



Re/integration of trafficked persons. Working with trafficked children and youth

2014

Issue paper #5

**TRAFFICKING VICTIMS RE/INTEGRATION PROGRAMME
(TVRP)**

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*An initiative of the King Baudouin Foundation (Belgium)
with the support of Deutsche Gesellschaft für Internationale
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COLOPHON

Trafficking Victims Re/integration Programme (TVRP)

Re/integration of trafficked persons. Working with trafficked children and youth – Issue paper #5

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FOREWORD

This paper has been developed in the context of the Trafficking Victims Re/integration Programme (TVRP), which funds NGOs in several countries of Western Balkans. In addition to direct funding, the TVRP provides technical assistance and capacity development for partner organisations. It is the fifth of a series that aims to shed light on the issue of re/integration including good practices as well as on important lessons learned.

Over the past number of years, we have seen an increase in child trafficking not only in the Western Balkans but also globally. Both children and youth, boys and girls, are subject to various forms of exploitation that include forced prostitution as well as labour, in particular begging and street selling. According to the ILO, about 5 million children and youth were victims of trafficking in 2012, which represents 25% of the estimated number of trafficked persons (20.9 million). Within the TVRP network, partner NGOs report that up to 80% of beneficiaries of their re/integration programmes are now minors. In Serbia, for instance, the average age of a victim is now 14 years of age and the average period of time that children are exploited is as many as four years.

Although alarming, such statistics are probably well below actual figures. Despite international child protection mechanisms, the identification of trafficked children remains a critical gap and many of them remain unseen or unacknowledged by frontline workers. Children and youth are indeed more difficult to detect as, even more than adults, they may be unaware that they are being exploited or do not know what to do and who to trust when they do realise it. Moreover, some types of exploitation, such as begging, are still not considered to be a form of trafficking but are treated instead as child neglect. In such contexts, re/integration of trafficked children requires additional attention and safeguards. Due to the specific vulnerability of children and youth, there are additional complications and complexities when supporting their re/integration, be it with regard to safe accommodation, education, economic empowerment or family mediation.

These are some of the reasons why TVRP partners were keen to discuss challenges related to the re/integration of trafficked children and youth on the occasion of the regional workshop that took place in Becici (Montenegro) in September 2012. This paper is the result of the exchanges that were held at the workshop and of the extensive research as well as the numerous consultations with practitioners that followed. It discusses each of the specific services and types of support which the TVRP has identified as necessary to meet the specific and critical re/integration needs of trafficked children and youth. Each service area is also explored in light of international standards and with a view to ensuring that re/integration programmes and policies meet the highest human rights standards and offer the highest quality of care to trafficked children and youth.

The King Baudouin Foundation (KBF) would like to express its gratitude to the author Rebecca Surtees, of the NEXUS Institute, for her insightful perspective on these critical issues as well as to the TVRP partner NGOs and to the international experts who attended the Becici seminar for sharing lessons and experiences from their daily practice. Thanks are also to be extended to GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit), which has, along with KBF, been supporting the TVRP since 2011 in the context of their Regional Programme on Social Protection and Prevention of Human Trafficking. The King Baudouin Foundation hopes that this paper will serve as a useful starting point in exploring how trafficked children and youth can best be supported in the re/integration process.

King Baudouin Foundation - October 2014

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Re/integration is one of the most important and complex aspects of the anti-trafficking response. And meeting the re/integration needs of trafficked children and youth is especially critical given their acute and unique vulnerabilities. Within the framework of the TVRP, re/integration organisations and their government partners in the Balkans have been working to improve and expand the provision of re/integration support and services to trafficked children and youth.

As such, I would like to begin by thanking the King Baudouin Foundation (KBF) and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH for their interest in working toward a better understanding of how to support the reintegration of trafficked children and youth in the context of their Trafficking Victims Re/integration Programme (TVRP), including the technical seminar held in Becici, Montenegro in October 2012 and the commissioning of this paper. This is the fifth in a series of issue-based papers relating to the re/integration of trafficked persons. In particular, my thanks to Fabrice de Kerchove, TVRP project manager, who oversees the programme and has provided valuable assistance and inputs into the TVRP issue paper series. He has also reviewed and provided inputs into this particular paper on how we can better support the sustainable re/integration of trafficked children. Thanks also to Ann Nicoletti for her involvement in and contribution to the 2012 TVRP partners meetings and the subsequent technical seminar Becici, Montenegro, which provided a forum for discussing re/integration challenges and opportunities when working with trafficked children and youth. Thanks are also due for her work on the TVRP and all of her work in arranging the publication of this paper. Thanks also to colleagues at GIZ from the Regional Programme on Social Protection and Prevention on Human Trafficking who participated in the seminar. In addition, Rrezarta Jashari (GIZ Kosovo) reviewed and provided inputs into the draft issue paper.

