

Contribution to the European Commission consultation on Fighting human trafficking – review of EU rules

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

As civil society organisations with decades of experience at national, EU and international level in promoting and defending children's rights, we welcome the European Commission's proposal to review Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

This revision is both timely and necessary. Due to overlapping crises, including ongoing wars, natural disasters, the COVID-19 pandemic, the refugee influx, and the economic and energy crisis, more and more children are at risk of separation and being placed in institutions. Children in institutions are particularly at risk of being targeted by traffickers, and have few, if any, recourses to turn to.

We see in this revision a long-awaited opportunity to further strengthen the Directive by adding a special mention of the phenomenon of institution-related trafficking and introducing specific measures to uphold the rights of all children, including children deprived of parental care.

1. Definition of institution

Based on agreed international definitions, and practical experiences of working with children who have been victimised through institutionalisation, we define an institution as any residential setting where children and young people are subjected to an 'institutional culture' – which is characterised by features such as depersonalisation, rigidity of routine, lack of individual support or personal treatment, residents' lack of control over their lives and over decisions affecting them, and lack of prioritisation of their individualised needs. Children in institutions are often excluded from the wider community, with limited contact with birth families or caregivers. Many have very little knowledge of their own cultural heritage and traditions.¹

2. The link between institutions and human trafficking

The link between institutions and human trafficking was recognised by the UN General Assembly² in 2019. Two UN Special Rapporteurs of the Human Rights Council on the Sale of Children, Child Prostitution and Child Pornography have also highlighted this connection on various occasions, such as in a 2016³ and 2022 report.⁴ This has also been recognised by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings in a

¹ [Hope and Homes for Children \(2022\) Families. Not institutions](#)

² [United Nations General Assembly \(2019\) Resolution on the Rights of the Child A/RES/74/133](#)

³ [Maud de Boer-Buquicchio \(2016\) Report of the Special Rapporteur of the Human Rights Council on the Sale of Children, Child Prostitution and Child Pornography, GA/RES/71/261](#)

⁴ [Singhateh M. F. \(2022\) Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, A/77/140](#)

thematic chapter of its 2018 report⁵ and the country monitoring reports of the Council of Europe Convention on Action against Trafficking in Human Beings.⁶

The EU has acknowledged the harm of institutions on children. Its commitment to supporting and promoting the transition from institutional to community and family-based care is reflected in its funding regulations⁷ and relevant policies.⁸ However, despite the evidence of human trafficking cases connected with institutions in the European context,⁹ the EU has never officially recognised the connection between trafficking and institutionalisation in its policies or legislation.

Four cycles of institution-related trafficking can be identified:¹⁰

2.1 Children are trafficked into institutions

Trafficking into institutions occurs when children are exploited or used to make a profit for others. Institutions become money-making ventures where children are unnecessarily placed and kept for profit motives¹¹, through the commodification of orphans.¹²

Intermediaries or officials can recruit children by persuading the most vulnerable families to relinquish them through false promises of accessing education, better nutrition and health services in institutions.¹³ Often children are recruited into institutions so that the respective structures receive more funds from the government or other international donors, who are particularly interested in supporting orphaned children.¹⁴ As a result, institutions become profit-driven businesses, and traffickers supply children to feed the business model.¹⁵

Trafficking into institutions can involve the creation of "paper orphans" by falsely presenting children as orphans and forging fraudulent documentation.¹⁶ Once the gatekeeping

⁵ [Council of Europe, Group of Experts on Action against Trafficking in Human Beings \(2018\) Thematic Chapter of the 6th General Report on GRETA's Activities](#)

⁶ [Council of Europe \(2011\) Convention on Action against Trafficking in Human Beings \(CETS No. 197\)](#)

⁷ These EU Funding instruments include [the Common Provisions Regulation \(2021\)](#), [the European Regional Development Fund and Cohesion Fund \(ERDF/CF\)](#), [the European Social Fund Plus \(ESF+\) Regulation \(2021\)](#), [The Neighbourhood, Development and International Cooperation Instrument \(2021-2017\)](#) and the [third Instrument for Pre-Accession Assistance \(2021-2027\)](#).

⁸ The recent guarantees towards child protection enshrined in EU policy frameworks and initiatives include the [Strategy on the Rights of the Child \(2021\)](#), [The Strategy on the Rights of Persons with Disabilities \(2021-2030\)](#), [the European Child Guarantee \(2021\)](#) and [the EU Action Plan on Human Rights and Democracy \(2020-2024\)](#).

