



Improving Monitoring and Protection Systems  
Against Child Trafficking and Exploitation

**Key Determinants of Risk and Protection**



With the financial support of the Prevention of and Fight against Crime Programme of the European Commission – Directorate-General Home Affairs. This publication reflects the views only of the author, and the European Commission cannot be held responsible for any use which may be made of the information contained therein.

The project 'Improving Monitoring and Protection Systems Against Child Trafficking and Exploitation' (IMPACT) was implemented by four partner organisations in Cyprus, Greece, Italy and Portugal between September 2012 and February 2014. The project partners are the Centre for the Advancement of Research & Development in Educational Technology (CARDET) in Cyprus, the Family and Childcare Centre (KMOP) in Greece, Defence for Children International (DCI) in Italy, and the Centre for Social Intervention Studies (CESIS) in Portugal. KMOP was in charge of the project management whereas DCI Italy developed and coordinated the research.

The key determinants of risk and protection were developed on the basis of the IMPACT national and transnational reports. More detailed and country-specific determinants are available from the IMPACT National Reports at [www.impact-eu.org](http://www.impact-eu.org).

The national teams for IMPACT were composed as follows:

#### **CYPRUS**

##### **CARDET - Centre for the Advancement of Research & Development in Educational Technology**

Sotiris Themistokleous, *National Coordinator*

Chrysovalanti Charalambous, *National Researcher*

Despina Cochliou, *National Consultant*

Charalambos Vrasidas, *National Consultant*

#### **GREECE**

##### **KMOP - Family and Childcare Centre**

Antonia Torrens, *Project Manager*

Maria Markaki, *National Coordinator and Researcher*

Georgia Avatangelou, *Assistant Researcher*

#### **ITALY**

##### **DCI - Defence for Children International – Italy**

Daja Wenke, *Transnational Research Coordinator*

Pippo Costella, *Research Advisor and National Trainer*

Annalisa Furia, *National Coordinator*

Mariapaola Lanti, *National Researcher*

Laura Squintani, *Assistant Researcher*

Gabriella Gallizia, *Webmaster & General Coordination*

#### **PORTUGAL**

##### **CESIS - Centro de Estudos para a Intervenção Social**

Pedro Perista, *National Coordinator*

Ana Brázia, *National Researcher*

## Table of contents

<b>Introduction</b> .....	<b>4</b>
<b>Cross-cutting determinants relating to the planning and implementation of child rights' policy in all relevant sectors</b> .....	<b>4</b>
<b>General principles of the CRC</b> .....	<b>5</b>
<i>Non-discrimination</i> .....	5
<i>Best interests of the child</i> .....	6
<i>Right to be heard</i> .....	6
<b>Survival</b> .....	<b>6</b>
<i>Child care, including accommodation and food</i> .....	6
<i>Health and medical care</i> .....	7
<i>Social security</i> .....	7
<b>Development</b> .....	<b>8</b>
<i>General and vocational training</i> .....	8
<i>Sports and recreational activities</i> .....	8
<i>Working conditions of children</i> .....	8
<b>Participation</b> .....	<b>9</b>
<i>Citizenship, migration and status</i> .....	9
<i>Social relations with families and peers</i> .....	9
<b>Protection</b> .....	<b>9</b>
<i>Child protection from violence, exploitation and abuse</i> .....	9
<i>Guardianship</i> .....	10
<i>Criminal law matters</i> .....	10
<i>Special programmes for victims of trafficking</i> .....	10
<i>Juvenile justice</i> .....	10

## Introduction

The IMPACT project – Improving Monitoring and Protection Systems Against Child Trafficking and Exploitation – was implemented through a partnership cooperation of four non-governmental organisations in Cyprus, Greece, Italy and Portugal. It was conceived as part of a longer-term strategy for studying and informing the development of innovative approaches to prevent the exploitation of children, from a perspective focused on the rights and well-being of the child.