This paper is based on the direct work and experiences of re/integration organisations working within the framework of the TVRP in Albania, Bosnia-Herzegovina (BiH), Bulgaria, Macedonia, Romania, Serbia and Kosovo.¹ Their day-to-day experiences and re/integration work with trafficked children and youth form the foundation of this paper. They have contributed to this paper through their participation at the 2012 technical seminar on the re/integration of trafficked children (held in Montenegro) as well as through individual interviews and email correspondence. They have also reviewed and provided inputs into the draft version of this paper. Of particular value was their sharing of the challenges and frustrations they face in working to support the re/integration of trafficked children, reflections that are essential in guiding future practice and policy. This candour in sharing challenges and even “failures”

¹ *This designation is without prejudice to positions on status and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.*

is an essential part of future improvements in this field. Thanks to all TVRP partners for their contributions. This includes: Different and Equal (Albania), Tjeter Vision (Albania), Vatra (Albania), Medica Zenica (Bosnia-Herzegovina), Zemlja Djece (Bosnia-Herzegovina) Animus (Bulgaria), Nadja Centre (Bulgaria), Centre for Protection of Victims and Prevention of Trafficking in Human Beings, PVPT (Kosovo), Hope and Homes (Kosovo), Open Gate (Macedonia), Equal Access (Macedonia), Adpare (Romania), Young Generation (Romania), Atina (Serbia) and Centre for Youth Integration (Serbia).

A number of external experts also attended and presented at the technical seminar, providing valuable information and insight in working on different aspects of the re/integration of trafficked children and youth. Sincere thanks are due to all of the individuals who participated in and made presentations at the technical seminar held in Montenegro in 2012. A complete list of participants and presenters are listed in appendix 1.

As well, three child protection and re/integration experts reviewed this paper and provided helpful inputs and suggestions. The paper benefits from their expertise. Thanks are due to: Claire Cody (Research Fellow at the International Centre: Researching Child Sexual Exploitation, Violence and Trafficking at the University of Bedfordshire), Mike Dottridge (Independent consultant) and Maria Antonia Di Maio (Independent consultant)

Finally my thanks to colleagues at NEXUS Institute for their assistance in the preparation of this paper. In particular, thanks are due to Laura S. Johnson (Research Associate, NEXUS Institute) who researched and drafted obligations under international human rights law for the protection and re/integration of trafficked children as well as reviewed and provided inputs into the draft paper at various stages. Thanks also to Stephen Warnath, Founder and President of the NEXUS Institute, for his on-going assistance to the TVRP programme and, in particular for his always helpful inputs and suggestions on the issue paper series.

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ACRONYMS AND ABBREVIATIONS

AT	anti-trafficking
BIA	Best Interests Assessment
BID	Best Interests Determination
BiH	Bosnia-Herzegovina
CRC	Convention on the Rights of the Child
CT	computerised tomography
ECHO	echocardiography
EEG	electroencephalography
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH
GO	government organisation
IO	international organisation
IOM	International Organization for Migration
KBF	King Baudouin Foundation
MoU	memorandum of understanding
MRI	magnetic resonance imaging
NGO	non-governmental organisation
OHCHR	Office of the High Commissioner for Human Rights
PTSD	post-traumatic stress disorder
SEE	South-eastern Europe
STI	sexually transmitted infection
THB	trafficking in human beings
TIP	trafficking in persons
TRP	temporary residence permit
TVRP	Trafficking Victims Re/integration Programme
UK	United Kingdom
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
US	United States
VoT	victim of trafficking

SUMMARY

Children and youth account for a significant proportion of persons trafficked from and within the Balkan region. Both boys and girls are trafficked. Some are exploited sexually; others are exploited for different forms of labour, including begging and street selling. Still others suffer multiple forms of exploitation while trafficked. The impact of trafficking on children and youth can be severe – it is physical as well as psychological and affects various aspects of their lives. Children, by virtue of their age and maturity, may not have developed the tools and skills needed to cope with and overcome exploitation and abuse suffered while trafficked. Moreover, they often lack the resources, such as education, professional skills or finances, to build a healthy and positive life after trafficking. As a consequence, re/integration support and services are of particular importance in the case of trafficked children and youth to provide the skills, resources and confidence to recover and re/integrate into their families and society. It is also key in fostering and enhancing their resilience. Balancing different elements in order to assess available options and decide where and how re/integration may best take place is a complex and delicate process, requiring clear procedures and a range of skills and expertise.

Successful re/integration refers to the process of recovery and economic and social inclusion following a trafficking experience. This inclusion is multi-faceted; it takes place in social, cultural and economic arenas. It includes settlement in a stable and safe environment, access to a reasonable standard of living, mental and physical well-being, opportunities for personal, social and economic development and access to social and emotional support. It may involve returning to one's family and/or community of origin; it may also involve integration in a new community and even in a new country. A central aspect of successful re/integration is that of empowerment, supporting trafficked children and to develop skills toward independence and self-sufficiency, to foster resilience and to be actively involved in their recovery and re/integration. This is as important for trafficked children and youth as it is for adults and careful attention is needed as to how to constructively and effectively support and enhance their empowerment and resilience.