⁹ [Lumos \(2020\) Cracks in the system: child trafficking in the context of institutional care in Europe](#)

¹⁰ [Lumos \(2021\) Cycles of Exploitation: The links between children's institutional care and human trafficking](#)

¹¹ [Van Doore, K. E., Nhep, R., & Pun, A. \(2023\). Prosecuting Orphanage Trafficking in Nepal. Institutionalised Children Explorations and Beyond](#)

¹² [Van Doore K E. \(2022\) Orphanage Trafficking in International Law. Cambridge University Press](#)

¹³ [United States Department of State \(2018\) 'Trafficking in Persons Report 2018' \(Report, United States of America Department of State, 2018\) 22.](#)

¹⁴ [Tatek A \(2010\) 'Beyond the " orphan burden ": Understanding care for and by AIDS affected children in Africa' 4 \(5\) Geography Compass 460, 461](#)

¹⁵ [Lumos \(2021\) Cycles of Exploitation: The links between children's institutional care and human trafficking](#)

¹⁶ [Van Doore, K. E. \(2016\). Paper orphans: Exploring child trafficking for the purpose of orphanages. The International Journal of Children's Rights, 24\(2\), 378-407](#)

procedures are manipulated and children are placed into institutions, it is nearly impossible for them to be reunited with their parents.¹⁷

These practices are also driven by the demand of tourists to visit and volunteer with orphans in institutions.¹⁸ In the context of voluntourism,¹⁹ institutions actively exploit children through "selling time"²⁰ with orphans. Their photos and stories are used to maximise donations and attract tourists. Occasionally, children are required to perform dances, beg and lie about their identity and are purposefully kept in poor conditions and denied food to elicit greater sympathy and higher donations.²¹ This exploitation is facilitated by the overreliance on institutions to address vulnerabilities, the privatisation of the child protection system, the lack of enforcement of minimum standards, the prioritisation of international aid and tourism, the lack of knowledge about the harm of institutions and voluntourism.²²

Trafficking into institutions not only amounts to child exploitation and trafficking but contravenes the Convention on the Rights of the Child, strictly prohibiting the child's removal from their families unless it is in their best interests. It is also not in line with the Guidelines on alternative care,²³ stating that child removal should be a measure of last resort and never happen for economic reasons.

Last but not least, trafficking into institutions can represent a form of modern slavery.²⁴ The Australian government has officially recognised this in its 2018 Modern Slavery Act,²⁵ requiring companies to take due diligence and publish annual reports on their efforts to tackle modern slavery, including trafficking into institutions, in their supply chains and operations. Some EU Member States, such as the Netherlands, are considering introducing a similar mechanism.²⁶

2.2 Children are trafficked out of institutions into other forms of exploitation

As highlighted by the UN General Assembly in its 2019 Resolution on the Rights of the Child, children in institutions could fall victim to exploitation.²⁷ The Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, Ms. Singhateh, also highlights that this link is evident when adequate safeguards and regulations are lacking.²⁸ Traffickers are aware of the

¹⁷ [Van Doore K E. \(2022\) Orphanage Trafficking in International Law. Cambridge University Press](#)

¹⁸ [Van Doore K E. \(2022\) Orphanage Trafficking in International Law. Cambridge University Press](#)

¹⁹ [Guiney, T. \(2017\) Orphanage tourism: The need for protection and policy. Risk, protection, provision and policy, 287-307](#)

²⁰ [Tess Guiney \(2012\) "'Orphanage tourism' in Cambodia: When residential care centres become tourist attractions' 38 Pacific News](#)

²¹ [Better Care Network 2014. Collected Viewpoints on International Volunteering in Residential Care Centres: An overview. BetterVolunteering, Better Care](#)

²² [Van Doore K E. \(2022\) Orphanage Trafficking in International Law. Cambridge University Press](#)

²³ [United Nations General Assembly \(2010\) United Nations Guidelines for the Alternative Care of Children A/RES/64/142](#)

²⁴ [Fenton-Glynn, C. \(2021\). Joseph M. Cheer, Leigh Matthews, Kathryn E. Van Doore and Karen Flanagan \(eds.\), Modern Day Slavery and Orphanage Tourism. The International Journal of Children's Rights, 29\(2\), 527-531.](#)

²⁵ [Van Doore, K., & Nhep, R. \(2019\). Orphanage trafficking, modern slavery and the Australian response. Griffith Journal of Law & Human Dignity, 7\(2\).](#)

