¹ Child VoT in Hungary are also entitled to legal guardians to ensure the protection of the child's interest in court proceedings. Legal guardians are usually attorneys, but they have no special training and the duties they perform are not bound by specific professional requirements. In Italy, 'interim power' over children is assumed by the legal representative of the care home where the minor is staying or by the competent local authority until the judge appoints a guardian. Legal guardians in Slovakia, who may be temporary or permanent, are appointed when children cannot be represented by their parents. Temporary guardians are appointed to provide for the protection of the particular interest of a child in a particular given case.

In Austria, full custody is provided by Youth Welfare Authorities upon court order in cases when parents are incapable or unavailable and no other qualified person or relative can be identified. Such guardianship involves the provision of care (including accommodation, social and economic care), education and legal representation. Full guardianship to child VoT in Bulgaria is provided on very rare occasions, as child VoT in the country are Bulgarian nationals with parents or close relatives who are recognised by the law as their guardians. Institutional guardianship to child VoT in Bulgaria is provided only to children whose parents are unknown, deceased, legally incapacitated or deprived of parental rights and who lack close relatives to take over that function. In these cases, guardianship may be provided by the director of the specialised institution. Full guardianship in Italy is entrusted either to institutional guardians (a representative of the Local Authority) or private citizens (volunteers or legally residing foreigners). The figure of a trustee in Sweden is nominated by the so-called Chief Guardian and has the right and duty to decide in personal, financial and legal affairs concerning the

child. The institution of the Chief Guardian in the country is attached to each municipality and has the duty to appoint trustees and supervise their work. If a child is granted a permanent residence permit in Sweden, the trustee is replaced with a specially appointed custodian by the decision of the district court. Permanent guardians in Slovakia are appointed to exercise rights and responsibilities on behalf of a child's best interest.

In three of the studied countries, regional variations in the implementation of guardianship services were identified (Austria, Italy, Sweden). In Bulgaria, Slovakia and Hungary guardianship services appear to conform to uniform implementation. Local variations in the implementation of guardianship are reported to have some disadvantageous aspects, but they also serve to give space for the development of some good practices that involve timely appointment of guardians with relevant training and on-going support for them (Italy, Sweden), a limited number of entrusted minors (Italy) and frequent meetings between children and guardians (Sweden).

A number of deficiencies were reported with regard to the provision of guardianship services in the six countries under study. In Austria, a practice of providing full custody (guardianship) can be observed only in relation to children under 14 years of age, whereas there is no consistent practice above that age; this practice is reported as putting older children (UAMs and child VoT alike) in a disadvantageous position. It is reported that the diversity in the application of procedures regarding custody by the different Austrian provinces leads to a reality where some Youth Welfare Authorities do not meet the obligation to take over guardianship for UAMs/ child VoT. Efforts to ensure full custody have been reported in relation to cases in Tyrol, Lower Austria and Vienna. In Bulgaria, in spite of the presence of legal guardians (in the guise of parents or close relatives) or institutional representatives of child VoT, children from this group are reported as appearing insufficiently protected along the process of reception, assistance and reintegration. The study on Bulgaria advises the establishment of a pool of well trained professional legal guardians for child VoT who could assure the child's best interest at every stage of the reception and assistance process. In some Swedish municipalities, the appointment

²¹ Fundamental Rights Agency (2008), Thematic Study on the Rights of the Child (Child Trafficking). Hungary, pp. 15-16.

of trustees may take up to two months and child's meetings with his/her trustee may be rather rare. In Slovakia, temporary guardians often come from the place of permanent residence of the child, which may be at a long distance from the place of institutional care. Such situations do not allow for personal impressions and contacts between the guardian and the child, which affects the quality of guardianship services. A tendency was identified in Austria, Italy and Bulgaria of entrusting large numbers of children to the same institutional guardian. Considering the fact that guardians exercise serious responsibility over children, the practice of assigning many children to a single guardian limits his/her capacity to develop close and trusting relationship with them.

4.2. Screening and documentation

From the six countries studied, only Bulgaria and Hungary follow standardised procedures for screening and documentation upon child VoT identification. Bulgaria's Coordination Mechanism for Referral and Care of UAMs and Child VoT Returning from Abroad designates the functions and the cooperation between the responsible institutions and the particular components of the screening and documentation procedure. These include establishing or confirming the identity of the child, establishing his/her place of residence, identification of his/her family or relatives, gathering information about prior registrations of the child or his/her parents within the Ministry of Interior system, establishing the circumstances of trafficking, assessing risk and conducting a preliminary screening of the family and the social environment of the child. Austria, Italy, Slovakia and Sweden have no standard, nation-wide guidelines for the conduct of screening and documentation upon the identification of child VoT. A special modus operandi for screening and documentation for child VoT has been developed by the specialised centre for child VoT and UAMs, *Drehscheibe* in Vienna, Austria. The components of the procedure involve an initial ID determination, further clearance of identity by checking the *Drehscheibe* data base and communication with respective Embassy or police liaison officer and preparation of a background information case file upon the child's repatriation. This procedure, however, is not applicable throughout Austria. **The absence of common guidelines**

combined with the decentralised protection systems of Austria, Italy and Sweden make the screening and documentation process dependent on the engagement of particular institutions and professionals at the regional and local level.

None of the studied countries has special Codes of Ethics for interviewing child VoT for law enforcement or service providers. The evaluation revealed that in three of the studied countries (Austria, Bulgaria, Slovakia) the application of professional ethical standards in interviewing minors (and child VoT) especially for law enforcement is not guaranteed and does not always comply with corresponding international standards. Child VoT in all six countries are interviewed following more general codes for working with children, such as the Code of Ethics for Professionals Working with Children in Bulgaria (for service providers); the Code of Judicial Procedure in Sweden, which sets norms for preliminary investigation and provides for specially trained experts for interviewing children; and the child-related sections of the Code of Criminal Conduct and the Code of Conduct for interviewing minors in Slovakia. The Code of Criminal Procedure in Austria provides the legal basis for child-sensitive interviewing. However, the country lacks ethical guidelines on how to conduct interviews with children.

The Code of Criminal Procedure in Italy provides two special measures for protecting children during judicial interrogations. The first one allows for the possibility of gathering evidence before the trial in a protected room under the supervision of a psychologist so that direct contact between the child and the judicial body is avoided. The second measure allows for audio and video recording of interviews of minor victims of sexual exploitation in a neutral setting, again under the supervision of a child psychologist. At the local level a series of different Protocols have been developed, which indicate appropriate procedures for approaching children during an interview that are shared by the signatories. Child VoT interviews by the police are conducted in the presence of officials to guarantee the best interest of the child. These officials include social workers in Bulgaria and Sweden, linguistic and cultural mediators in Italy and pedagogues, psychologists, vetted experts or legal representatives in Slovakia. Such interviews in Sweden are conducted by policemen with special education and

with training in interviewing traumatised children. In Austria, interviews with children below 14 years of age are conducted by specially trained police officers. However, there is no consistent practice in the country regarding systematic cooperation between the police and social authorities to assure the presence of social workers at police interviews with trafficked children.

Two of the studied countries reported specific good practices with regard to interviewing child VoT. In Italy, in certain vulnerable cases project operators and cultural mediators may conduct interviews with a minor prior to their meeting with law enforcement officials and then communicate sensitive information to them to ease the investigative process. In Sweden, 25 special cooperation units of Children's Houses (Barnhouse) were established in the last decade to serve as child advocacy centres or hubs for serving minors (including child VoT). These facilities host representatives of all relevant authorities who cooperate to provide speedy and efficient solutions for the protection of minors, thereby sparing victims repeated interviews and investigations. In addition, interviews with minors under 15 in Sweden are videotaped in order to assure the compliance with children's rights and best interest.

One deficiency in the screening and documentation process identified in Bulgaria regards cooperation with countries of destination. In cases of trafficked children identified abroad, the initial screening process may take place before or after the repatriation of the child, depending on the case. Often background information about the child provided by the appropriate institutions in the country of destination is very scarce. This is due to the protection of personal data rules applicable in the country of destination or to the requests for immediate repatriation on the part of authorities in the country of destination.

Age assessment in the studied countries is usually conducted by x-ray or other bio-metrical methods (such as tooth examination in Italy), or a combination of both (Austria). Country studies reported a number of common imperfections in age assessment procedures, such as the lack of application of the principle of doubt in Austria and Italy; the lack of compliance with the rule of margin of error in Italy and Slovakia; or the lack of knowledge of the minor's cultural backgrounds and situations by the personnel

executing age assessment (medical personnel in Italy and Austria, vetted experts in Slovakia).

4.3. Individual case assessment

4.3.1. Family tracing

Family tracing procedures in Austria, Italy and Sweden follow or derive from family tracing procedures for UAMs. There is no specific standardised procedure for victims of child trafficking in Austria. In the case of the *Drehscheibe* institution in Vienna, family tracing of child VoT in Austria is conducted by authorities in the countries of origin following bi-lateral agreements between the Municipality of Vienna and the respective countries of origin. Those bi-lateral agreements are considered a key instrument to guarantee child VoT 'safe return' to their countries of origin, together with assistance by the International Organisation for Migration in several cases. The evaluation studies under the ARECHIVIC project conducted in Austria and Bulgaria, however, point out that Bulgarian child VoT are often repatriated from Austria before any information about the family or the family environment is collected by the Bulgarian authorities. Repatriation appears to be based only on the very scarce information about the circumstances of the child in Austria. 'Safe return' of child VoT is conducted by the Austrian authorities based on the assumption that responsibility will be taken by the interim care systems of the respective country of origin. Family tracing of UAMs (and child VoT) in Italy is conducted first on Italian territory by the Committee for Foreign Minors with the help of cultural mediators. Upon the collection of preliminary background information in Italy, an investigation on behalf of the Ministry of the Interior is conducted in the country of origin by the International Organisation for Migration.

Family tracing in Bulgaria (conducted in accordance with the Coordination Mechanism for Referral and Care of UAMs and Child VoT Returning from Abroad) is a key to the formulation of a position about the child's accommodation upon repatriation. As already mentioned, however, child VoT are often repatriated prior to the conduct of family tracing. Thus child VoT fall by default into the system of Crisis Centres with no clear idea or knowledge about what happens to them when returned to

their home country. This situation of uncertainty is augmented by the frequent delays in delivery of family environment assessment reports or the provision of very scarce information by the Child Protection Department to the Crisis Centres. In Slovakia, there are no provisions guaranteeing the tracing of family members in the country of origin of a foreign child and no provisions requiring the assessment of a child's best interest concerning assistance in family reunification. In Sweden, the system of family tracing needs improvement through the strengthening and development of cooperation with respective authorities in countries of destination. The country only has recommendations in the National Guidelines concerning investigations before child VoT repatriation to secure 'safe return'.

4.3.2. Risk and security assessment

Although **risk and security assessment** is a crucial part of the complex procedure of individual case assessment in view of finding a durable solution, **the research established that only one country has a formalised procedure for risk assessment.** In Bulgaria, the risk assessment is outlined in the Coordination Mechanism for Referral and Assistance of Unaccompanied Minors and Child Victims of Trafficking Returning from Abroad. The risk assessment is carried out by the Social Assistance Agency Department in collaboration with the Ministry of Interior. The Ministry of Interior verifies the criminal history of the child and his/her parents while the Child Protection Department at the child's residency conducts an assessment of the social and family environment. This assessment is conducted by a social worker who becomes the case manager for the VoT and is responsible for the coordination of the multidisciplinary team.²² This risk assessment is included in the initial Needs Assessment prepared for child VoT by the Child Protection Department, which guides the formulation of the Reintegration Plan.