States have an obligation under both national and international law to protect trafficked children and support their sustainable re/integration. At the same, supporting the process of re/integration is not uncomplicated and often requires comprehensive, individualised and long-term services.

There are specific outcomes, which, cumulatively, constitute "successful re/integration", including:

- Safe, healthy and affordable care and accommodation;
- Legal status;
- Education and training opportunities;
- Professional/employment opportunities;
- Security and safety;

- Healthy social environment (including anti-discrimination and anti-marginalisation);
- Social well-being and positive interpersonal relations;
- Satisfactory economic situation;
- Physical well-being;
- Mental well-being;
- Access to services and opportunities;
- Motivation and commitment to re/integration process;
- Resolution of legal issues and court proceedings;
- Well-being of secondary beneficiaries.

While realising these outcomes is challenging in the case of all trafficked persons, there are additional complications and complexities when supporting the re/integration of trafficked children and youth. For example, children and youth may have limited options for safe and affordable accommodation in situations where family members have been involved in their trafficking and yet they may not be old enough or do not have sufficient resources to live independently. Children and youth who have not attained a satisfactory level of education may require longer-term support while completing education than adults who have realised a sufficient education level to find work or start a business. Various factors that may influence the success and sustainability of a child or youth's re/integration include, but are not limited to, the child's age, maturity and stage of development, education and mental capacity, length of time trafficked, nature and severity of abuse suffered, whether the exploiter was known to the child, whether the child can draw on family support and whether the child is exposed to stigma and discrimination before or after trafficking.

Different types of re/integration assistance may be needed by trafficked children and youth to realise these various re/integration outcomes. These might include some or all of the following services:

- **Safe, healthy and affordable care and accommodation options**, whether with the family or in an alternative, family-like placement or interim care;
- **Medical assistance**, including both emergency and long-term medical support;
- **Psychological assistance and counselling**, for individual children and their families;
- **Education and life skills**, including enrolment in school, vocational training and life skills education;
- **Legal assistance**, including securing identity documents, civil registration, guardianship, assistance with non-trafficking legal issues and so on;
- **Legal representation and support**, including support as victim/witnesses, legal representation in criminal and civil proceedings and so on;
- **Professional/vocational training and economic opportunities**, including job placement and support in starting micro or small businesses;
- **Working with family**, including family mediation and assistance to other family members;
- **Case management and monitoring**, including long-term follow up coordinating services on behalf of a trafficked child over time.

This paper will examine each of the different types of re/integration services that should be offered and available to trafficked children and youth. For each type of service, there is a description of common assistance needs as well as a discussion of the legal obligations, under international human rights law, to provide such services. This is then followed by an overview of the different models of care for this specific type of re/integration service as well as overall challenges in offering this support to trafficked children and youth. Each section then ends with recommendations about how each service area might be enhanced to better meet the re/integration needs of trafficked children and youth.

Re/integration is one of the most important and complex aspects of the anti-trafficking response. And meeting the re/integration needs of trafficked children and youth is especially critical given their often acute and unique vulnerabilities. Because children and youth may be particularly vulnerable, additional attention and safeguards are needed to ensure their recovery and re/integration after a trafficking experience. This paper is intended as a starting point for discussion based on the work and experiences of service providers working directly on the re/integration of trafficked children and youth in the Balkans. Many useful lessons can be drawn from the experiences of service providers within the TVRP – both the successes and also the challenges. This paper also benefits from the experiences of government officials and child protection experts who contributed to the seminar on which this paper is based. It is hoped that by sharing these experiences widely – including both those that are positive and also the difficulties faced – that this paper can be helpful to policy makers and practitioners in enhancing the re/integration policies and programmes for trafficked children and youth.

SAMENVATTING

Onder de slachtoffers van mensenhandel vanuit en binnen de Balkanregio zijn er heel wat kinderen en jongeren, zowel jongens als meisjes. Sommigen worden seksueel uitgebuit; anderen moeten arbeid verrichten, bijvoorbeeld bedelen en straatverkoop; nog anderen ondergaan meerdere vormen van uitbuiting. De impact op hen kan ingrijpend zijn – het beïnvloedt hen fysiek, psychologisch en in verschillende aspecten van hun leven. Aangezien ze nog jong en onrijp zijn, hebben kinderen niet de capaciteiten om de uitbuiting en het misbruik te verwerken. Bovendien beschikken ze niet over de middelen, zoals onderwijs, beroepsvaardigheden of financiën, om na hun ervaring met mensenhandel een gezond positief leven op te bouwen. Daarom focust de re-integratiesteun in het geval van kinderen en jongeren vooral op het bijbrengen van de vaardigheden, de middelen en het vertrouwen die nodig zijn om te herstellen en zich te re-integreren in hun familie en samenleving. Het moet ook hun weerbaarheid verhogen. Men moet verschillende elementen afwegen om te bepalen wat de beschikbare opties zijn en te beslissen wanneer en hoe er re-integratiesteun wordt verleend; dit is een moeilijk proces dat duidelijke procedures, veel vaardigheden en expertise vereist.