²⁶ [Van Doore K E. \(2022\) Orphanage Trafficking in International Law. Cambridge University Press](#)

²⁷ [United Nations General Assembly \(2019\) Resolution on the Rights of the Child A/RES/74/133](#)

²⁸ [Singhateh M. F. \(2022\) Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, A/77/140](#)

vulnerabilities of children in institutions and profit from their wish to run away, especially in the context of transnational trafficking.²⁹ Children from institutions are particularly vulnerable to exploitation for sexual purposes.³⁰ Sometimes, this happens with the collaboration of the staff.³¹

The Council of Europe's Group of Experts on Action against Trafficking in Human Beings has highlighted these enhanced vulnerabilities of children in institutions to trafficking in the monitoring report of the Council of Europe Convention on Action against Trafficking in Human Beings for countries such as Albania, Bulgaria, Croatia, Romania and the United Kingdom.³²

2.3 Child victims of trafficking are placed in institutions for their 'protection', which can put them at risk of trafficking and re-trafficking.

Child victims of trafficking are often placed (back) in institutions by the responsible authorities, creating a vicious cycle for trafficked children and additional risks to their peers in institutions of falling prey to trafficking.³³ This practice contravenes Art. 39 of the Convention on the Right of the Child, on the right to psychological and physical recovery in *"an environment which fosters the health, self-respect, and dignity of the child."* In line with this, the UN General Assembly urges states to *"support children who are victims of human trafficking in returning to their families."*³⁴ As demonstrated by evidence in the United Kingdom, residential care facilities often fail to reach safety standards and expose children to the risk of being re-trafficked.³⁵

2.4 Care leavers are more at risk of exploitation and trafficking.

This is due to both the harm children experience in institutions and the lack of services to enable them to integrate into society. According to a study by the International Organisation for Migration (IOM) in Moldova, girls raised in institutions are ten times more likely to be trafficked for sexual exploitation than those who grew up in families.³⁶

3. Proposed amendments to the Commission's proposal³⁷

Please find below our proposed amendments in blue and bold.

Recital (2)

²⁹ [Lumos \(2020\) Cracks in the system: child trafficking in the context of institutional care in Europe](#)

³⁰ [ECPAT International \(2019\) Explanatory Report to the Guidelines Regarding 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](#)

³¹ [Balaban, I. \(26 September 2013\). Prostitutie cu minore dintr-un centru de plasament din Bârlad: o fată de 14 ani, obligată să plătească chiria în natură \[Prostitution with minors from a placement centre in Bârlad: 14-year-old girl forced to pay rent in kind\]. Vaslui](#)

³² [Council of Europe, Group of Experts on Action against Trafficking in Human Beings \(2018\) Thematic Chapter of the 6th General Report on GRETA's Activities](#)

³³ [Lumos \(2021\) Cycles of Exploitation: The links between children's institutional care and human trafficking](#)

³⁴ [United Nations General Assembly \(2020\) United Nations Resolution on Improving the coordination of efforts against trafficking in persons A/RES/74/176](#)

³⁵ [Reuters \(October 13, 2017\) Vietnamese child trafficking victims in UK vanish from care: charities](#)

³⁶ [IOM. \(2007\). Protecting Vulnerable Children in Moldova.](#)

³⁷ [European Commission \(2022\) Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims COM/2022/732 final](#)

Commission's proposal	Proposed amendments
<p>Directive 2011/36/EU of the European Parliament and the Council constitutes the main Union legal instrument on preventing and combating trafficking in human beings and protecting the victims of this crime. That Directive sets out a comprehensive framework to address trafficking in human beings by establishing minimum rules concerning the definition of criminal offences and sanctions. It also includes common provisions to strengthen prevention and protection of victims, taking into account the gender perspective.</p>	<p>Directive 2011/36/EU of the European Parliament and the Council constitutes the main Union legal instrument on preventing and combating trafficking in human beings and protecting the victims of this crime. That Directive sets out a comprehensive framework to address trafficking in human beings by establishing minimum rules concerning the definition of criminal offences and sanctions. It also includes common provisions to strengthen prevention and protection of victims, taking into account the gender perspective.</p> <p>Directive 2011/36/EU also requires Member States to provide adequate protection and support to child victims, namely unaccompanied children and children deprived of parental care.</p>

Justification

In 2019 and 2020, children represented almost a quarter of all registered victims of trafficking in the EU (23%), where the victim's age group was known.³⁸ Children are particularly vulnerable to exploitation and are less equipped to resist manipulation.³⁹ Child trafficking constitutes a denial of a spectrum of human rights and has long-term effects on children's development.