IMPACT builds on a method developed for GATE<sup>1</sup> (*'Guardians Against Child Trafficking and Exploitation'*) and informs RESILAND<sup>2</sup> (*'Participation, capacities and resilience of children on the move against trafficking and exploitation'*). These projects are implemented in continuity by a core group of partner organisations with funding from the Prevention of and Fight Against Crime (ISEC) Programme of the European Commission – Directorate-General Home Affairs.<sup>3</sup>

The key determinants of risk and protection present the main recommendations for improving monitoring and protection systems against child trafficking and exploitation. They are presented here to inform the continued strengthening of laws, policies and practice in the four countries studied in IMPACT and are considered relevant also for the broader European context. The determinants are structured according to the different clusters and sectors of child rights themes that guided the structure of the national studies. They were developed on the basis of the IMPACT national and transnational reports. More detailed and country-specific determinants are available from the IMPACT National Reports.<sup>4</sup>

### Cross-cutting determinants relating to the planning and implementation of child rights' policy in all relevant sectors

- Create ***an integrated legal framework and a comprehensive strategy*** for the implementation of the UN Convention on the Rights of the Child
- Create or strengthen ***coordination and cooperation mechanisms*** across different ministries and departments at the central level and between the central, regional and local levels of the public administration
- Enhance ***budget allocation*** for the implementation of child rights policy, in line with the CRC
- Define and adopt ***concrete targets*** to promote the social and economic inclusion, development and well-being of children and families, supported by clear implementation plans
- Promote ***training and information*** on child rights and on the UN Convention on the Rights of the Child and other relevant international and regional standards; introduce relevant subjects into the professional training curricula and on-the-job training of professionals working with and for children
- Introduce ***information about child rights***, human rights and relevant international and regional standards ***into mainstream school curricula***

---

<sup>1</sup> See: GATE (2011), *Guardians Against Child Trafficking and Exploitation*, available at: <http://gate-eu.org/>.

<sup>2</sup> EC-funded project, 2013-2015. See: RESILAND - *Participation, Capacities and Resilience of Children on the Move Against Trafficking and Exploitation*, available at: [www.resiland.org](http://www.resiland.org).

<sup>3</sup> See: European Commission, Directorate-General Home Affairs, *Prevention of and Fight Against Crime (ISEC)*, available at: [http://ec.europa.eu/dgs/home-affairs/financing/fundings/security-and-safeguarding-liberties/prevention-of-and-fight-against-crime/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/security-and-safeguarding-liberties/prevention-of-and-fight-against-crime/index_en.htm) (accessed December 2013).

<sup>4</sup> The IMPACT National and Transnational Reports are available at: [www.impact-eu.org](http://www.impact-eu.org).

- Develop **awareness raising campaigns on child rights** and the UN Convention on the Rights of the Child targeting the general public
- Make **technical assistance and specialised expertise** available from the central or regional level to support service providers and decision takers at the local level in handling unusual or complex cases of children who are exposed to exploitation or at risk
- **Develop, test-out, document and evaluate innovative approaches** and good practice examples in promoting children's rights, assess the impact of law and policies and disseminate information about the opportunities, achievements and challenges; scale up initiatives that have been evaluated positively to be implemented country-wide and to be sustained for longer periods of time
- Promote **monitoring and accountability** of service provision for children and families in all areas, ensuring that findings and recommendations issued by monitoring mechanisms, including independent monitoring, are duly followed-up and taken into account for the ongoing reform process of law, policy and practice
- Develop and strengthen **reporting and complaints mechanisms** for children and for professionals and officials working with and for children, and make them easily accessible in all areas
- Make **essential services for children and families available and accessible** at a low-threshold, removing administrative or other obstacles, with a view to including also the most marginalised and excluded individuals and groups, including by providing relevant information
- Promote **effective communication, information exchange and coordination between the central and the local levels** of the public administration and the accountability of municipalities and service providers at the local level, including private partners
- Avoid duplication and gaps in service provision and **harmonise the quality and scope of services provided locally**, with a view to reduce local disparities, different standards and differential treatment resulting from the decentralisation of the public administration and from public-private partnership in service provision
- Develop or strengthen mechanisms for the **collection and analysis of disaggregated quantitative and qualitative data** on child rights indicators and ensure that data analysis guides the reform process of law, policy and practice