Succesvolle re-integratie is het proces van herstel en sociale, culturele en economische 'inclusie' na een ervaring met mensenhandel. Het omvat het onderbrengen in een stabiele en veilige omgeving, toegang tot een redelijke levensstandaard, geestelijk en fysiek welzijn, kansen op een persoonlijke, sociale en economische ontwikkeling en toegang tot sociale en emotionele ondersteuning. Het kan een terugkeer naar de familie en/of de oorspronkelijke gemeenschap inhouden, maar ook de integratie in een nieuwe gemeenschap en zelfs in een nieuw land. Een cruciaal aspect van succesvolle re-integratie is *empowerment*: kinderen ondersteunen in het ontwikkelen van vaardigheden die hen onafhankelijk en zelfredzaam maken, hun incasservermogen versterken en hen actief laten meewerken aan hun herstel en re-integratie. Dit is even belangrijk bij kinderen en jongeren als bij volwassenen. Men moet zorgvuldig bekijken hoe men hun empowerment en weerstand constructief en effectief vergroot.

Landen worden door zowel de nationale als internationale wetgeving verplicht om kinderen die slachtoffer zijn geweest van mensenhandel te beschermen en hun duurzame re-integratie te ondersteunen. Re-integratiehulp is niet eenvoudig en vereist vaak alomvattende, geïndividualiseerde en langdurige dienstverlening.

Er zijn specifieke resultaten die cumulatief "succesvolle re-integratie" vormen:

- Veilige, gezonde en betaalbare zorg en huisvesting;
- Een wettelijke status;
- Onderwijs en opleiding;
- Werkgelegenheid;
- Bescherming en veiligheid;

- Een gezonde sociale omgeving (met inbegrip van maatregelen tegen discriminatie en marginalisering);
- Sociaal welzijn en positieve interpersoonlijke relaties;
- Een toereikende economische situatie;
- Fysiek welzijn;
- Geestelijk welzijn;
- Toegang tot diensten en mogelijkheden;
- Motivatie en inzet voor het re-integratieproces;
- Het afsluiten van juridische kwesties en gerechtelijke procedures;
- Het welzijn van secundaire begunstigden.

Terwijl het over het algemeen al erg moeilijk is om slachtoffers van mensenhandel te steunen in hun re-integratie, is dat bij kinderen en jongeren nog eens extra complex. Ze hebben bijvoorbeeld beperkte opties om een veilig en betaalbaar onderkomen te vinden wanneer er familieleden betrokken waren in de mensenhandel. Tegelijk zijn ze nog te jong of hebben ze te weinig middelen om zelfstandig te leven. Zij die onvoldoende onderwijs genoten, hebben wellicht langer steun nodig, terwijl ze hun schoolloopbaan voltooien, dan volwassenen die voldoende opgeleid zijn om werk te vinden of een bedrijf op te starten. Verscheidene factoren beïnvloeden het succes en de duurzaamheid van de re-integratie van een kind of jongere, waaronder: de leeftijd van het kind, de maturiteit en het stadium van ontwikkeling, het onderwijsniveau en de geestelijke capaciteit, de duur van de periode waarin ze te maken hadden met mensenhandel, de aard en ernst van het misbruik, de vraag of het kind de dader kende, de vraag of het kind kan rekenen op steun van de familie en de vraag of het kind voor of na de periode van mensenhandel geconfronteerd is geweest met stigma's en discriminatie.

Om de eerder besproken resultaten te bekomen, kunnen er verschillende types van re-integratiebijstand nodig zijn. Met name sommige of alle hieronder vermelde dienstverleningen:

- **Veilige, gezonde en betaalbare zorg en huisvesting**, hetzij binnen de familie hetzij in een opvanggezin of via tijdelijke zorg;
- **Medische hulp**, zowel op zeer korte als op lange termijn;
- **Psychologische begeleiding en advies**, voor de kinderen individueel en voor hun families;
- **Onderwijs en sociale vaardigheden**, met inbegrip van de inschrijving in een school, een beroepsopleiding en de vorming van sociale vaardigheden;
- **Juridische bijstand**, waaronder het regelen van identiteitsdocumenten, de burgerlijke staat, voogdijschap, bijstand bij juridische kwesties, enzoverder;
- **Juridische vertegenwoordiging en ondersteuning**, met onder meer ondersteuning als slachtoffer/getuige, juridische vertegenwoordiging bij strafrechtelijke en civiele procedures, enzoverder;
- **Beroepsopleiding en economische mogelijkheden**, met inbegrip van arbeidsbemiddeling en hulp bij het opstarten van een micro- of klein bedrijf;
- Werken met familie, waaronder familiebemiddeling en bijstand voor andere familieleden;
- **Case management en -controle**, waaronder langetermijnopvolging van het kind.