In Austria, there is no formalised procedure for risk assessment at the national level. However, in cases of child VoT who are nationals of countries that have repatriation agreements with Austria, the risk and security assessment is done in cooperation with

police, embassies and the governmental partners as defined in those agreements. Reportedly, however, the focus of the general individual assessment performed by the *Drehscheibe* in Vienna emphasises 'safe return' of the child VoT and consequently deemphasises other possible durable solutions.

In Slovakia, formal principles for risk assessment are not outlined, even though the country has a national referral mechanism. Similarly, in Italy, an assessment of the child's situation, including potential threats, is not conducted in line with a formalised procedure. The assessment, which includes some level of risk analysis, is made by the service providers in close collaboration with Social Services, Juvenile Court, law enforcement agencies and consular authorities. The assessment also relates to the accommodation of child VoT: if a certain region is considered too risky, the minor is moved elsewhere through the national toll-free anti-trafficking helpline that refers him/her to the most suitable local service.

4.4. Interim care

Once identified, child VoT should be entitled to receive immediate care and protection including security, food, accommodation in a safe place, access to health care, psychosocial support, legal assistance, social services and education. In this report, the analysis of the availability and quality of interim care is focused on the three countries of destination of child VoT: Austria, Italy and Sweden. This is because in the countries of origin there is a relatively insignificant or non-existent caseload of child VoT who are foreign nationals,²³ and thus most victims are assisted in line with a durable solution that envisages long-term reintegration in the country.

In the three countries of destination, interim care for child VoT is provided through the framework of different protection regimes. In Austria, care may be provided through the refugee regime/the regime for 'other UAM', as well as under youth welfare legislation. In Sweden, support is provided in the framework of assistance to victims of crime or children at risk, but it is conditional upon

²² Coordination Mechanism for Referral and Assistance of Unaccompanied Minors and Child victims of Trafficking Returning from Abroad, p. 4.

²³ With the exception of Hungary.

temporary residence status or asylum status. Italy has established a complex and unconditional system of assistance to potential or identified victims of trafficking.

All three countries offer some type of accommodation facilities to child VoT. **However, none of these facilities is especially designated for child VoT, which in many cases proves to be problematic.** In addition, none of the countries offers 'safe houses' for child VoT that have a restrictive regime of access and are not publicly known. In Austria, accommodation and welfare for child VoT and UAM is offered by NGOs within the framework of agreements with the Youth Welfare Authorities. According to expert opinion, the quality of care and protection (including accommodation and welfare) depends on the responsible Youth Welfare Authority in the federal province and whether it accepts 'full guardianship' (which includes, among other things, accommodation, care arrangements, education, integration support, health services, etc.) for UAM or not. Another problem was identified with regards to the inadequate availability of places in the shelters for UAM in the provinces, which leads to the placement of children above the age of fourteen in regular private guesthouses which are formally entitled by agreement with the provincial authorities to accommodate refugees, but rarely adapted to the specific needs of young people.

In Italy, various facilities such as emergency reception centres, specialised emergency reception centres (emergency shelters), dedicated facilities for minors, hostels, etc. have been established and funded by the Department for Equal Opportunities. The placement of each child is made on a case-by-case basis, and child VoT are not always directed to facilities for minors. In some cases, an assessment is made on the basis of the 'maturity' of the young person as to whether it is appropriate to accommodate him or her with adults, ensuring that the minor in question is not placed in an environment that is too protective and that he or she assumes a higher level of responsibility. Minors who are still deemed to be 'children' in psychological terms, and who have not been indelibly marked by the experience of exploitation, are referred to facilities that accommodate other minors (such as unaccompanied foreign minors, Italian and other minors with criminal or civil convictions, etc.) where the project can ensure that they have social, legal,

psychological, medical, etc., assistance. In some cases the goal is to accommodate children in any case within projects for victims of trafficking, with specialised personnel and rules that can guarantee the personal safety and protection of the minor.

The placement of child VoT with adults may not be considered an appropriate solution, as children have special needs that need to be addressed both by the type of facility established (offering opportunities for play and leisure) and by the type of personnel providing care. On the other hand, the placement of child VoT with other minors who have had traumatic experiences or have records of delinquency (as is the case in Bulgaria) can be counterproductive to the integration of child VoT, as often the minors exert a negative influence on each other, and those with delinquencies may instigate conflicts or prompt attempts to escape from the facility.

In Sweden, accommodation of child VoT is provided in line with the responsibilities of the social welfare authorities to provide support to children at risk as well as victims of crime. There are no specialised facilities for victims of trafficking or child VoT. The local authorities provide support centres for young victims of crime, including Children's House as well as shelters when needed.

Healthcare and psychological support are two key elements of the interim care which should be made available to child VoT. All three destination countries offer some form of healthcare and psychological assistance, most often available at the accommodation facilities through external providers. Nevertheless, the research identified some deficiencies with regards to the provision of such assistance in the three countries of destination of child VoT. For one, with the exception of Italy, **the provision of such assistance is made conditional upon obtaining a residency permit or some sort of humanitarian status.** In Austria, persons who are granted a residence permit for humanitarian reasons usually receive basic welfare support (*Grundversorgung*). This comprises health care, inter alia, but normally does not include psychosocial care. Victims of child trafficking who do not fall under the regime of basic welfare support are entitled only to emergency treatment. According to experts from the Youth Welfare Authorities, child VoT in practice may receive health services and psychosocial support despite the restrictive regulations.

In Sweden, the Social Service Act marks a general responsibility to meet the urgent needs of every person present in the municipality, irrespective of their nationality, status or official registration. This responsibility is further stressed for crime victims as well as for children at risk. Immediate health and medical services are also granted to all persons on Swedish territory in accordance to Health and Medical Services act. These responsibilities, however, covers only urgent needs, while durable assistance (medical, psychological) is dependent on obtaining of temporary residency status, which is tied to cooperation with criminal proceedings and is not turned into permanent status after the final court decision. The Administrative County Board of Stockholm has recommended that all persons harmed in prostitution, procuring and THB should be granted adequate support and care independent of a preliminary investigation and a temporary residence permit in line with the Council of Europe Convention on Action against Trafficking in Human Beings and the directive 2011/36/EU of the European Parliament.

In Italy, psychological and medical assistance is not conditional upon cooperation with law enforcement or upon the granting of asylum status. Projects implemented under Article 13 provide support, including medical and psychological assistance, to presumed or confirmed victims of trafficking for a period of three months (which can be extended for a further three, as frequently happens in the case of minors with particularly complex situations, in terms of health care, family, psycho-affective factors, etc.). In this period of interim care, it is determined whether the minor has been a victim of trafficking and should be referred to long-term social integration under Article 18.

Another deficiency identified with regard to the provision of health care and psychological support in the three countries is the lack of standard operating methodologies or guidelines for the provision of such assistance. In Italy, which has the broadest network of service provision, the type and quality of services provided are dependent on the organisation's capacity and its network of external services providers. In Austria, the Task Force Working Group on child trafficking has started to develop guidelines for the most relevant stakeholders

(i.e. youth welfare, police etc.) on identification of and care for child VoT, but such an instrument is yet to be approved.

Sweden has attempted standardisation of the approach to counter-trafficking, including victim assistance, which could be further developed to offer operational guidance to support of child victims of trafficking. The National Guidelines for the work against prostitution and human trafficking for sexual purposes also include, despite the title, THB for purposes other than sexual exploitation and contains special recommendations for trafficked children. Currently, the Administrative County Board of Stockholm is working on supplements that also cover support for VoT in shelters or other accommodations, health care and social and/or psychological treatment. However, it is important that these guidelines be institutionalised and accepted by all parties in order for standardisation of the quality of services to take place.

Although access to compulsory **education** should be ensured for those child VoT who remain in the country of destination beyond a few weeks, in Sweden it is linked to receiving a temporary residence permit for participation in a criminal case and is also given to children with asylum status. Children who have had their asylum application rejected and who are avoiding enforcement of a refusal of entry or deportation order ('children in hiding'), do not have the same right to education, though municipalities may on a voluntary basis receive those children at school.²⁴

In Austria, poor identification of child VoT as such among asylum seekers, as well as scarcity of places for children above 15 in public schools, may pose obstacles to educational inclusion of child victims of trafficking.

The provision of **legal assistance** is important for many circumstances which may be related to the experience of the child VoT. For instance, in some cases, the child VoT may be at risk of being charged with an offence, or may be asked to give evidence that may be used in a court case. **Nevertheless, the research identified that legal assistance is not always made available to child VoT during the period of interim care.** For instance, in Austria,

²⁴ Fundamental Rights Agency (2008), Thematic Study on the Rights of the Child (Child Trafficking). Sweden, p. 43.

child VoT are entitled to receive legal assistance upon request and when needed to guaranteed the exercise of their procedural rights (*Prozessbegleitung*). However, *Prozessbegleitung* may be offered only by designated victim support institutions, based on a contract with the Ministry of Justice, and no such contract has yet been signed with organisations supporting child victims of trafficking. According to expert assessment, due to this lack of specialised support, the right to legal assistance is rarely upheld in practice. The data on the types of assistance received by VoT in Italy leads to a similar conclusion. Only 11 % of the victims assisted under Article 13 received legal assistance. Even though the data is not disaggregated by age groups, there are no grounds to believe that child VoT, who due to their level of maturity are less likely to request legal assistance, are overrepresented in the caseload of victims who received legal consultations.

In Sweden, legal counsel is provided as soon as preliminary investigations have been initiated. When a preliminary investigation is initiated the supposed victim, especially in serious cases, has a right to counsel for the injured party. If a person who has custody of a child is suspected of a crime against that child, the child is entitled to a special legal representative. This is also the case if the suspect has a close relationship with the child's custodian or custodians. The special legal representative is given a stronger position than the legal counsel and has the right to take some important decisions in place of the custodian.

4.5. LONG-TERM RE/INTEGRATION

4.5.1. *Re/integration plans*

Austria, Hungary, Italy, Sweden and Slovakia do not have formalised procedures or guidelines for the development of re/integration plans for child VoT either at the interim stage or the long-term re/integration stage. The *Drehscheibe* in Vienna follows its own procedure, developing case files for all accommodated children (UAMs and child

VoT alike), in which all available information from police, the embassy of the country of origin and the *Drehscheibe* itself is stored. Those case files, however, do not have the weight or function of re/integration plans. In Italy, projects dealing with child VoT at the regional level develop Care Plans based on an assessment of a child's specific needs. Those plans include adequate re/integration activities that may include reception, psychological counselling, legal counsel and assistance, linguistic and cultural mediation, social activity, alphabetisation courses, Italian language classes, education, professional training, educational guidance, company placements, support for job searches and direct insertion in the labor market. Only in Bulgaria reintegration plans for child VoT follow the standardised procedure stipulated in the ASA document 'Management of Cases of Children at Risk in Need of Protection'. These Plans, which have two forms (for crisis intervention and for long-term reintegration) are drafted under the cooperation of relevant institutions following the guidance of the Coordination Mechanism for UAMs and child VoT Returning from Abroad. The presence of uniform guidelines for reintegration plans, however, is not a guarantee of the effective functioning of the system of child VoT care. The evaluation study for Bulgaria identified problems such as belated deadlines for development of reintegration plans, insufficient cooperation and contact between crisis centres and Child Protection Departments at the place of residence of the child and little or no consideration given to the opinions of staff at the crisis centres in the drafting of the long-term reintegration plans.