## General principles of the CRC

### **Non-discrimination**

- Identify the most marginalised and excluded groups and develop targeted measures and initiatives to promote their socio-economic inclusion
- Collect and analyse disaggregated data to understand the reasons of marginalisation and exclusion and to inform measures in law, policy and practice to promote inclusion and empowerment
- Identify and redress obstacles that prevent the access to services and entitlements for individual or groups of children, such as fees, administrative provisions and status issues
- Enact a general prohibition of discrimination, including by ratifying the Council of Europe Protocol No. 12 for the Protection of Human Rights and Fundamental Freedoms, on a general prohibition of discrimination, and promote its implementation in practice, giving due attention to promoting the protection of children from discrimination on the grounds of status, as afforded under CRC Article 2

- Mainstream the right to non-discrimination into all relevant laws and policies
- Develop comprehensive strategies to prevent and respond to cases of discrimination and ensure their effective implementation into practice
- Create or strengthen reporting, complaints and monitoring mechanisms to promote the implementation of CRC Article 2
- Strengthen proactive measures to prevent discrimination
- Promote sensitisation, awareness raising and training to change attitudes and to address prejudices and stereotypes among officials and professionals working with and for children that might prevent certain groups of children from fully exercising their rights, including the inter-faith and inter-ethnic dialogue

### ***Best interests of the child***

- Make the best interests of the child a guiding principle for policy making, strategic planning and budget allocation, including by promoting *ex ante* impact assessments and *ex post* impact evaluations and ensuring that the findings guide law and policy reform processes
- Mainstream the principle on the best interests of the child into all relevant laws and policies
- Promote comprehensive definitions or clarifications of the best interests' principle to refer to all the rights of the child as afforded under the Convention, in a holistic way
- Develop guidance, tools and standardised procedures for best interests assessments and determinations, taking the views of the child into account and documenting the process
- Institutionalise mechanisms for the inter-disciplinary cooperation of different professionals and officials in best interests assessments

### ***Right to be heard***

- Mainstream the right of the child to be heard and to have his or her views taken into account into all relevant laws and policies
- Develop guidance, tools and standardised procedures for hearing the views of the child and taking them into account, including by documenting the process, ensuring that the child has access to information in a language that he or she understands and ensuring effective translation and cultural mediation wherever required
- Safeguard the right of child victims and witnesses of crime to be heard in judicial and administrative proceedings, including by ensuring child-sensitive interviewing techniques and forensic interviews
- Promote the right to be heard also for younger children and children with special needs
- Train officials and professionals working with and for children in listening to children, establishing a child-sensitive environment and trust when hearing the views of children and communicating effectively, including with child victims and witnesses of crime and asylum seeking children
- Create and strengthen reporting and complaints mechanisms for children and make them accessible for all children, including migrants and asylum seeking children
- Promote the socio-political participation of children and the opportunities for children to be consulted in policy planning processes and impact evaluations

### **Survival**

#### ***Child care, including accommodation and food***

- Develop guidance, tools and standardised procedures for individual case and needs assessments of children

- Promote the development of life projects and individual care plans for children in care – and their periodic review – including for unaccompanied children and child victims of trafficking, giving due account to the views of the child
- Review existing care models for unaccompanied child migrants and asylum seekers from a perspective focused on the rights and well-being of the child as well as from a cost-efficiency perspective, with a view to identify and promote initiatives that are the most conducive to the well-being and development of children
- Strengthen family-based alternative care for children, including for unaccompanied child migrants and asylum seekers, as appropriate
- Develop, where not yet existent, and promote standard operating procedures and quality standards for alternative care for children, including institutional care and reception of migrant and asylum seeking children and child victims of trafficking
- Develop professional training on how to apply these standards in practice and make relevant mentoring available for the care professionals
- Develop programmes for after-care of children who turn 18 years old and age out of care and support their transition into adulthood and an independent life, including for unaccompanied child migrants and asylum seeking children and child victims of trafficking
- Strengthen and support families to prevent family separation and abandonment of children, including by training positive parenting skills and socio-economic support; special programmes should be developed for asylum seeking and migrant families and for those with an immigration background
- Ensure that sufficient places are available for children in reception facilities and other relevant care institutions to host all children who cannot be referred to family based forms of alternative care, including asylum seeking and migrant children and child victims of trafficking
- Monitor the quality of care and accommodation provided in institutions, reception centres and family-based care
- Prevent the immigration detention and administrative detention of non-national children, accompanied and unaccompanied