Art. 32 of the United Nations Convention on the Rights of the Child recognises the right of the child to be protected from economic exploitation, whereas under Art. 36 States Parties are required to provide specific protection to child victims of all kinds of exploitation. Art. 35 of the Convention also includes the obligation of the Member States to take appropriate measures to prevent the "sale or trafficking of children in any form." Under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, children are entitled to further protection against these grave human rights violations.

Taking due consideration to the above, Directive 2011/36/EU includes the following articles which provide specific protection to child victims of trafficking:

- Art. 13: General provisions on assistance, support and protection measures for child victims of trafficking in human beings
- Art. 14: Assistance and support to child victims
- Art. 15: Protection of child victims of trafficking in human beings in criminal investigations and proceedings

³⁸ [European Commission, DG HOME \(2022\) Report on the progress made in the fight against trafficking in human beings-fourth report](#)

³⁹ [Arhin, A. \(2012\). Conceptualizing Child Labour Trafficking and Exploitation: The Case of Roma Children in Montenegro. Temida. 15\(3\): 161–186. p162.](#)

- Art 16: Assistance, support and protection for unaccompanied child victims of trafficking in human beings

Recital (4)

Commission's proposal	Proposed amendments
In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage and illegal adoption in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings.	In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage, illegal adoption and institution-related trafficking in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings.
<p><u>Justification</u></p> <p>In the Explanatory Memorandum of the revised rules, the European Commission recognises that the forms of exploitation have evolved since 2011, and that trafficking for purposes other than sexual purposes has gained more prominence over time. One of them is institution-related trafficking, which is driven by the overreliance on institutions to address vulnerabilities, the privatisation of the child protection system, lack of enforcement of minimum standards, prioritisation of aid and tourism, lack of awareness of the harm of institutions, and voluntourism and trafficking into institutions. Therefore, it must be included in the revised Directive.</p>	

Article 1

Commission's proposal	Proposed amendments
Directive 2011/36/EU is amended as follows: (1) in Article 2, paragraph 3, "or forced marriage, or illegal adoption" is added at the end of the paragraph.	Directive 2011/36/EU is amended as follows: (1) in Article 2, paragraph 3, "or forced marriage, or illegal adoption, or trafficking into institutions " is added at the end of the paragraph
<p><u>Justification</u></p> <p>Trafficking into institutions meets the two elements constituting child trafficking under Directive 2011/36/EU: the act and the purpose. Thus, it should be covered under the definition of trafficking provided by Art. 2 of the Directive.</p> <p>The act of trafficking into institutions includes the "<i>recruitment, transportation, harbouring or reception of persons, including the exchange or transfer of control over a person.</i>" These</p>	

actions occur through "coercion, abduction, fraud, deception, [...] the abuse of power or of a position of vulnerability".

Trafficking into institutions is driven by exploitative purposes. Children are placed in institutions for profit motives and through the commodification of orphans. Their placement is aimed at attracting donations and benefitting the tourism industry. Children's time is sold through tourism programmes in institutions, and orphans' photographs and stories are used to maximise contributions and sponsorship. Children are sometimes kept in poor conditions to attract donors and tourists.⁴⁰

Article 19a

Data collection and statistics

Commission's proposal	Proposed amendments
<p>2. The statistical data referred to in paragraph 1 shall include, at least, the following:</p> <p>(a) the number of registered victims of offences referred to in Article 2, disaggregated by registering organisation, sex, age groups (child/adult), citizenship, and form of exploitation;</p>	<p>2. The statistical data referred to in paragraph 1 shall include, at least, the following:</p> <p>(a) the number of registered victims of offences referred to in Article 2, disaggregated by registering organisation, sex, age groups (child/adult), disability, background (ethnic minority/migrant), other vulnerabilities (children without parental care and unaccompanied minors), citizenship and form of exploitation.</p>

Justification

To tailor both preventive and responsive measures for people (at risk of) trafficking, it is crucial to have strong disaggregated data collection in place.

Children deprived of family care are disproportionately represented among the total cases of child trafficking, and they face more challenges in the recovery process.⁴¹ Thus, they require specific support and assistance when they fall victim to trafficking. Adults and children with disabilities are also particularly vulnerable to trafficking and experience difficulties in accessing justice.

Children in institutions are also particularly vulnerable to re-trafficking. This particularly applies to children with disabilities, which amount to a significant proportion of the total number of children in institutionalised care.