A major shortcoming identified in all six countries of the study relates to the lack of monitoring mechanisms for the implementation of re/integration plans.²⁵

4.5.2. *The right to stay/obtaining residence status²⁶*

In Italy, the residence and stay of trafficked victims is not conditional upon cooperation with law enforcement and judicial authorities. According to

²⁵ The evaluation conducted in Hungary forwards the conclusion that sufficient monitoring of care measures for children is assured through weekly staff sessions conducted in the institutions where they are placed. However, the claim is grounded on assessment of cases of unaccompanied foreign minors and no evidence is provided with regard to how monitoring is performed in the case of trafficked children.

²⁶ Residence status regulations are not discussed for Bulgaria, Hungary and Slovakia as the three countries are typically considered source countries for child VoT.

Article 18 of Legislative Decree 286/98, the police superintendent has the right to issue a special residence permit to provide protection for foreigners who are victims of violence and serious exploitation, in order to allow those individuals to escape from the control of the criminal organisation in question and participate in a program providing support and social integration. The permit is valid for six months and may be renewed for one year. After that period, it may be converted into a residence permit for work or study. The legislative provisions provide two options: the legal approach is activated as a result of a criminal complaint or following a proposal by the Public Prosecutor, while the social approach is activated as part of the provision of support services. This latter mechanism is not contingent upon an obligation on the part of the victim to make a criminal complaint. Unaccompanied foreign minors are entitled to obtain a residence permit specifically for minors valid until they turn 18.

Contrary to Italy the issue of residence permits for trafficked victims in Austria depends on the start of criminal investigations. Austria does not implement by law the obligatory 'residence and reflection period', as this is only implemented by an internal order. Consequently, protection against expulsion during this period cannot be ensured.²⁷ Last but not least, there is no general prohibition of detention pending deportation for children below 18 years.

The issue of residence permits for trafficked victims in Sweden often but not always depends on the start of criminal proceedings. According to the Aliens Act, some circumstances can lead to permanent residence permit, a provision that may be used for children more easily. Exceptions from the practice of granting residence permits based on cooperation in investigation proceedings are proven by successful appeals of cases before Sweden's Migrant Court. The temporary residence permit for crime victims in Sweden is not conditional on active cooperation with police authorities, but it is tied to a 30-day reflection period (which may be extended). However, the longer temporary residence permit, for at least six months, is possible if the victim has clearly demonstrated willingness to cooperate with

the investigating authorities and severed all relations with those suspected of the crimes. When the legal case is closed, the foreign victim of trafficking is not granted the right to stay in Sweden. However, child VoT in Sweden may be given permanent residence permit not tied to a legal case if it is deemed that 'other circumstances', such as the health of the person, his/her adaptation in Sweden, or his/her situation in the homeland call for it.

4.5.3. *Housing and accommodation*

Accommodation of child VoT in all six countries is provided in facilities that serve both adult and minor VoT or that serve minors of various categories. Child VoT may be accommodated in facilities for UAMs (Austria, Hungary, Italy, Sweden), or for minors in difficulty (Sweden), or minor victims of violence (Bulgaria, Italy, Slovakia). **The service provision for child VoT, including accommodation, in Austria, Italy and Sweden is highly decentralised and in the authority of local/municipal authorities. Correspondingly, in Austria and Italy different schemes for the accommodation of child VoT are followed at the regional level.**²⁸

In Austria, seven out of the nine country provinces (Lander) offer specialised accommodation for UAMs through NGOs who work on the basis of agreements with appropriate Youth Welfare Authorities. The different regional support projects in Italy may accommodate child VoT in facilities of different types according to an assessment of their individual needs. These facilities may include emergency reception centres, emergency shelters, hostels, dedicated facilities for minors, non-specialised facilities, family homes or their own homes. In some cases minors may be placed in facilities for adults if the staff makes the assessment of a certain level of maturity on the part of the minor. The priority is to place child VoT in specialised shelters for VoT. The most obvious placement of child VoT of sexual exploitation is in emergency shelters, which provide a refuge hidden from exploiters and where girls can stay six months with a right to extension. Emergency shelters form a network and have very close collaborative relationship. Of the 27

²⁷ Sax/Planitzer, *Combating THB for Labour Exploitation in Austria*, in Rijken (ed.), *Combating Trafficking in Human Beings for Labour Exploitation*, 52 and 59.

²⁸ Additional analysis of the accommodation services for child VoT offered in Austria, Italy and Sweden is provided in chapter IV of the present report ('Interim Care').

investigated operators in Italy, 50 % had permanent personnel trained to work with minors and 33 % used trained and experienced personnel to work with minors on a temporary basis only. Child VoT in Sweden may be accommodated in family homes or in sheltered housing by decision of the local social welfare authorities. No statistics are available on the number of such facilities in Sweden or on the number of child VoT referred to the care of these facilities.

In Bulgaria, crisis intervention is provided within the framework of the Social Assistance Agency through a network of eleven crisis centres for child victims of violence and trafficking, with a total capacity of 119 (in September 2011).²⁹ These centres offer a standard package of services regulated by the Methodological Guidance for Offering the Service of 'Crisis Centre' (promulgated in March 2012). Short-term accommodation is under closed regime in Bulgaria, where child VoT may leave the crisis centres only if accompanied. Accommodation for long-term reintegration in Bulgaria (if reinsertion into the family should be avoided) is provided through the existing network of child protection institutions and community-based accommodation services. Those include homes for children missing parental care (83 in March 2012), transit homes for children (eight in February 2012), supervised homes (16 in January 2012), protected homes (115 in February 2012) and centres of family-type accommodation (76 in February 2012).³⁰

The evaluation studies identified a number of common shortcomings in the accommodations systems for child VoT. **The predominantly mixed accommodation of child VoT with children from other categories (UAMs, abused children, children committing petty crimes) leads to pressure and conflicts and sometimes negatively affects the healing process of child VoT (Bulgaria, Italy).** In response to this, a very recent measure in Bulgaria from March 2012 provided for the profiling of crisis centres which are to accommodate child VoT and abused children separately. **There is a marked occurrence of escape of child VoT in Austria and Italy. Shelters, care homes or crisis centres are**

sometimes located long distance from the families of the accommodated child VoT, which precludes good communication with the parents and the appropriate child care authorities (Bulgaria, Slovakia). In Bulgaria, housing for child VoT is not well assured at the stage of durable solution. At this stage, child VoT are predominantly reinserted in the family (which is often involved in the trafficking of the child) or in an institution. The ineffectiveness of these decisions and the failure to find working durable solutions is proven by the widespread tendency of prolonged or repeated stays of child VoT in crisis centres. The study on Austria advises the opening of Youth Welfare Authority shelters and crisis centres for child VoT above the age of 14. The study on Italy advises the allocation of targeted resources for child VoT.

4.5.4. Psychological care, medical care and access to education

Emergency/short term services

Emergency or short-term services to child VoT are offered in Austria, Bulgaria, Hungary, Italy and Slovakia. The social welfare system in Sweden makes no distinction between short-term and long-term care. In Austria, health and psychological services, if needed, are guaranteed to unaccompanied minor foreigners and child VoT who either fall under the regime of the basic welfare support or qualify for emergency treatment. The forms of provision of these services vary in the different regions of Austria. In the *Drehscheibe*, for example, medical and psychological care are provided by external operators. Emergency services to child VoT in Bulgaria are provided through the network of 11 crisis centres, which offer a standard pack of services stipulated in the Methodology for Offering the Service of Crisis Centre (of March 2012). Medical care, education and psychological support are mandatory elements of the service structure of the Crisis Centres in Bulgaria. Medical care is usually provided by Crisis Centres contracts with general practitioners who visit the centre 2-3 times a week. Medical screening upon arrival of child VoT in a Crisis Centres is a standard procedure.

²⁹ Written reply N 92-468 by ASS to CSD from 03 September 2011. However, as of March 2012 the number of crisis centres, servicing child victims of trafficking and violence is fourteen.

³⁰ The information is available at the web page of the Agency for Social Support. Last visited March 23, 2012. http://www.asp.government.bg/ASP_Client/ClientServlet?cmd=add_content&lng=1§id=24&s1=23&selid=3

Emergency support measures in Italy are provided for 3 months with the possibility of extension for another 3 months. They include medical services and psychological counselling, among others. The implementation of these services is not regulated by guidelines or standard operating methodologies and is highly divergent. For this reason it is not possible to evaluate them as a whole. Unaccompanied minors in Hungary are entitled to a Humanitarian Card allowing for free of charge medical care, until their legal status is arranged.

In Sweden, the prime responsibility for children who are victims of crime lies with Sweden's local social welfare authorities. In accordance with the Social Services Act, social welfare authorities should provide child victims of crime with support, including psychological, social, financial and practical support. However, one specific program for support and rehabilitation of child VoT developed by the Country Administrative Board of Stockholm foresees the implementation of short-term and long-term measures. Short-term measures are those aimed to create security and stability and provide initial support to the child. Psychological care could be provided along different schemes: at hospitals, at NGOs and private therapy centres, with programs focusing on trauma. Medical care for child VoT is provided by ordinary medical care institutions; no specific cooperation exists with particular medical institutions.

It is recommended in Slovakia that consultation with a psychologist be conducted right after placement of a child VoT in substitute care. In response to this recommendation, regular visits are currently conducted in the Children's Home by a psychologist from Caritas and the Slovak Humanitarian Council. Psychological care for adult and child victims of trafficking in Hungary is not adequately provided through the state health care which suffers from chronic lack of psychiatrists. The psychological needs of trafficked victims in the country are met mostly by the Cordelia Foundation that offers rehabilitation and psychological services in six centres throughout the country.

Long term re/integration services

Long-term re/integration services for child VoT are offered in all six countries with various degrees of effectiveness. Procedures and responsibilities

related to long-term integration of foreign children in Austria are the same in all provinces and in addition to accommodation include education, health services, social security and psychological and social support. The provision of medical and psychological care at the long-term level in Bulgaria is not well guaranteed. While the provision of these services is well prescribed on paper, there is no mechanism for supervising and monitoring their implementation. As in the majority of cases child VoT are returned to their family or close relatives (dysfunctional or involved in the trafficking of the child), it is fully in their discretion to follow or not the recommendations of the reintegration plans. The formal mechanism for one year monitoring of the long-term reintegration is not implemented by the Child Protection Departments of the Agency for Social Assistance. Thus there is no way to control whether child VoT families use the available local psychological or medical services or ensure that their children visit school. Long-term services to child VoT in Italy are guaranteed until the minor comes of age. The provision of medical and psychological care is part of a personalised program for social integration. Long-term support measures for child VoT in Sweden may be provided by social welfare authorities or by the special program for support and rehabilitation of child VoT of the Country Administrative Board of Stockholm, which aims at measures to create a new sustainable life situation for the child. In Slovakia, there is no formalised process for establishing a durable solution for child VoT with attendant services. Durable solutions and appropriate services for child VoT are taken on an ad hoc basis following decisions taken together by child's parents, temporary guardian, social workers and the director of the facility where the child is accommodated.