Deze paper onderzoekt de verschillende types re-integratiediensten die verleend moeten worden aan kinderen en jongeren die het slachtoffer zijn geweest van mensenhandel. Per type is er een beschrijving van de nood aan bijstand, een studie van de juridische verplichtingen – volgens de internationale wetgeving over mensenrechten – tot het verstrekken van zo'n diensten, een overzicht van de verschillende zorgmodellen en van de algemene moeilijkheden bij dergelijke ondersteuning, en tenslotte aanbevelingen over hoe die specifieke dienstverlening nog verbeterd kan worden.

Re-integratie is een van de belangrijkste en moeilijkste aspecten in de aanpak van mensenhandel. Het re-integreren van kinderen en jongeren die daarvan slachtoffer zijn geworden, is omwille van hun vaak acute en bijzondere kwetsbaarheden nog eens extra delicaat. Ze hebben dan ook bijkomende aandacht en bescherming nodig tijdens het hele proces. Deze paper is bedoeld als uitgangspunt voor een debat op basis van het werk en de ervaringen van dienstverleners die rechtstreeks betrokken zijn bij de re-integratie van kinderen en jongeren in de Balkan die slachtoffer zijn geworden van mensenhandel. We kunnen veel leren uit de – zowel succesvolle als moeilijke – ervaringen van deze dienstverleners. Dit document steunt ook op de ervaringen van regeringsambtenaren en experts in kinderbescherming die het seminarie bijwoonden waarop deze paper is gebaseerd. Hopelijk kan deze paper beleidsmakers en dienstverleners helpen om het re-integratiebeleid en -programma voor kinderen en jongeren die slachtoffer waren van mensenhandel te verbeteren.

SYNTHÈSE

Les enfants et les jeunes, les garçons comme les filles, représentent une proportion importante des personnes victimes de la traite des êtres humains dans la région des Balkans. Certains sont exploités sexuellement, d'autres le sont pour différentes formes de travail, dont la mendicité et la vente en rue. D'autres encore subissent de multiples formes d'exploitation. La traite des enfants et des jeunes peut avoir un impact considérable, tant sur le plan physique que psychologique, et affecter divers aspects de leur vie. Les enfants, en fonction de leur âge ou de leur degré de maturité, n'ont peut-être pas développé les outils et les aptitudes leur permettant d'affronter et de surmonter l'exploitation et les abus subis. De plus, il leur manque souvent les ressources, telles que l'éducation, les compétences professionnelles ou les finances, qui pourraient les aider à construire une vie saine et positive après leur expérience de traite. Par conséquent, les services d'aide à la ré/insertion revêtent une importance particulière pour les enfants et les jeunes victimes de la traite: ils peuvent leur procurer les compétences, les ressources et la confiance nécessaires pour se rétablir et réintégrer leur famille et la société. Ils peuvent également stimuler et améliorer leur capacité de résilience. Mettre en balance différents éléments en vue d'évaluer les options disponibles et décider où et comment la ré/insertion pourrait avoir lieu est un processus complexe et délicat, requérant des procédures claires, des compétences et une expertise particulières.

On parle de ré/insertion réussie lorsqu'on assiste à un processus de rétablissement et d'inclusion économique et sociale suite à une expérience de traite. Cette inclusion comprend de multiples facettes, sur le plan social, culturel et économique. Elle implique l'établissement dans un environnement stable et sécurisant, l'accès à un niveau de vie raisonnable, un bien-être mental et physique, des possibilités de croissance personnelle, sociale et économique ainsi que l'accès à une aide sociale et émotionnelle. Elle peut impliquer un retour dans la famille et/ou la communauté d'origine; elle peut aussi inclure l'intégration dans une nouvelle communauté et même dans un nouveau pays. Un aspect essentiel de ré/insertion réussie est l'empowerment: il s'agit d'aider les enfants à développer des compétences leur permettant de devenir autonome et de se prendre en charge, de stimuler leur résilience et de les encourager à s'impliquer activement dans leur rétablissement et leur ré/insertion. Cet aspect est aussi important pour les enfants et les jeunes victimes de la traite que pour les adultes; il convient de prêter une attention particulière aux moyens de soutenir et d'améliorer de manière constructive et efficace le processus d'empowerment et de résilience.

Les États ont l'obligation, en vertu de la législation tant nationale qu'internationale, de protéger les enfants victimes de la traite et d'aider à leur ré/insertion durable. En même temps, soutenir ce processus de ré/insertion est loin d'être simple et demande des services intégrés, individualisés et durables.