Disaggregated data collection would allow the relevant authorities to adopt a child-centred approach and implement measures to prevent children deprived of family care from being trafficked. It would also enable states to take into account the specific circumstances of the unaccompanied child victim when developing services to assist child victims.

⁴⁰ [Van Doore K E. \(2022\) Orphanage Trafficking in International Law. Cambridge University Press](#)

⁴¹ [UN Committee on the Rights of the Child \(2005\) General Comment No.6: Treatment of Unaccompanied and Separated Children outside their country of origin CRC/C/GC/6](#)

4. Additional proposed amendments to Directive 2011/36/EU Directive⁴²

Article 13

General provisions on assistance, support and protection measures for child victims of trafficking in human beings

Directive 2011/36/EU	Proposed amendments
1. Child victims of trafficking in human beings shall be provided with assistance, support and protection. In the application of this Directive the child's best interests shall be a primary consideration.	1. Child victims of trafficking in human beings shall be provided with assistance, support and protection. In the application of this Directive the child's best interests shall be a primary consideration. 2. Member States shall ensure that reporting procedures are safe, confidential and accessible for children, in accordance with their age and maturity with signposting to national child helplines for referral and psychosocial support.

Justification

Reporting procedures in child-friendly manner

Child trafficking is widely underreported. This is due to many reasons, including fear of retaliation from their traffickers, lack of information and mistrust of authorities. Another prominent reason for the low reporting rate is the lack of child-sensitive reporting procedures. The moment the child comes in contact with the authorities is crucial and impacts the recovery process and the risk of being re-trafficked. Thus, the relevant authorities must interact with a child in a child-sensitive manner and in accordance with their age and maturity.

Article 14

Assistance and support to child victims

Directive 2011/36/EU	Proposed amendments
1. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings, in the short and long term, in their physical and psychosocial recovery, are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child's views, needs and concerns with a	1. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings, in the short and long term, in their physical and psychosocial recovery, are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child's views, needs and concerns with a view to finding a durable solution for the child. Within a reasonable time, Member

⁴² [EU \(2011\) Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA](#)

view to finding a durable solution for the child. Within a reasonable time, Member States shall provide access to education for child victims and the children of victims who are given assistance and support in accordance with Article 11, in accordance with their national law.

States shall provide access to education for child victims and the children of victims who are given assistance and support in accordance with Article 11, in accordance with their national law. **To ensure the recovery of children deprived of family care and prevent the risk of being re-trafficked, family and community-based care should be prioritised. Member States should ensure to provide the child with age-appropriate emotional, psychosocial, psychological and educational support. Support should also be provided to children who have witnessed trafficking or children who became deprived of parental care as a result of trafficking.**

2. Member States shall put in place appropriate mechanisms to ensure effective coordination and cooperation, of all relevant actors, including child protection authorities and civil society organisations.

Justification

The need to provide support to child victims in a family-based environment

As highlighted in Art. 11.5 of the 2011/36/EU Directive, all victims of trafficking are entitled to appropriate and safe accommodation. This is an essential factor in the child's psychological and physical recovery. According to Art. 39 of the UN Convention on the Rights of the Child, physical recovery and social integration should happen in an environment that fosters the child's health, self-respect and dignity. Family-based care should be prioritised, supported and facilitated whenever possible. Victims of trafficking need the support and care of trusted adults to help them navigate the traumatic experiences they are going through. Whenever possible, children trafficked from institutions should not be sent back to the same or other residential institution but placed in family or community-based care to secure their safety and avoid risks of future re-trafficking.

The need to support child witnesses and children who became deprived of parental care as a result of trafficking

In line with the 2011 Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence,³⁹ witnessing violence is a form of emotional violence. Thus, children who have witnessed violence should be covered in the 2011/36/EU Directive.

Strengthening cooperation between all actors involved

All actors supporting the child should cooperate with each other to avoid fragmentation in the response and revictimization and minimise trauma. This can only be ensured in the context of integrated child protection systems, focused on prevention, where all essential

actors and systems work in concert to prevent child trafficking and other forms of violence against children and to protect and assist child victims.