Educational services are assured to child VoT in all of the countries under study. In Austria the question of access to education arises only in the very few cases of trafficked children who cannot be returned to the home country. These children are usually granted an interim or permanent residence permit (i.e., for humanitarian reasons) and by law they have the right to be enrolled in school. Schooling problems might arise for child VoT of older age, as compulsory education in Austria usually ends between 14 and 15 years of age. Thus foreign minors of older age could either be enrolled in a class with much younger children (based on

individual case assessment) or be forced to wait until a decision on the case is made by the Federal Asylum Authority (*Bundesasylamt*). In addition, access to vocational school for foreign minors, aged 15-16 is granted only if a contract of apprenticeship with an employer is concluded, which is linked to a work permit, which in turn requires a certain residence status.

At the emergency stage in Bulgaria, child VoT receive education services of different forms. Children are enrolled at local schools and receive help with homework at the crisis centre. For some child VoT, however, regular school attendance is not possible due to their traumatised condition or to a history of irregular school attendance. For such children, individual forms of schooling need to be developed. At this stage, such schooling is enacted based on the personal engagement of the crisis centre staff. Educational services for child VoT at the emergency stage need to be further elaborated to address a number of specific issues associated with this group of children: unwillingness to attend school, illiteracy of older children, tendency to use school attendance as an opportunity to escape from the centre and absence of clear documentation about the educational history of the child. In Slovakia, reinsertion of child VoT into schools (as they have so far been Slovak nationals) is regarded as the least complicated aspect of re-integration. Unaccompanied foreign minors in Hungary, including child VoT, are entitled to attend state schools. Their school reinsertion is assisted by one NGO – the Reformatice Refugee Mission that provides individual pedagogical help to such children within the schools after the school day is over.

Foreign children in Sweden and Italy, including child VoT, have the right to be enrolled in school equal to nationals.

It should be noted that the absence of systematic statistical data on service provision that is disaggregated by type of target group (child VoT and other serviced children) and/or by age and gender (Austria, Italy, Bulgaria, Hungary, Slovakia, Sweden) limits the possibilities for assessment of the effectiveness of service provision for child VoT based on numerical indicators.

4.5.5. Risk of re-trafficking

Although there is no official data available on the instances of re-trafficking in the countries studied, the research came across indications that re-trafficking of child VoT was a significant problem in all six countries. For instance, out of a limited caseload of six child VoT identified in Slovakia between 2008 – 2011, two had faced serious risk of re-trafficking. Similarly, in Bulgaria, most service providers interviewed indicated that they had assisted children who had been trafficked a number of times. Another indication of high risk of re-trafficking is the high rate of escape from the accommodation facilities registered in both countries of origin and destination. In Austria, according to expert assessment, up to 30-50 % of the children sent to the *Drehscheibe* go into hiding.³¹ In Hungary, about half of the foreign UAM, in some cases also victims of trafficking, disappear from the shelter in Fót even though they applied for and received residence permits, to continue their trip illegally to other EU member states. According to experts, the children flee, threatened by traffickers, who had assumed that the children received residency permit in return for cooperating with the law enforcement authorities. In Italy, according to service providers, a large percentage of minors escape from the facilities, especially in the initial phase of support, when the minors have not yet had the time and opportunity to establish a relationship of trust with the operators. Data on the outcome of programmes under Article 13 reveals that in nearly 15 % of cases, the facility loses contact with the victim assisted, while in another 1.4 % there is actual information that the victim has returned to the circuit of exploitation.

The research came across several factors for determining the high risks and actual instances of re-trafficking in the countries studied:

Lack of formalised procedures for risk assessment on the national level. As previously discussed, formal risk assessment procedures are in place in only one country studied (Bulgaria). This means that the risk of re-trafficking is often not thoroughly analysed during the individual case assessment, or may be underestimated when repatriation agreements for

³¹ On the other hand, the *Drehscheibe*, through its cooperation partners, has also been active in developing in countries of origin a system of monitoring and reporting on the situation of children after return to their country of origin.

child VoT are in place and the return of the victim is the favoured solution.

Lack of complete supplementing information about the child VoT upon his/her placement in an accommodation facility. This is a problem identified both in countries of origin and countries of destination. In some cases, this is the result of poor cooperation between the authorities in source and destination countries, or it may also be the result of ineffective inter-institutional cooperation in the countries where the victim is reintegrated. In Bulgaria, the placement of minors in the crisis centre with little or no accompanying information or documentation was identified as a problem both by a monitoring report conducted by the State Agency for Child Protection³² and by interviewed personnel of the crisis centres. In some cases, this practise was used in order to conceal some facts related to the child's physical or mental condition that might have prompted refusal of placement. In other cases, it was due to the urgency of the placement, but in many cases no further information was gathered.

Family involvement in the act of trafficking. This is especially relevant for child VoT trafficked for begging and pickpocketing. The research identified such forms of exploitation in all six countries of origin and destination. The difficulties related to proving the complicity of the families with the trafficking that would lead to subsequent actions, including restrictions on or deprivation of parental rights, makes it impossible to prevent contacts between victims and perpetrators.

Lack of regular risk and security assessment during the stay at the accommodation facility. The research conducted in Bulgaria did not identify any procedures for regular risk and security assessments during the stay of the child VoT at the accommodation facilities. The fact that in many cases, especially in the countries of destination, child VoT are placed in unprotected facilities (such as hostels, children's homes, etc.) is indicative of the fact that the security situation of the child is not thoroughly analysed during his/her stay at the facility. In Italy, contacts of the minors with 'lover

boys' were given as one of the frequent reasons for escape of victims of trafficking for sexual exploitation.

Institutionalisation of child VoT or placement of the victim in inappropriate facility. This problem concerns the long-term re-integration of child victims of trafficking and was identified in all three countries of origin of victims. It will be dealt with in more detail in the next section.

4.5.6. Reintegration in family, community-based environment or institutions

The analysis on long-term reintegration of child victims of trafficking is focused mostly on the countries of origin of victims, since, as previously illustrated, with the exception of Italy, the return of child VoT to country of origin is the favoured long-term solution in the countries of destination. This means that Austria and Sweden have not established a complex long-term assistance framework for child VoT that would target their social insertion in the country of destination. Information on Italy is provided separately, while the analysis in this section is focused mostly on Bulgaria and to lesser extent Slovakia, which has a limited caseload of child VoT. Little information was available on the long-term assistance paths pursued for child VoT in Hungary.

One significant challenge to the evaluation of durable solution pursued in the countries of origin is the lack of systematic data on the reintegration paths pursued by child VoT. For instance, in Bulgaria, the Agency for Social Assistance maintains statistics on the child VoT assisted/monitored by the Child Protection Departments, but this data is not disaggregated by the type of service offered or by the reintegration option pursued. This analysis is thus based on information on the reintegration paths pursued for individual cases of child VoT in Slovakia and Bulgaria and is supplemented by data on the long-term reintegration paths pursued by all children at risk in Bulgaria (including child VoT), which helps illustrate the available possibilities for social reintegration in the country.

³² Анализ на резултатите от тематична планова проверка на дейността на кризисните центрове, връзката и взаимодействието им с дирекции „Социално подпомагане“, март – юни 2011, с. 3 (Analysis of the results of the thematic supervision of the activities of the crisis centres and their relation to and cooperation with the Social Assistance Departments, March-June 2011, p. 3). Available at: <http://sacp.government.bg/programidokladi/>

In line with the main principles of the Convention on the Rights of the Child in support of a child's being raised in a family, the first and most favoured reintegration path to be pursued is the return of the child VoT to the biological family. A clear indication of the prevalence of this durable solution was found in Bulgaria and Hungary. In Bulgaria, this prevalence of family reintegration was confirmed both by available data on the reintegration paths of children at risk as well as by assessments of service providers. **Nevertheless, both service providers and national stakeholders report that child VoT are often reintegrated in their families regardless of indications of the complicity of the parents with the trafficking, mostly for the purposes of pickpocketing and begging.** There are two main factors given as explanations for this. One is the fact that the involvement of the families in the crime is difficult to prove. Another factor is related to the state of development of alternative care provision in Bulgaria, which is still in an immature phase and has not been adapted to care for the needs of child victims of trafficking.

There is little available information on the placement of child VoT in foster families, which is the second preferred option for integration, where placement in the biological families or with relatives is not possible. However, social service providers from both Slovakia and Bulgaria reported on difficulties in finding available foster families that could provide care for child VoT. This could perhaps be explained by the fact that this type of care is relatively new in Eastern Europe and there may not be enough trained families to care for child VoT.

Similarly, the lack of systematic data makes it difficult to draw conclusions with regard to the placement of child VoT in community-based environments in the countries of origin. Slovakia's very limited caseload of victims indicates that this is an option pursued relatively frequently. One trafficked child was assisted in an NGO-operated shelter in Naruc and another VoT was provided with family-type institutional care in a children's house in Topolcany. In Bulgaria, the rates of children at risk assisted through community-based care are significantly lower. According to data collected at on-site visits of crisis centres in Bulgaria, only 15 % of the children at risk were further referred to community-based services. The lag in development of community-based support infrastructure is one

of the main factors for the relatively low share of placement of child VoT in such facilities in Bulgaria. The many smaller towns or more geographically secluded regions have an underdeveloped network of support services. In larger cities, with more established support networks, the lack of capacity or unwillingness of the community-based centres to assist child VoT may be the reason for the low rate of referrals.

A common concern regarding the long-term reintegration paths pursued in two of the countries of origin is the placement of child VoT in institutionalised care. In Bulgaria, an estimate of the Bulgarian Helsinki Committee based on data collected at on-site visits of 12 crisis centres reports that 40 % of the children assisted were consequently placed in specialised institutions. In Slovakia, unaccompanied minors (potential victims of trafficking) are accommodated in the special institute for unaccompanied children in Horne Orechove, Trencin, central Slovakia, for boys, and in the special institute in Medzilaborce (eastern Slovakia) for girls. In Slovakia, there are also instances of placement of child VoT in orphanages such as the one in Bytca (a public structure under the jurisdiction of the Ministry of Social Affairs and Family). In Bulgaria, the child VoT placed in institutionalised care are most often directed to homes for children deprived of parental care.

The placement of child VoT in institutionalised care is problematic for a number of reasons. First, in such institutions the ratio of service provider to child is very low, which means that the special needs of child VoT may not be adequately addressed. Furthermore, in Bulgaria, there have been extreme cases of child negligence in such institutions, which decreases significantly the chance for successful social reinsertion of child VoT and increases the risk of re-trafficking.

Italy, in the framework of the rights given to victims of trafficking under Article 18, provides long-term reintegration to victims, including child VoT. Due to its system of provision of centralised public funding provided through the Department of Equal Opportunities for service providers, Italy is the only country to collect aggregated data on the types of reintegration paths pursued by the victims. The database, however, does not disaggregate data by age groups. Nevertheless, the overall percentages

of assistance offered to all victims (both adults and minors) give an indication of the available reintegration options, and also reveal some reintegration paths most commonly pursued by minors. Data collected for projects implemented under Article 18 reveals that the most significant share of beneficiaries (36.9 %) are assigned to community supervision, a support mechanism that is also made available to the victims beyond the period of support offered under Article 18 and until achieving complete independence. Accommodation in a family home is the reintegration path pursued for 6 % of the victims, while nearly two per cent (mostly minors) are placed with a family.