Plusieurs éléments contribueront, de manière cumulative, à une “ré/insertion réussie”, dont:

- Des soins et un hébergement sûrs, sains et abordables;
- Un statut légal;
- Des possibilités d'éducation et de formation;
- Des opportunités professionnelles/d'emploi;
- La sécurité;
- Un environnement social sain (incluant anti-discrimination and anti-marginalisation);
- Un bien-être social et des relations interpersonnelles positives;
- Une situation économique satisfaisante;
- Un bien-être physique;
- Un bien-être mental;
- L'accès aux services et aux opportunités;
- La motivation et l'implication dans le processus de ré/insertion;
- La résolution de problèmes légaux et d'actions en justice;
- Le bien-être de bénéficiaires secondaires.

Si la poursuite de ces objectifs s'avère déjà difficile dans le cas des victimes de la traite en général, elle est encore plus complexe dans le cas des enfants et des jeunes victimes de la traite. Ainsi, il arrive que les enfants et les jeunes ne disposent que d'options limitées en matière d'hébergement sûr et abordable si des membres de leur famille ont été impliqués dans la traite, s'ils sont trop jeunes ou n'ont pas les ressources suffisantes pour vivre de manière indépendante. Les enfants et les jeunes qui n'ont pas atteint un niveau d'éducation satisfaisant auront besoin d'un soutien à plus long terme que les adultes qui ont atteint un niveau d'éducation suffisant pour trouver du travail ou lancer une affaire. Divers facteurs peuvent influencer le succès et la durabilité de la ré/insertion d'un enfant ou d'un jeune. Ils incluent, de manière non exhaustive, son âge, sa maturité et son stade de développement, son éducation et ses capacités mentales, la durée de la traite, la nature et la gravité des abus subis,... L'enfant connaissait-il son exploiteur? Peut-il compter sur l'aide de sa famille? A-t-il fait l'objet de stigmatisation/discrimination avant et après la traite?

Différents types d'aide à la ré/insertion peuvent s'avérer nécessaires pour réaliser ces différents objectifs chez les enfants et les jeunes victimes de la traite. Ils pourraient inclure quelques-uns ou tous les services suivants:

- **Soins et hébergement sûrs, sains et abordables**, au sein de la famille ou dans une formule alternative, placement en famille ou accueil provisoire;
- **Assistance médicale**, incluant à la fois une aide médicale d'urgence et à long terme;
- **Assistance et prise en charge psychologique**, pour les enfants individuellement et leur famille;
- **Éducation et aptitudes de vie**, incluant la scolarisation, la formation professionnelle et l'éducation aux aptitudes de vie;
- **Assistance légale**, incluant la fourniture de documents d'identité, l'inscription à l'état civil, tutelle, l'assistance en cas de problèmes légaux non-liés à la traite, etc.;
- **Aide et représentation légale**, incluant l'assistance aux victimes/témoins, la représentation légale dans des procédures criminelles et civiles, etc.
- **Formation professionnelle et possibilités économiques**, incluant l'aide au placement et à la création d'une micro- ou petite entreprise;
- **Travail avec la famille**, incluant la médiation familiale et l'assistance aux autres membres de la famille;
- **Gestion de cas et contrôle**, incluant le suivi à long terme et la coordination des services chargés d'un enfant victime de traite.

Ce document examine chacun des différents types de services de ré/insertion qui devraient être offerts et accessibles aux enfants et aux jeunes victimes de la traite. À chaque type de service correspond une description des besoins d'assistance courants ainsi qu'une analyse de l'obligation légale, conformément à la législation internationale en matière des droits de l'homme, de fournir des services de ce genre. S'ensuit un aperçu des différents modèles de prise en charge pour ce type spécifique de service de ré/insertion ainsi que les défis généraux liés à l'offre de soutien aux enfants et aux jeunes victimes de la traite. Chaque section se termine par des recommandations visant à améliorer chaque service pour mieux rencontrer les besoins de ré/insertion des enfants et des jeunes victimes de la traite.

La ré/insertion est l'un des aspects les plus importants et les plus complexes de la problématique de la lutte contre la traite des êtres humains. Rencontrer les besoins de ré/insertion des enfants et des jeunes victimes de la traite est particulièrement crucial étant donné leur vulnérabilité souvent extrême. En raison de cette vulnérabilité particulière des enfants et des jeunes, une attention supplémentaire et des garde-fous sont nécessaires pour assurer leur rétablissement et leur ré/insertion après une expérience de traite. Ce document, destiné à servir de point de départ à un débat, est basé sur le travail et les expériences de prestataires de services travaillant directement à la ré/insertion d'enfants et de jeunes victimes de la traite dans les Balkans. De nombreuses leçons utiles peuvent être tirées des expériences des prestataires de services au sein du TVRP – tant de leurs succès que des défis à relever. Ce document bénéficie aussi des expériences des autorités gouvernementales et des experts en matière de protection des enfants qui ont contribué au séminaire à l'origine de ce document. Reste à espérer qu'en propageant largement ces expériences – les expériences positives comme les difficultés – ce document puisse aider les décideurs politiques et les professionnels à améliorer les politiques et les programmes de ré/insertion pour les enfants et les jeunes victimes de la traite.