### ***Health and medical care***

- Ensure access to health care services for all children, irrespective of their national or ethnic background and immigration status
- Remove administrative or other obstacles that might prevent particularly marginalised and excluded groups from accessing health care services
- Disseminate information on how to access health care services and the related rights and entitlements, and inform about relevant duties and obligations of authorities and other stakeholders
- Promote cultural mediation, translation and information in health care
- Connect the health sector to the child protection sector by enabling referrals of children who are considered to be at risk of violence, exploitation, abuse or neglect
- Offer consistent health checks and medical services for migrants at main entry and disembarkation points, wherever relevant
- Develop, where not yet existent, and enhance standard operating procedures and quality standards for health care and medical services

### ***Social security***

- Strengthen social and financial benefits for children and families and other relevant measures to redress child poverty and the socio-economic exclusion or marginalisation of families
- Connect social protection services with child protection services and promote the provision of integrated services in support of children and families

- Assess the impact of the financial and economic crisis, and the way it is being handled by the national governments, on the rights and well-being of children and families, including specifically an assessment of the impact on particularly marginalised and excluded groups such as ethnic and national minorities, immigrants and asylum seekers; the impact assessment should focus on the immediate effects as well as on medium and longer-term effects on the human, social and economic development of the society and the state
- Develop comprehensive social protection strategies and ensure that they are implemented into practice, while assessing their impact and the progress made in promoting equity and reducing socio-economic exclusion and marginalisation

## **Development**

### ***General and vocational training***

- Develop effective strategies to prevent and respond to children dropping out of school and early school leavers
- Develop special programmes in support of the integration of children with special needs into the mainstream schools and vocational training programmes, identifying appropriate solutions for asylum seeking and migrant children, offering language training and other relevant assistance for integration
- Include awareness raising and sensitisation for the prevention of xenophobia, racism, bullying and prejudices on cultural, religious or ethnic grounds into school curricula
- Offer cultural mediation and support programmes to promote the inclusion of Roma children into schools, academic and vocational training
- Promote early childhood development initiatives, including for children from particularly marginalised and excluded groups, Roma children, children from immigrant and asylum seeking families

### ***Sports and recreational activities***

- Enhance the access to and involvement in sports, recreational and leisure time activities for all children, including the most marginalised and excluded, immigrant and asylum seeking children, as a means for promoting social inclusion
- Support local sports clubs and associations in promoting the inclusion of all children in sports and recreational activities, for the promotion of social inclusion
- Ensure the protection of children from violence, exploitation and abuse in the context of sports activities
- Disseminate information on access to sports and recreational activities for children, including in remote areas and among the most marginalised and excluded groups, and specifically for immigrant and asylum seeking children

### ***Working conditions of children***

- Promote sensitisation and awareness raising to change attitudes, if and as appropriate, that tolerate the involvement of children in labour in informal, potentially hazardous and exploitative conditions, including specifically for children at school-age, immigrant and asylum seeking children
- Equip labour inspectors with a strong mandate to identify and report upon cases of child labour and precarious working conditions of children, and develop appropriate response mechanisms and prevention strategies
- Strengthen safe income and livelihood opportunities for families and young people, including in the context of migration



- Prevent and respond to cases of children involved in begging, including by ensuring that children involved in begging are not charged or sanctioned but referred to social services

## **Participation**

### ***Citizenship, migration and status***

- Make available residence permits for asylum seeking and migrant children who are granted leave to remain up to the age of 18 that offer a perspective to finalise their education and academic or vocational training beyond the age of 18 years old
- Ensure that each child who is a third country national has information about the asylum procedure and the possibility to access it and to apply for asylum
- Ensure the effective prohibition of immigration detention, refusal of entry and collective removals of children
- Strengthen the identification, referral and reception of asylum seeking children and child migrants regardless of their national background and immigration status and integrate relevant referral mechanisms and support structures
- Develop and strengthen standardised procedures, guidelines and tools for the identification, referral and care of asylum seeking and migrant children, the regularisation of their stay and assessment of grounds of persecution
- Offer standardised procedures for the age assessment of children, in respect of the child's physical integrity and with the option to appeal against decisions and to request the re-assessment of age
- Standardise procedures for risk and family assessments and for voluntary assisted return and repatriation, in line with the rights of the child, international and European standards of protection and the principle of non-refoulement