4.5.7. *Active cooperation of service providers and law enforcement*

The research identified several types of cooperation between service providers and law enforcement established with the purpose of identifying child victims of trafficking and supporting their re/integration. In general, it could be concluded that **more formalised cooperation between service providers and law enforcement takes place in the identification and screening phase, while victim support facilities rely on informal relations with the police during the process of victim assistance and re/integration.**

Law enforcement plays an important role in the identification of victims and in fact, in some countries, the police are the only institution that can identify victims. The research established some formalised structures and procedures for cooperation between law enforcement, child protection authorities and service providers in cases of children at risk, who could potentially be child victims of violence. For instance, in Bulgaria, law enforcement and social service providers take part in the interdisciplinary mechanism for cooperation in instances of child victims of violence or at risk of violence. In accordance with this mechanism, a multidisciplinary team is established and led by an expert of the Child Protection Department with the task of establishing the circumstance of the child and preparing an action plan that outlines responsibilities for all relevant stakeholders. In Sweden, law enforcement has an obligation to report children at risk to the social welfare authority. In view of improving coordination, many municipalities have established interdisciplinary groups involving

police, prosecutors, social welfare authorities, service providers, doctors and psychologists. In Italy, the Teramo Protocol provides a series of guidelines for approaching potential victims of trafficking and exploitation applied at the local level. The protocol outlines operational procedures for cooperation between the police, the judiciary, public actors and civil society organisations based on a multi-agency approach.

Another example of institutionalised cooperation between service providers/child protection authorities and law enforcement takes place in the instance of participation of the child in criminal proceedings. Child protection or welfare authorities or service providers are present in cases when minors are interviewed by the police in order to ensure that the questioning is conducted in a child-friendly manner.

Informal relations between law enforcement and service providers are apparently the prevalent type of cooperation in the phase of victim assistance. Generally, service providers that have more experience in child victim/UAM assistance seem to have established better relations with local police structures (*Drehscheibe* and *Lefö* in Austria, *Civico Zero* and 'A-28' centres in Italy, Children's Houses in Sweden, *Naruc* in Slovakia, *Balvan* and *Dragoman* crisis centres in Bulgaria). Different forms of cooperation have been identified. For instance, facilities may alert the local police in cases of threats made to the facility or risks of escape and re-trafficking of the child VoT; police may be involved in removing minors (potential VoT) from the streets at night and directing them to assistance; in Bulgaria, police grant 24-hour protection to children without documentation who are placed in crisis centres in view of gathering the relevant information. Again in Bulgaria, based on informal relations, police often support under-equipped facilities with logistical operations, such as transport of child VoT.

CONCLUSIONS AND RECOMMENDATIONS

This report has offered a detailed analysis of the progress achieved in program provision for assistance and re/integration of child VoT in six EU

Member States. It also highlighted those aspects of the assistance and re/integration process that are in need of improvement. The comparative analysis has identified a number of challenges that need to be addressed in both destination and origin countries in order to assure better protection and assistance to trafficked children. These challenges include guaranteeing basic child rights in line with international legal standards, ensuring substantive rather than formal civil society participation in both policy formulation and implementation and achieving government ownership of the CT approach including through establishment of centralised data collection systems and monitoring mechanisms.

The overall child VoT reintegration approach

The present research established that the countries of origin have achieved somewhat more significant progress in establishing a counter-trafficking policy framework in line with international standards. All three countries of origin have established counter-trafficking bodies and have developed national referral mechanisms. Among the countries of destination, Austria has developed the most comprehensive counter-trafficking response, including a counter-trafficking coordinating body and counter-trafficking action plans.

Bulgaria, Slovakia and Austria show a higher degree of policy commitment, evidenced by the implementation of annual/bi-annual CT programmes. Nevertheless, the policy documents in the field of counter-trafficking in these countries suffer from a number of deficiencies. The lack of centralised data collection mechanisms – a deficiency identified in all countries – undermines the quality of the counter-trafficking response as it is not grounded in sound evidence-based analysis of main trends in trafficking in persons (e.g. types of exploitation, profiles of trafficked children, extent of the phenomenon). The absence of well designed data collection mechanisms, together with the lack of external monitoring and evaluation mechanisms, undermine the effective assessment of policies in terms of their effectiveness, efficiency and impact.

Although most of the studied countries have developed either CT strategies (Hungary, Slovakia) or CT Action Plans (Austria, Bulgaria, Slovakia and Sweden) in most of the cases these documents need clearer delineation of resources and more precise

schedule of implementation of activities in order to guarantee a more effective policy formulation and to testify to government ownership of the CT response. In all countries studied, the governments participate in the assistance framework of child VoT by establishing, monitoring/licensing and/or funding of accommodation facilities. In all six countries, service providers receive funding from the national budgets to maintain shelters and/or offer services to victims of trafficking. Nevertheless, there are indications that the funding is inadequate. Moreover, none of the countries studied has established specialised facilities for child VoT. Instead child VoT are assisted along with adult victims of trafficking or with other children, such as unaccompanied minors, children at risk of or victims of violence.

All six EU countries have ratified the relevant treaties related to countering trafficking in human beings and protecting the rights of the child, although basic rights, such as rights to access to education and healthcare, are in most cases (with the exception of Italy) made conditional upon obtaining residency or asylum status. In addition, the research established that although the six Member States have ratified the CRC, which stipulates that the child's 'best interest' should guide any actions or measures taken on his/her behalf, none of the countries has developed formal provisions for best interest determination.

The research established that all countries pursue and achieve a different level of intersectoral participation and involvement of the civil society in the counter-trafficking response. Four of the countries that have established counter-trafficking coordinating bodies (Austria, Bulgaria, Hungary and Slovakia) ensure the participation of all relevant national authorities, and three MS (Austria, Bulgaria and Slovakia) have established expert advisory groups/task forces that ensure the participation of civil society in policy formulation. Nevertheless, the quality of NGO participation is marred by structural or administrative obstacles. In the case of Bulgaria and Slovakia, NGO feedback on policy documents is often overlooked, though informal consultations seem to be more effective. Civil society organisations are often included in the implementation of CT activities although, with the exception of funding for service providers for victim assistance, none of the six countries studied designates financial resources for the implementation of CT actions by NGOs.

Assisting child VoT by area of re/integration

One major divergence in the area of child VoT support in the six countries regards the de-centralised systems for child protection and support in Austria, Italy and Sweden, as opposed to the centralised systems in Bulgaria Slovakia and to some extent Hungary. The completed evaluation revealed that the decentralised implementation of child VoT support may bear both positive and negative effects. On the one hand, it allows space for the development of good practices in the context of systems relying on regional/local decision making, formulated in accordance with local realities. On the other hand, de-centralised service provision could lead to varying quality of the integration and protection services depending on the levels of awareness and engagement of particular individuals at appropriate institutions at the local level, which makes effective monitoring and accountability a particularly strong imperative. It should be noted that the centralised systems for child care in Bulgaria and Slovakia, which have strong traditions of institutional care, so far have displayed limited potential for effective long-term reintegration of child VoT.

The regional variations in the implementation of guardianship services identified in Austria, Italy and Sweden appear to have both some disadvantageous and some positive aspects in relation to assisting child VoT. They could involve timely appointment of guardians with relevant training and on-going support for them (Italy, Sweden), a limited number of entrusted minors (Italy) and frequent meetings between children and guardians (Sweden). On the other hand the diversity in the application of procedures regarding guardianship services may lead to a reality where corresponding authorities in different regions do not meet the obligation to take over guardianship for UAMs/ child VoT (Austria), or may lead to entrusting large numbers of children to the same institutional guardian (Austria, Italy). A review of the guardianship services provided in Bulgaria, Slovakia and Hungary shows that they conform to uniform implementation and are not yet well adapted to the specific needs of trafficked children. In Bulgaria for example child VoT appear insufficiently protected although they have legal guardians (parents or close relatives) or institutional representatives. Similarly, legal guardians in Hungary entrusted with the task of protecting child's interest in court proceedings receive no specialised training

and their duties are not bound by specific professional requirements. Therefore, countries of origin should consider the establishment of a pool of well trained professional legal guardians for child VoT who could assure the child's best interest at every stage of the reception and assistance process.

Four of the studied countries (Austria, Italy, Slovakia and Sweden) have no standard, nationwide guidelines for the conduct of screening and documentation upon the identification of child VoT. This combined with the decentralised protection systems of Austria, Italy and Sweden makes the screening and documentation process in these three countries dependent on the engagement of particular institutions and professionals at the regional and local level. The comprehensive and effective screening and documentation of child VoT is also hindered by the absence of special Codes of Ethics for interviewing child VoT for law enforcement and service providers in all six countries. It should be noted that the cooperation between service providers and law enforcement is more formalised in the identification and screening phase and more informal in the phase of victim assistance.

Although risk and security assessment is a crucial part of the complex procedure of individual case assessment in view of finding a durable solution, the research established that only one country, Bulgaria, has a formalised procedure for risk assessment. The prevailing practice in destination countries at present appears to be centred on quick safe return, a strategy that sometimes negatively affects the process of risk and security assessment in origin countries. In order to ensure the finding and implementation of effective durable solutions, it is highly recommended that better risk assessment is conducted in both destination and origin countries. Two more conclusions of the present research appear relevant to the discussion of risk assessment. First, the counter-trafficking bodies in the six countries have established initiatives for international cooperation for the identification and referral of victims, though most of this cooperation takes place on an ad hoc basis rather than on the basis of institutionalised mechanisms. Second, none of the three countries of destination (Austria, Italy and Sweden) has established a national referral mechanism that outlines the responsibilities of all parties for the return and reintegration of child VoT.

The research established that five of the studied countries do not have formalised procedures or guidelines for the development of re/integration plans for child VoT either at the interim stage or the long-term re/integration stage (Austria, Hungary, Italy, Slovakia and Sweden). At the same time research results demonstrated that the availability of national guidelines for reintegration plans (in Bulgaria) is not a guarantee of the effective functioning of the system of child VoT care. Deficiencies in institutional cooperation, resource mobilisation and professional qualifications of engaged staff could undermine the effective integration of child VoT even in the presence of well designed national guidelines for reintegration plans' development. Irrespective of the presence or absence of national guidelines it is difficult to assess the relevance and effectiveness of re/integration plans, as none of the six studied countries has established monitoring mechanisms for their implementation.

The present research has established that the family is often complicit in the trafficking of a child, but this reality is not adequately reflected in the risk assessments of trafficked children. More research is needed in order to establish the factors and dynamics associated with child trafficking induced by families and the pros and cons of enacting family unification in such cases. In some cases, family unification may remain the best option for the child, even if the family was complicit with the act of trafficking. Such durable solution decisions, however, should be grounded in acknowledgement on the part of the appropriate institutions that families are involved in the trafficking of children, careful assessment of the family circumstances and capacities and design of adequate support and monitoring mechanisms to ensure adequate parental care.

Although Austria, Italy and Sweden, typically considered countries of destination, provide interim care arrangements for child VoT, the research identified several deficiencies with regards to the access, availability and quality of the interim support for victims in these countries. First of all, in the case of Austria and Sweden, access to some

types of assistance is conditional upon temporary residence permit or humanitarian or asylum-seeking status. Besides being conditional upon certain types of residency/asylum-seeking status in Sweden and Austria, legal assistance is often not available to victims in all three countries due to limited resources or adequately trained professionals. The lack of standard operating methodologies or guidelines for the provision of assistance in all three countries undermines the quality of care and hinders possibilities for monitoring and evaluation of the different types of assistance offered.