1. INTRODUCTION

Children and youth² account for a significant proportion of persons trafficked from and within the Balkan region. Both boys and girls from the region are trafficked. Some are exploited sexually; others are exploited for different forms of labour, including begging and street selling. Still others suffer multiple forms of exploitation while trafficked. The impact of trafficking on children and youth can be severe – it is physical as well as psychological and affects every aspect of their lives. Children, by virtue of their age and maturity, have often not developed the tools and skills needed to cope with and overcome exploitation and abuse suffered while trafficked. Moreover, they often lack the resources, such as education, professional skills or finances, to build a healthy and positive life after trafficking. As a consequence, re/integration³ support and services are of particular importance in the case of trafficked children and youth to provide the skills, resources and confidence to recover and re/integrate into their family (or elsewhere) and society. It is also key in fostering and enhancing their resilience. Balancing different elements in order to assess available options and decide where and how re/integration may best take place is a complex and delicate process, requiring clear procedures and a range of skills and expertise.

Re/integration is the process of recovery and social and economic inclusion following a trafficking experience. States have an obligation under both national and international law to protect trafficked children and support their sustainable re/integration. At the same, supporting the process of re/integration is not uncomplicated and requires comprehensive, individualised and long-term services. This should be based on a previously structured process to determine the long-term solution that best allows the child's full development and attainment of his/her fundamental rights.

This paper begins with a discussion of what, in the framework of the TVRP, constitutes successful re/integration for trafficked children and youth, including the different services and support needed to realise these outcomes. The paper then goes on to discuss each of these different services – including different models of care to offer these services, the legal obligations to provide such services and the overall challenges in offering this support to trafficked

2 Within the TVRP (and for this paper) we use the definition of a child as established by the Convention on the Rights of the Child (CRC), which is males and females under the age of 18. However, it is important to acknowledge the particular characteristics, needs, abilities and challenges of older children/those entering early adulthood. Thus we also, in some cases, note issues that are specific to youth. As this paper is focused only on children (i.e. anyone under the age of 18) the term "youth" is used to refer to older children or those between the ages of 15 and 18. That being said, UN standards define "youth" as males and females between the ages of 15 and 24. See, e.g., United Nations General Assembly (2001) *Implementation of the World Programme of Action for Youth to the Year 2000 and Beyond*, Report of the Secretary-General, A/56/180.

3 In the context of this paper (and the TVRP more broadly), we use the term "re/integration" in an effort to capture both the issues of integration and re-integration and also because it is commonly used in discussing the anti-trafficking assistance framework (and in development and social assistance frameworks generally). However, what constitutes the most appropriate and helpful terminology is an on-going discussion within the TVRP.

children and youth. Each section then ends with recommendations about how each service area might be enhanced to better meet the re/integration needs of trafficked children and youth. While this paper will discuss the significant challenges that trafficked children and youth may face in overcoming their trafficking experiences and re/integrating into their post-trafficking lives, this is not without recognition of the strength and resilience that many trafficked children and youth show in the re/integration process.

The paper is based on presentations and discussions that took place at a Trafficking Victims Re/integration Programme (TVRP) workshop on the re/integration of trafficked children held in Becici, Montenegro in October 2012. Partner organisations, government officials and child protection experts presented and discussed a range of issues related to the re/integration of trafficked children including strategies to overcome these challenges.⁴ The paper is also based on the direct experience and work of TVRP partner organisations – collected through interviews, email communication, annual TVRP progress reports and on-going discussions since the beginning of the project.⁵ While this discussion of the re/integration of trafficked children and youth is based on experiences of NGO and governments in the Western Balkans, these experiences can also be relevant more broadly – with practitioners, policy makers and programme beneficiaries in other parts of the work. The paper aims to not only to share experiences but also ultimately to initiate a dialogue amongst those directly experiencing or working on re/integration efforts, to ensure that re/integration efforts are improved and enhanced.

This paper was authored by the NEXUS Institute in the framework of the TVRP, which was implemented by the King Baudouin Foundation (KBF) across six countries in South-eastern Europe (SEE) from 2007 to 2011. Since 2011, with funding from KBF and Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ), the TVRP has focused on re/integration in Albania, Bosnia and Herzegovina (BiH), Macedonia, Serbia and Kosovo.⁶ This is the fifth in a series of issue-based papers focusing on the re/integration of trafficking victims, developed in the context of the TVRP.⁷ It is the first issue paper developed under the TVRP that focuses specifically on children and youth; it is hoped that this will contribute to the very critical and urgent issue of how best to support the successful and sustainable re/integration of trafficked children and youth.