**Article 18
Prevention**

Directive 2011/36/EU	Proposed Amendments
<p>3. Member States shall promote regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings.</p>	<p>3. Member States shall promote regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings. The authorities in charge of receiving reports of offences from victims must be appropriately trained to facilitate and assist child victims in a child, gender and cultural sensitive way. Funding should be made available for this training.</p> <p>4. Targeted prevention measures shall address groups at risk, including children, according to their age and maturity, and persons with disabilities, taking into consideration language barriers and different levels of literacy and abilities. Actions should also target children from remote communities and children deprived of parental care. Information for children shall be formulated in a child-friendly way.</p> <p>5. In line with Art. 9(5) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Member States shall adopt or strengthen legislative or other measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children.</p>

Justification

Training

The type of support children are given by the actors involved is paramount, and impacts their recovery process and risk of being re-trafficked. Thus, it is necessary that all professionals interacting with child victims of trafficking receive specific training. States should be required to allocate a budget for the training.

Targeting the most vulnerable/hard-to-reach people

People in the most vulnerable situations are also the least able to detect whether they are being trafficked, as they are not aware of being victims of trafficking and do not have the tools to claim their rights. This specifically applies to children and people with disabilities. It is thus necessary to ensure that everybody is able to access information, including children in institutions, who are often isolated from society.

Taking a holistic approach to preventing child trafficking

Under Art. 9(5) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,⁴³ Member States shall adopt or strengthen legislative or other measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children. This is also included in the EU (2021) Strategy on Combatting Trafficking in Human Beings 2021- 2025.⁴⁴

The reform of the child care and protection systems directly tackles the drivers of institution-related trafficking. Through a holistic and multi-agency approach, it is necessary to prevent the separation of the child by strengthening families and addressing their vulnerabilities. To safely move away from institutions, it is crucial to secure assistance to children at risk, and develop quality family and community-based services. The transition from institutional to family-based care must be monitored and assessed.⁴⁵ Furthermore, it is crucial to raise awareness of the harm of institutionalisation and the link between institutionalisation and trafficking. This will lead to a change of mindset in international donors, who will be made aware of the importance of supporting families and communities.⁴⁶ Awareness activities should also be conducted on the harm of voluntourism.

5. International policy and legislative framework to prevent and address institution-related trafficking

UN General Assembly (1989) Convention on the Rights of the Child, United Nations

Institution-related trafficking represents a threat to many of the rights of the child, and directly breaches the following provisions of the Convention on the Rights of the Child:

- Article 7: Right to identity

⁴³ [UN General Assembly \(2000\) Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#)

⁴⁴ [EU \(2021\) Strategy on Combatting Trafficking in Human Beings 2021- 2025](#)

⁴⁵ [Hope and Homes for Children \(2022\) Families. Not institutions](#)

⁴⁶ [Brubacher, S. P., van Doore, K. E., & Powell, M. \(2021\). Responding to orphanage trafficking from an information gathering perspective. Child abuse & neglect, 120, 105222](#)

- Article 9: Separation from parents
- Article 18: Common responsibilities of parents for the upbringing and development of the child
- Article 19: Protection from all forms of violence
- Article 20: Children deprived of their family environment
- Article 25: Periodic review of placement
- Article 32: Protection from economic exploitation
- Article 34: Protection from sexual exploitation and abuse
- Article 35: Prevention of abduction, sale and trafficking
- Article 36: Protection against all other forms of exploitation
- Article 37: Deprivation of liberty, prohibition of torture, degrading and inhuman treatment and of capital punishment and life imprisonment
- Article 39: Recovery and reintegration of child victims

[Sustainable Development Goals \(SDGs\) 2030 Agenda for Sustainable Development \(A/RES/70/1\)](#)

The fight against institution-related trafficking helps to achieve the following SDGs:

- 5.2: Eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual, and other types of exploitation.
- 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour
- 16.2: End abuse, exploitation, trafficking and all forms of violence and torture against children.

[UN Committee on the Rights of the Child \(2021\) Day of General Discussion Children's Rights and Alternative Care, Outcome Report](#)

[UN General Assembly \(2000\) Optional Protocol on the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography](#)

[UN General Assembly \(2000\) Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#)

[UN General Assembly \(2019\) Resolution on the Rights of the Child A/RES/74/133](#)

[Maud de Boer-Buquicchio \(2016\) Report of the Special Rapporteur of the Human Rights Council on the Sale of Children, Child Prostitution and Child Pornography, GA/RES/71/261](#)

[Singhateh M. F. \(2022\) Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, A/77/140](#)

[Council of Europe \(2005\) Convention on Action against Trafficking in Human Beings \(CETS No. 197\)](#)

[EU \(2021\) Strategy on Combatting Trafficking in Human Beings 2021- 2025](#)