A significant challenge to the evaluation of durable solution pursued in the countries of origin is the lack of systematic data on the reintegration paths pursued by child VoT. Even so, information on individual cases of child VoT as well as expert assessments delineate the available and most frequently pursued options for long-term reintegration. In Bulgaria, child VoT are most often reintegrated in their families, which is problematic, as in many cases the families are often complicit with the crime. Reportedly, in most countries of origin, there are difficulties in finding available foster families that can provide care for child VoT, while in Bulgaria the options for community-based care for child VoT are also limited. A common concern regarding the long-term reintegration paths pursued in the countries of origin is the placement of child VoT in institutionalised care.

Although there is no official data available on the instances of re-trafficking in the countries studied, the research came across indications that re-trafficking of child VoT was a significant problem in all six countries. Several factors, such as a lack of formalised procedures for risk assessment on the national level and a lack of regular risk assessment during care provision; inadequate information about the child upon receipt in the facilities; and last but not least the involvement of the families in the trafficking are some of the factors that contribute to a high risk of re-capture of victims by the traffickers.

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BROSHURE ON GOOD PRACTICES IN THE ASSISTANCE AND RE/INTEGRATION OF CHILD VICTIMS OF TRAFFICKING

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1. INTRODUCTION AND METHODOLOGY

1.1. Background

This report is prepared in the context of the EU-funded study of policy and programs for assistance and re/integration of child VoT, led by the Center for the Study of Democracy (CSD), Sofia, in collaboration with partners from Austria, Hungary, Italy, Slovakia and Sweden. Following earlier phases of the study establishing the legal and political framework and undertaking an evaluation of existing assistance and re/integration measures, the aim of this last stage of the research, is to identify concrete measures and practical examples of “good practices” of support for trafficked children.

For this purpose all six partners have submitted national reports highlighting two or three such successful initiatives. The task set for the present report is to provide a final consolidation of these experiences from a comparative perspective, extract lessons learned, and offer perspectives for promising next steps in anti-trafficking measures.

1.2. Methodological approach

A specific methodology has been prepared by the Ludwig Boltzmann Institute of Human Rights, Vienna, to ensure a consistent approach in identifying good practices in the respective national context (Methodological Guidelines for Country Reports on the identification of good practices in assistance and (re)integration of child victims of trafficking, July 2012).

The Guidelines seek to establish a “two-fold quality assessment framework”, combining on the one hand international/regional standards relevant in seven key areas for assistance to trafficked children (identification, guardianship, individual case assessment, residence status, interim care and protection, and long-term/durable solutions as well as general legal/political/organisational framework) with, on the other hand, seven quality criteria for assessment of individual assistance measures, including foundation on a rights-based approach, context – sensitive impact assessment (“do no harm” principle, cultural sensitivity), gender-sensitivity, child participatory approach and stakeholder involvement, effectiveness, sustainability and replicability.

As a support tool an Assessment Scorecard has been developed, which contains basic information about the potential good practice measure along the key areas of relevance, with scores for fulfilment of the seven quality criteria listed above (Table 1).

Finally, based on the partner’s country reports describing and analysing good practices in the respective countries, and following a partners’ Workshop in November 2012 hosted by CSD in Sofia, a set of relevant good practices has been identified, which is presented in the following overview (Table 2) and – in more detail – in Chapter 2 (Good practice country examples) below.¹

Research partners were free in their country reports to select one to three good practices based on their assessments. Building on these assessments and in order to provide an early overview for readers Table 2 is grouped along three main categories of relevant good practices: some dealing

¹ For a more detailed description of the framework, evaluation results and the good practices consult the respective country reports, comparative reports and methodologies developed in the framework of the study, available at: <http://www.childrentrafficking.eu>

TABLE 1. ASSESSMENT SCORECARD

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Identification of good practices in assistance and re/integration of child victims of trafficking														
Collection of practices														
	Key areas	<i>description</i>	<i>description</i>	<i>description</i>	<i>description</i>	<i>description</i>	<i>description</i>	general criteria for selection (must-criteria) – score						
	Identification of trafficked children	Short description of main elements/activities	Objectives	Stakeholders/Partners	Time-frame	Implementing Organisation/Contact	Website	Rights-based	“Do no harm”/ impact assessed	Gender-sensitive	Child participatory & stakeholder involved	Effective	Sustainable	Replicable
	Appointment of guardian	Short description of main elements/activities	Objectives	Stakeholders/Partners	Time-frame	Implementing Organisation/Contact	Website	Rights-based	“Do no harm”/ impact assessed	Gender-sensitive	Child participatory & stakeholder involved	Effective	Sustainable	Replicable
	Individual case assessment	Short description of main elements/activities	Objectives	Stakeholders/Partners	Time-frame	Implementing Organisation/Contact	Website	Rights-based	“Do no harm”/ impact assessed	Gender-sensitive	Child participatory & stakeholder involved	Effective	Sustainable	Replicable
	Regularization of status	Short description of main elements/activities	Objectives	Stakeholders/Partners	Time-frame	Implementing Organisation/Contact	Website	Rights-based	“Do no harm”/ impact assessed	Gender-sensitive	Child participatory & stakeholder involved	Effective	Sustainable	Replicable
	Interim case and protection	Short description of main elements/activities	Objectives	Stakeholders/Partners	Time-frame	Implementing Organisation/Contact	Website	Rights-based	“Do no harm”/ impact assessed	Gender-sensitive	Child participatory & stakeholder involved	Effective	Sustainable	Replicable
	Long term re/integration/implementation of durable solution	Short description of main elements/activities	Objectives	Stakeholders/Partners	Time-frame	Implementing Organisation/Contact	Website	Rights-based	“Do no harm”/ impact assessed	Gender-sensitive	Child participatory & stakeholder involved	Effective	Sustainable	Replicable
							SCORE:							
Use the following symbols for scoring: “✓” the measure, initiative, policy, etc. met this criterion for good practice “x” the measure, initiative, policy, etc. did not meet this criterion (or, at least, not yet) “?” it is unclear whether the measure, initiative, policy, etc. met this criterion, often because it is too early to judge.														

with the more framework-related (institutional, organisational and conceptual) aspects of assistance (coordination, methodologies); some focusing on the actual delivery of assistance measures (through guardians, focal points, public authorities and NGOs; offering access to accommodation, psychological support, legal assistance); and some emphasizing return (cross-border cooperation) and longer-term (re)integration assistance (as part of individual care plans, education plans etc).

1.3. A Model of assistance and re/integration for child victims of trafficking

Based on earlier research and practical experience of research partners, already at the beginning of the study it was clear not to expect in the end to have identified one ultimate “best practice” example, comprising of all elements of comprehensive

TABLE 2. OVERVIEW OF IDENTIFIED GOOD PRACTICES

Framework-related	Assistance-related	Re/integration-related
National Coordination/ Referral mechanism (BG)	<i>Progetto Tutori</i> (Guardianship; IT)	Municipal Crisis Centre Vienna – cross-border cooperation (AT)
National Coordinator (SE)	Decentralised focal points for unaccompanied children (AT)	Reformed Mission for Refugees (Educational assistance; HU)
Children's Need in Centre (<i>BBIC</i> – Methodology for identifying children at risk and human rights-based assistance; SE)	Municipal Crisis Centre Vienna – assistance services (AT)	Individual care plans (BG)
	State Children Centre Fót – assistance services (HU)	Individual education plans (SK)
	Individual care plans (BG)	
	Interim care (therapies, best interests determination; SK)	
	Cordelia Foundation (NGO-funded psycho-social support; HU)	
	<i>Civico Zero</i> project (NGO-funded street work in Rome; IT)	

assistance and re/integration of trafficked children. Consequently, the task was rather to establish existing examples of measures (from ambitious nation-wide referral mechanisms to successfully established education plans) which – taken together – would allow this target group to benefit from wide-ranging support.

And looking at Table 2, the practices identified by research partners already clearly outline such Model of assistance and re/integration for child victims of trafficking:

Considering the cross-cutting nature of action taken by many different actors to support trafficking victims it all starts with a comprehensive legal and policy anti-trafficking framework, implemented through a coordination and referral mechanism in order to bring together the relevant (state and non-state) actors and lay out responsibilities, tasks

and methodologies to ensure proper identification and referral of children to the competent bodies. When dealing with trafficked children, who are either separated from their parents or their parents may be involved in the trafficking itself, which compromises their ability to act in their children's best interests, the immediate appointment of a competent legal guardian (who also seeks active participation of the child throughout the process) is a key obligation under international and European anti-trafficking standards. Trafficked children should be ensured emergency assistance and interim care (including safe accommodation, access to health services and psychosocial support, legal assistance etc; complemented by street work and other means of reaching out to potential target groups) and a formalised best interests determination, which includes an assessment of options/perspectives for the future ("durable solutions") for that child: to be returned to the country of origin (while respecting

principles of non-refoulement and avoiding any risk of re-trafficking) and receive assistance for reintegration (including e.g. education, training); to move on to a third country (where e.g. reunification with other family/community members would be possible); or to stay in the current country and have access to integration support. In most cases so far the first option – return and reintegration – has been the most likely approach, but as the discussion under the first two stages of the research have shown, cross-border cooperation between child and youth welfare/protection services, which would be a prerequisite for safe return and prevention of re-trafficking, as well as comprehensive monitoring is still mostly far from a well-established, sustained practice.

Again, such ideal model is not yet in place anywhere, but in the following chapter some good practices from Austria, Bulgaria, Hungary, Italy, Slovakia and Sweden are highlighted as elements heading towards such direction.² The presentation includes basic background information on the national context, the respective good practice, including strengths and challenges as discussed in the Workstream 3 Reports and concludes with a few and key messages. Chapter 3, finally, sums up the lessons learned from this third stage of the research.

2. GOOD PRACTICES – COUNTRY EXAMPLES

2.1. Austria

Austria is considered mainly a country of destination and transit for trafficked children; public debate has often focused on exploitation of children through begging and petty crimes, but cases of trafficking for sexual and labour exploitation have been reported as well. A far-reaching legal, political and institutional framework (Action Plans, Task Force on Human Trafficking/Working Group on Child Trafficking) has been adopted and a support network for adults

(mostly women) has been established; however – not least because of the decentralised child protection structure in Austria – no comprehensive, nationwide referral mechanism for assistance to trafficked children has been set up yet.

2.1.1. *Focal points for unaccompanied, including trafficked children – the case of Tyrol*

Due to the Austrian federalist state structure, matters of child welfare/protection mainly lie with the nine provinces (Länder), and practice has shown already in the context of child asylum-seekers that no consistent approach has been taken by the Länder, in terms of applicable standards, but also the scope of legal guardianship in case of unaccompanied/separated children. Controversy exists also in relation to trafficked children; however, based on existing Focal points for unaccompanied children, those bodies in the provinces of Lower Austria and Tyrol have taken over full guardianship (and not e.g. only legal representation) in individual cases of trafficked children as well – the latter example of Tyrol being described here in more detail.

Main strengths of this practice include:

- Clear rights-based approach, gender sensitivity addressed, strong effort for child participatory approach aiming at trusted relationship; highly replicable.
- Active participation inter alia both in Anti-Trafficking Task force and child refugee networks.
- Well connected to local network of institutions allowing for access to comprehensive care services.

Remaining challenges include:

- Limited capacities, still based on strong individual engagement.
- Lack of formalised referral mechanism (would also strengthen funding for focal point), lack of dedicated shelter for trafficking victims.