### ***Social relations with families and peers***

- Support unaccompanied and separated children in maintaining contacts with their parents and family of origin
- Support children to build social contacts and friendship with peers and trusted adults in the community, including specifically unaccompanied and asylum seeking children and child victims of trafficking
- Provide for clear regulations of family tracing and reunification, in line with international and regional standards and guidelines, within the country and across borders

## **Protection**

### ***Child protection from violence, exploitation and abuse***

- Develop or strengthen mechanisms for the identification and referral of children at risk and child victims
- Develop and implement an integrated strategy to prevent and respond to all forms of exploitation, including in the context of trafficking but not limited to it, and recognising all children who have been exposed to exploitation as victims of crime with the related entitlements and safeguards
- Develop and implement a comprehensive strategy to safeguard the rights of child victims and witnesses of crime, including with regard to assistance, protection and rights in judicial and administrative proceedings, in line with international and regional standards and guidelines
- Connect and integrate existing referral mechanisms for different groups of children with the objective of setting up a unified referral mechanism that gives due account to the diversity of children and their specific, individual needs

- Offer training on positive parenting skills, promoting positive disciplining and prohibiting all forms of violence against children, including in the home, in the school and in institutions, and reaching out particularly to the most marginalised and excluded groups
- Strengthen primary prevention in child protection and social services, including monitoring of children at risk and early intervention in cases of violence, abuse, exploitation or neglect
- Ensure the allocation of appropriate budgets to social services and the child protection sector
- Develop a unified mechanism for the collection of disaggregated quantitative and qualitative data in the child protection sector
- Establish or strengthen effective networks between officials and professionals involved in child protection and social services and other sectors involved in child rights policy planning and implementation, including the health sector and education

### ***Guardianship***

- Provide common quality standards of guardianship and legal representation for all children deprived of family care and children at risk of violence, giving due account to the special needs of non-national children and child victims of crime
- Ensure that guardians and legal representatives are operating in an institutionalised framework of training, supervision, unified working methods and ethics, monitoring and accountability
- Ensure the timely appointment of a guardian for each child deprived of parental care

### ***Criminal law matters***

- Ensure that the criminal laws provide for a distinct definition of child trafficking, in line with international and regional standards, recognising that child trafficking takes place regardless of the means used
- Provide for an open-ended list of forms of exploitation that are considered under the child trafficking offence, ensuring that exploitation is not subject to the use of force and including also exploitation in labour, begging and criminal activities
- Strengthen the rights and entitlements for child victims and witnesses of crime in criminal investigations and proceedings, in line with international and regional standards and guidelines
- Provide for the compensation of child victims of crime
- Protect the privacy and identity of child victims of crime, including in media reporting

### ***Special programmes for victims of trafficking***

- Offer services and assistance to all child victims of crime and children at risk, regardless of the child's official identification as a victim of trafficking
- Ensure that the identification of child victims of trafficking is considered a result of the support services and assistance provided rather than a condition to it
- Dissociate the identification of child victims of trafficking and the provision of services and assistance from mandatory conditions, such as participation in criminal investigations and proceedings or the acceptance of conditions of assistance programmes
- Enhance the identification of child victims of trafficking and exploitation and children at risk through outreach work and low-threshold support programmes

### ***Juvenile justice***

- Enact and promote the right of child victims of crime to be protected from sanctions or prosecution for offences they committed in relation to their situation as victims of trafficking

- Promote social rehabilitation programmes for children in conflict with the law and support the children concerned in their integration into school and training programmes
- Ensure that all child victims and witnesses of crime and child defendants have access to legal assistance and advice
- Ensure child-sensitive criminal investigations and proceedings in line with international and regional standards and guidelines
- Develop and strengthen crime prevention programmes for children