² For a more detailed presentation and analysis of good practices, please confer the six country reports on good practices available at: <http://www.childrentrafficking.eu>

2.1.2. *Child trafficking-focused services and cross-border cooperation – the case of Vienna (Drehscheibe Vienna municipal crisis centre)*

The “Drehscheibe” institution can be seen as another example for a dedicated focal point on unaccompanied children, which due to its location in the Vienna capital has gained particular relevance and prominence in Austrian efforts against child trafficking. Following increasing numbers of children arriving in Austria and seen begging in the streets or getting in conflict with the law, the Vienna municipality set up this institution in 2002 as a crisis centre specifically for unaccompanied children. Capacities for longer-term stay in Austria remain very limited and the focus continues to lie on return of children, but from the beginning the Drehscheibe sought cross-border cooperation with child protection services abroad to ensure safe return of children.

Main strengths of this practice include:

- Strong expertise in the field developed, access to wide range of services possible.
- Well-established contacts with child protection actors (state/non-state) across (mainly South/Eastern) Europe, including cooperation agreements.

Remaining challenges include:

- Services are mostly responsive to reported cases/capacities for outreach work lacking (thus, mostly dealing with cases of children in conflict with law/reported by police); dedicated funding for institution varies.
- In principle, competence for Vienna municipality only (although in practice sometimes dealing with children from other provinces as well).
- Focus on return of children (less on other durable solutions).
- Children going into hiding/leaving institution/refusing services.
- Creating sustainable safe return conditions in countries of origin, lack of monitoring.

Key messages

- National referral mechanism is needed, which establishes cooperation among actors beyond Vienna, and which offers a formalised framework of cooperation across all provinces for clear responsibilities, resources, consistent standards and capacity building.
- Cross-border cooperation (state/non-state) in child trafficking cases needs to be strengthened (formalised agreements, role of IOM, monitoring).
- Need for outreach work for more comprehensive identification of trafficked children.

2.2. Bulgaria

Generally, Bulgaria is considered a country of origin as well as of transit for trafficking victims. Over the last decade, an advanced legal and policy anti-trafficking framework has been developed, complemented by a centralised child protection system (for a long time based on institutional care). According to the results of the evaluation study conducted in the country, assistance measures still tend to focus on interim care and reception of returning trafficking victims, but less on longer-term reintegration measures, posing challenges for efforts to avoid re-trafficking.

2.2.1. *National coordination and referral mechanisms*

Given the complex range of actors in Bulgaria involved in anti-trafficking efforts, the National Mechanism for Referral and Support of Trafficked Persons (National Referral Mechanism/NRM, since 2010) and the Coordination Mechanism for Referral and Care of Unaccompanied Children and Child Victims of Trafficking Returning from Abroad (since 2005, dating back to early cooperation with Austria) have led to significant improvements bringing systematic approach to child trafficking.

Main strengths of this practice include:

- Providing a detailed framework for inter-institutional cooperation, outlining the responsibilities of state and NGO actors, supported by high-level political commitment.

- Being grounded on a human/child rights-based approach, including explicit references in the NRM to principles of non-discrimination, confidentiality of information and data protection, victim protection and child participation – asks for individual safety and support plans.
- Replicability can be ensured through extensive documentation, well-established expertise.

Remaining challenges include:

- Insufficient data and monitoring, partly inadequate documentation of cases make assessment of effectiveness difficult.
- Partly inadequate cooperation at local level.
- Lack of working durable solutions often leads to return to family or placement in state institution.

2.2.2. Care plans for interim care of child VoT

The evaluation study conducted in Bulgaria identified concrete practical examples for individual Care Plans based on the good practices established at the crisis centre in the city of Balvan.

Main strengths of this practice include:

- Care Plans offer a framework for crisis intervention specifically tailored to the individual needs of trafficked children.
- Actively seeks participation of the child in its formulation, as well as of other local stakeholders.
- Link to political process helps ensure sustainability, more than ten crisis centres have already been established.
- Being based on national guidance documents should help replicability in other areas of Bulgaria (and beyond).

Remaining challenges include:

- Difficult organisational circumstances (ineffective local inter-institutional cooperation, interregional cooperation between Child Protection Departments, lack of resources, time; inadequate case background documentation hinder quality plans; sometimes lack of common approach between Child Protection Department and crisis centre).
- Insufficient resource mobilisation.
- Lack of long-term integration strategy.

Key messages

- Bulgarian NRM provides the only formalized procedure for cooperation and risk assessment identified in the six countries studied.
- Only monitoring ensures that even highly developed mechanisms are properly implemented in practice; resources for adequate implementation essential.
- Long-term care needs/durable solutions for trafficked children need to be formalised/integrated into NRM.
- Child participatory approach to be ensured as a standard across the country.
- Ensure clear roles, e.g. in preparation/implementation/monitoring of care plans (e.g. between crisis centres/interim care and CPD/long-term care).
- Centralised collection of information.

2.3. Hungary

Depending on the type of exploitation Hungary can be regarded as a country of transit, origin and destination. However, data, especially on trafficked children (only very few cases/3-4 registered cases of trafficked children, mostly for sexual exploitation were reported by Hungarian institutions) is scarce, which lead to difficulties for the assessment team in identifying good practices. There is still no distinct institutional, legal and political framework addressing trafficked children in Hungary.

Legislation on child protection and guardianship administration was amended significantly at the end of 2012, renewing its child protection policy (placement of small children in family environments instead of institutions).

2.3.1. State children centre in Fót, Foreign Children Department

Changes in legislation in 2010 required all foreign unaccompanied children, including victims of trafficking, who asked for asylum, to be transferred into this Centre in Fót (near Budapest). The new legislation of 2012 confirmed the Centre in this role. Guardians have to be independent now (no staff member anymore).

Main strengths of this practice include:

- Ranking high in sustainability due to respective legislation and secure state budget.
- Placement of foreign unaccompanied children and victims of trafficking is well organized and immediate.
- Guardianship services are ensured.
- Approach is stated to be child participatory and gender sensitive.
- Centre services allow for comprehensive reintegration (including access to education, language courses, psychosocial care).
- Medical care (including psychiatric treatment) is accessible free, starting from arrival; since 2012, a cooperation agreement between the Fót Institute and the Cordelia Foundation allows also for long-term psychosocial therapy.

Remaining challenges include:

- None identified by project partner.

2.3.2. Cordelia Foundation

Cordelia Foundation has been established in 1996 as a non-governmental institution and has gained a reputation in psychosocial assistance for children and adults, with particular emphasis on migrants and asylum-seekers.

Main strengths of this practice include:

- Strong expertise on trauma work – main specialised public benefit foundation in Hungary.
- Comprehensive and long-term psychosocial approach of treatment and reintegration provided, with qualified staff ranging from child/adult psychiatrists and clinical psychologists to social workers and qualified interpreters.
- Free access to services for clients.

Remaining challenges include:

- Funding difficulties limit sustainability – due to lack of national grants, funding from EU projects remains essential.

2.3.3. Reformed Mission for Refugees – Education program

The main objective of the educational program of the Reformed Mission for Refugees lies in assisting foreign children (located in and around Budapest),

including unaccompanied children/trafficked children, in their integration into the Hungarian school system.

Main strengths of this practice include:

- Multidisciplinary team available (development pedagogues, Hungarian language teachers for foreigners, social workers, and psychologist), clear pedagogical concept.
- Long-term expertise/has developed a “pioneering methodology for the assessment of the status of children developed”, apparently with good performances at school.
- Cooperation with Children Centre in Fót.

Remaining challenges include:

- Lower level of sustainability because Mission relies on project funding.

Key messages

- For all relevant actors, to improve identification of trafficked children (including at border stations – e.g. through interviewing guidelines for border police).
- Most services have been established for unaccompanied children/refugee context, thus assessment of relevance of services/ accessibility of services for trafficking victims would be advisable.
- Ensure budget from public funding for such key services.
- Develop a comprehensive system for statistical data collection (in relation to law enforcement and to care services alike).

2.4. Italy

Italy is generally referred to as a country of transit and destination for trafficking victims; its long-stretched maritime borders and the impact of organized crime pose particular challenges to anti-trafficking efforts. These may be characterised also as comparably weak in terms of the institutional framework (no Action Plan, no referral mechanism, insufficient data collection) but with advantages in terms of accessibility of assistance services to trafficking victims.

2.4.1. *The Progetto Tutori of the Office for Protection and Public Defence of Children in Veneto*

Started in 2002 at the public child protection office of Veneto region, this project aims at offering comprehensive guardianship for unaccompanied children, including child victims of trafficking. In contrast to formal, often impersonal relations between “institutional” guardians, the focus of this initiative is on building direct links with the child, mainly by looking for volunteer persons committed to work with the child, who then receive training and technical advice for implementing their guardianship mandate.

Main strengths of this practice include:

- Strongly child victim protection-focused and rights-based.
- Guardianship effective in terms of services offered: short response time, qualified staff, monitoring established, enables access to comprehensive services (health, legal assistance, training etc).
- Effective in reaching out to its target group (high number of clients, compared to other clients of child protection services).
- Strong network of professionals working in social, welfare and healthcare services has been built over the last ten years, together with the groups of trained volunteers.
- Replicable, because has led to standards/guidelines on child protection, foster families and guardianship; and it has spread to other regions in Italy already.

Remaining challenges include:

- Gender sensitivity less developed.

2.4.2. *Civico Zero project*

Funded privately by Save the Children, this (initially) Rome-based project works with children living in the streets, many of them being children at risk/former victims of trafficking.

Main strengths of this practice include:

- Low-threshold, high outreach to target group (e.g. through mobile street units) of children on the street (some 1.600 contacts in 2012) – based on

principles of ease of access to services, informal relations, active participation of children.

- Rights-based, individual case assessment, continuous information and feedback.
- Innovative forms of identification, using e.g. art therapy with children, story-telling.
- Allows access to basic services – food, rest, health checks, legal advice, but also offers assistance for longer-term integration – access to housing, employment, training.
- Effective in ensuring alternative care for children formerly living in the streets: safe place, training, identity/trusted relationships – especially successful in taking children from Afghanistan away from streets; low drop-out rates of contacts.
- Dense network of institutional collaborations; sustainable over three years now.

Remaining challenges include:

- To offer dedicated services for girls.
- Written documentation/guidelines missing.
- Dependent on NGO funding.

Key messages

- Direct participation of the child in the decision-making processes is essential for effective care plans.
- Develop strong network of stakeholders to ensure sustainability and further evolution.
- Collaboration and networking of professionals with trained volunteers proved successful.
- NGOs should not need to compensate for lack of public funding.

2.5. Slovakia

Basically, Slovakia is considered a country of origin and transit for victims of trafficking, recently turning also into a country of destination. Victims so far have been mainly Slovak nationals. Available data show very low numbers of identified victims, especially of children – in recent years ranging only between one and two cases. Ambiguities in legislation and the lack of child-specific action plans or child-specific support programs may contribute to this situation. Consequently, it was not possible for the project evaluation team to speak of already established good practice, but, instead, it was decided to focus on

evaluation of measures taken and identify potential for successful replication, based on two cases involving trafficked girls (one girl, illiterate at 14 years, and in need of psychological assistance, supported by an NGO; a second girl returning back from abroad but being failed to be identified as a trafficking victim, and brought to a Re-educational Home for Children with Behavioural Problems first).

2.5.1. *Interim care/long-term integration*

Main strengths of this practice include:

- Thanks to individual case assessment in both cases, the therapeutical needs could be identified and specialised support was made available.
- Continuous best interests assessment, social work with family and school to prepare for visits.

Remaining challenges include:

- No local guardian appointed, making personal contacts difficult.
- Lack of legal assistance in both cases.
- Failure of identification after return back to Slovakia in one case.

2.5.2. *Educational integration*

Main strengths of this practice include:

- Individual, flexibly adapted education plans established in both cases, constant work with teachers/schools.

Remaining challenges include:

- Lack of guidance for constant best interests determination possible, language barriers, lack of educational programmes beyond compulsory schooling.

Key messages

- Improve identification of children, child-focused framework and support, including dedicated funding.
- Ensure legal assistance.
- Review appointment practice for guardians.
- Define best interests determination process.

2.6. Sweden

Sweden is regarded as a country of destination; increasing attention is paid to cases of possible internal trafficking. The Swedish anti-trafficking framework is marked by advanced legislation, but lacks some of the operational documents, like a National Referral Mechanism and National Action Plan since the first NAP against prostitution and human trafficking for sexual purposes in action during 2008 – 2010. Only a few of the many initial activities in the NAP have been prolonged by the government from 2011 to 2014 – activities, which in practice are extending beyond sexual exploitation.

There is an almost total lack of data collection concerning assistance and re/integration of child victims of trafficking. The social support system is highly decentralised and delegated to municipalities/local social welfare authorities; a strong child protection scheme is in place, including children's houses, trustees for unaccompanied children, legal counsel and access to compensation.

2.6.1. *National Coordinator*

The County Administrative Board of Stockholm was given the mandate to act as a "National Coordinator against prostitution and trafficking", with responsibility to arrange safe return for trafficking victims; ensure cooperation among Swedish actors, including NGOs; develop assistance programs and allocate funds for NGOs. The Board also published National Guidelines for work against prostitution and human trafficking for sexual purposes (dealing also with other types of exploitation, and with children in particular). Furthermore, a national survey was initiated and published in November 2012, offering very concrete information and data on numbers, gender, age, type of exploitation, nationality, asylum status, victims of sexual abuse, access to courts and assisted return.

Main strengths of this practice include:

- Clear, explicit human/child rights foundation.
- Strong political will.
- Intended also as a general information hub for dissemination of trafficking-related information, including guidelines and other implementation standards; initiates research and data collection.
- Giving support and advice in ongoing cases.

- Organizing multi-functional national networks.
- Well documented practice, supporting replicability.

Remaining challenges include:

- Strengthen efforts beyond trafficking for sexual exploitation.
- Ensure sustainability beyond 2014.
- Actual enforcement of National Guidelines.

2.6.2. *Children's Need in Centre, BBIC (Barns Behov I Centrum)*

This example relates to a practical social work methodology for working with all children at risk, which per definition includes trafficked children, and which was developed in 2008 by the National Board of Health and Welfare. It consists of actually three publications (Basic Book Children's Need in Centre, BBIC, Documentation of the Child's best interest within the Social Welfare, and Children's Need in Centre (BBIC) – Forms and Supporting Documents); an update in December 2011 further strengthened concern for potential child victims of trafficking.

The BBIC aims at "strengthening the child's perspective and children's participation within the social welfare system, and to ensure quality in this system". Conceptually it deals with four phases of investigation, Care Plan, Implementation Plan and monitoring. The National Board of Health and Welfare is responsible for its implementation together with the local social welfare authorities in all but five of the 290 municipalities in Sweden.

Main strengths of this practice include:

- Clear methodology, well supported and documented, also for awareness-raising purposes.
- Clearly rights-based, gender sensitive, and stresses child participation, access to information for children.
- Aims at comprehensive support, including education and all kind of medical care.

Remaining challenges include:

- No guidance on return proceedings provided (but: recent Stockholm County/IOM pilot project on return).

- Currently, still insufficient technical support, possibility for electronic data collection missing.

Key messages

- Make Coordinator permanent, more comprehensive.
- Further adapt existing general anti-trafficking as well as general child protection instrument to the specific child trafficking context, based on thorough review of existing services (including feedback from trafficked children themselves).

CONCLUSIONS AND RECOMMENDATIONS

When analysing the good practices collected in the six countries included in the present research and the key messages identified, several lessons learned can be taken, which should provide guidance for the development of future or adaptation of existing programmes for assistance and re/integration of trafficked children. Based on the existing international and European legal framework, the obligation to offer such services is established for any country irrespective of being labelled a "country of origin/transit/destination" (e.g. countries of destination must not limit their attention to return of victims, but also arrange for integration support, if remaining in the country is in the child's best interests).

On a conceptual level, the following recommendations can be drawn from the country examples:

Effective assistance requires trafficked children to be considered as right holders: the stronger the role given to children as competent actors and the clearer responsibilities are established the more effective assistance will be provided; such assistance must include access to justice for child victims of trafficking, including access to legal assistance, access to compensation and respect for victim protection at court.

Inextricably linked to this, the right of all child victims of trafficking to participate in decisions affecting their situation should be ensured (e.g. in

development of care plans, suitable accommodation, educational activities).

On the side of authorities and other care-takers, formalised/institutionalised best interests determination processes should be established, including risk assessment and assessment for non-refoulement compliance in case of return. This includes a balancing of interests in the context of prevention of re-trafficking, while at the same time respecting existing parental responsibilities.

Comprehensive child-focused national referral mechanisms (from identification to integration/return, including cross-border cooperation) should be developed in all countries, in order to formalise procedures and to rely less on commitment of individual actors or ad hoc solutions.

Child protection authorities should regard themselves as the main child *rights* protection authorities in a country; they need to have sufficient capacities, training and resources to carry out their tasks, including developing and implementing individual assistance/care plans for trafficking victims, and for cross-border cooperation.

A rights-based approach requires that all instruments and measures (Action Plans, referral mechanisms, child protection Guidelines etc) should be constantly monitored and evaluated (including through external actors, e.g. based on a peer review system between countries); this includes a call to strengthen data collection on child protection and trafficking of children, especially in the context of decentralised state structures, and to develop and support research agendas on child trafficking.

Civil society plays an essential role both as a critical watchdog for state performance and as a service providers with first-hand experience from working directly with trafficking victims – their expertise should be included both in policy development and monitoring efforts.

Finally, the framework for cross-border cooperation on child victim protection should be strengthened: this includes addressing questions of jurisdiction and

competence (e.g. international/European private/family law – Hague Conventions, EU Brussels II Regulation), formalising cooperation procedures in trafficking return cases, establishing monitoring standards etc, with the aim of creating (at least) a “common European area of child protection” (similar to the “area of freedom, security and justice”).

More specifically, as far as assistance and re/integration measures are concerned, the following findings should be taken into account:

In order to strengthen efforts to improve identification of child victims of trafficking, programs for active reaching out to potential children at risk, such as children living in the street must be developed.

Full guardianship should be ensured in all cases of unaccompanied children (or where there is a potential conflict of interest with parents/care-takers).

Assistance to trafficking victims needs to be comprehensive, including psychosocial support, education as part of dedicated programmes for interim care and rehabilitation and integration/reintegration of trafficked children. Such programmes should address escapes from institutions/children going into hiding. Legislation and policies should avoid criminalisation of trafficked children at all cost and ensure compliance with the CoE Anti-Trafficking Convention non-punishment clause provision; administrative detention for children (e.g. detention pending deportation) should be prohibited. Age assessment procedures should be reviewed in order to ensure possibility for review of decisions concerning age of a child and respect for the “in dubio pro minore” rule, in line with international/European standards.

In order to ensure sustainability of assistance, continuous institutional capacity building, documentation and reporting should be strengthened.

Anti-trafficking efforts should be linked to approaches to deal with “children on the move” (unaccompanied/separated children/asylum-seeking children/migrant children etc.).

LIST OF ABBREVIATIONS

CC	– Criminal Code
CRC	– United Nations Convention on the Rights of the Child
EC	– European Commission
ECHR	– European Convention on Human Rights
EU	– European Union
FRA	– European Union Agency for Fundamental Rights
GRETA	– Council of Europe Group of Experts on Action against Trafficking in Human Beings
ILO	– International Labour Organization
IOM	– International Organization for Migration
NAP	– National Action Plan
NRM	– National Referral Mechanism
NGO	– Non-governmental organization
OHCHR	– United Nations Office of the High Commissioner for Human Rights
ODIHR	– Office for Democratic Institutions and Human Rights
OSCE	– Organization for Security and Co-operation in Europe
para.	– Paragraph
Sec.	– Section
SOP	– Standard operating procedure
TF	– Task Force
THB	– Trafficking in Human Beings
UN	– United Nations
UNODC	– UN Office on Drugs and Crime
UNHCR	– UNHCR United Nations High Commissioner for Refugees
UNICEF	– United Nations Children’s Fund

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ANNEX

ASSESSMENT SCORECARD														
Identification of good practices in assistance and re/integration of child victims of trafficking														
Collection of practices														
Key areas	description	description	description	description	description	description	general criteria for selection (must-criteria) – score							
Identification of trafficked children	Short description of main elements/ activities	Objectives	Stakeholders/ Partners	Time-frame	Implementing Organisation/ Contact	Website	Rights-based	“Do no harm”/ impact assessed	Gender-sensitive	Child participatory & stakeholder involved	Effective	Sustainable	Replicable	
Appointment of guardian	Short description of main elements/ activities	Objectives	Stakeholders/ Partners	Time-frame	Implementing Organisation/ Contact	Website	Rights-based	“Do no harm”/ impact assessed	Gender-sensitive	Child participatory & stakeholder involved	Effective	Sustainable	Replicable	
Individual case assessment	Short description of main elements/ activities	Objectives	Stakeholders/ Partners	Time-frame	Implementing Organisation/ Contact	Website	Rights-based	“Do no harm”/ impact assessed	Gender-sensitive	Child participatory & stakeholder involved	Effective	Sustainable	Replicable	
Regularization of status	Short description of main elements/ activities	Objectives	Stakeholders/ Partners	Time-frame	Implementing Organisation/ Contact	Website	Rights-based	“Do no harm”/ impact assessed	Gender-sensitive	Child participatory & stakeholder involved	Effective	Sustainable	Replicable	
Interim case and protection	Short description of main elements/ activities	Objectives	Stakeholders/ Partners	Time-frame	Implementing Organisation/ Contact	Website	Rights-based	“Do no harm”/ impact assessed	Gender-sensitive	Child participatory & stakeholder involved	Effective	Sustainable	Replicable	
Long term re/integration/ implementation of durable solution	Short description of main elements/ activities	Objectives	Stakeholders/ Partners	Time-frame	Implementing Organisation/ Contact	Website	Rights-based	“Do no harm”/ impact assessed	Gender-sensitive	Child participatory & stakeholder involved	Effective	Sustainable	Replicable	
							SCORE:							
Use the following symbols for scoring: “✓” the measure, initiative, policy, etc. met this criterion for good practice “x” the measure, initiative, policy, etc. did not meet this criterion (or, at least, not yet) “?” it is unclear whether the measure, initiative, policy, etc. met this criterion, often because it is too early to judge.														
<input type="checkbox"/> Key areas of assistance and re/integration					<input type="checkbox"/> Basic information about the good practice					<input type="checkbox"/> Quality criteria				

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