⁴ Please see appendix 1 for a complete list of workshop participants and presenters.

⁵ Please see appendix 2 for a description of the TVRP and partner organisations in South-eastern Europe (SEE).

⁶ This designation is without prejudice to positions on status and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

⁷ Topics for the issue paper series were identified in discussions between KBF, NEXUS Institute and TVRP partner organisations. To date, these have included: how re/integration work can be more effective (see Surtees, Rebecca (2008) *Re/integration of trafficked persons – how can our work be more effective*, Brussels: KBF & Vienna: NEXUS Institute); handling "difficult" cases (see Surtees, Rebecca (2008) *Re/integration of trafficked persons – handling "difficult" cases*, Brussels: KBF & Vienna: NEXUS Institute); monitoring and evaluation (see Surtees, Rebecca (2009) *Re/integration of trafficked persons – developing monitoring and evaluation mechanisms*, Brussels: KBF & Vienna: NEXUS Institute); and supporting economic empowerment (see Surtees, Rebecca (2012) *Re/integration of trafficked persons. Supporting economic empowerment*, KBF, GIZ & NEXUS Institute). Other publications under the TVRP have included a manual for monitoring re/integration programmes (see Surtees, Rebecca (2010) *Monitoring anti-trafficking re/integration programmes. A manual*, Brussels: KBF & Washington, DC: NEXUS Institute) and ethical principles in re/integration work (see Surtees, Rebecca (2013) *Ethical principles in the re/integration of trafficked persons. Experiences from the Balkans*, KBF, GIZ & NEXUS Institute).

2. WHAT IS COMPREHENSIVE RE/INTEGRATION FOR TRAFFICKED CHILDREN AND YOUTH?

Framing successful re/integration for trafficked persons

Successful re/integration⁸ refers to the process of recovery and economic and social inclusion following a trafficking experience. This inclusion is multifaceted and must take place in social, cultural and economic arenas. It includes settlement in a stable and safe environment, access to a reasonable standard of living, mental and physical well-being, opportunities for personal, social and economic development and access to social and emotional support. It may involve returning to one's family and/or community of origin; it may also involve integration in a new community and even in a new country. A central aspect of successful re/integration is that of empowerment, supporting trafficking victims to develop skills toward independence and self-sufficiency, to foster resilience and to be actively involved in their recovery and re/integration.⁹ This is as important for trafficked children and youth¹⁰ as it is for adults and careful attention is needed as to how to constructively and effectively support their empowerment.

There are specific outcomes, which, cumulatively, constitute "successful re/integration". These include:

- **Safe, healthy and affordable care and accommodation.** Access to a safe, secure and affordable place to live that offers a healthy social environment, whether provided by an organisation, institution or privately arranged, in the short or long-term.
- **Legal status.** The victim's legal situation is secure – e.g. legal status as a citizen (i.e. has been registered at birth) and access to her/his identity documents or, in the case of foreign victims, holding temporary or permanent residency.

8 The term "re/integration" generally implies a return to the victim's community/environment of origin, which may not always be the most advisable solution and might, in reality, work against social inclusion in the long-term. Moreover, the term implies that the individual was integrated in society prior to being trafficked. However, in many cases, trafficked children and youth have never experienced social integration or inclusion as a result of their social, economic, or cultural marginalisation in their communities/countries of origin. As such, there are reasons why some organisations (including some TVRP organisations) chose to frame their work as "social inclusion" and "integration".

9 Surtees, Rebecca (2006) *Reintegration programmes in SE Europe—a background paper for the King Baudouin Foundation*, Brussels: KBF & Vienna: NEXUS Institute.

10 Within the TVRP (and for this paper) we use the definition of a child as established by the Convention on the Rights of the Child (CRC), which is males and females under the age of 18. However, it is important to acknowledge the particular characteristics, needs, abilities and challenges of older children/those entering early adulthood. Thus we also, in some cases, note issues that are specific to youth. As this paper is focused only on children (i.e. anyone under the age of 18) the term "youth" is used to refer to older children or those between the ages of 15 and 18. That being said, UN standards define "youth" as males and females between the ages of 15 and 24. See, e.g., United Nations General Assembly (2001) *Implementation of the World Programme of Action for Youth to the Year 2000 and Beyond*, Report of the Secretary-General, A/56/180.

- **Education and training opportunities.** Educational and training opportunities – e.g. educational qualifications (both formal and informal schooling), professional/vocational skills and training and other training/skills (e.g. life skills).
- **Professional/employment opportunities.** Professional/employment opportunities, which might, depending on age and individual situation, include employment or income generation activities.
- **Security and safety.** The victim's physical safety and well-being, including whether exposed to threats or violence by the trafficker or by other persons within the community/country.
- **Healthy social environment (including anti-discrimination and anti-marginalisation).** Whether the victim enjoys a positive and healthy social environment and is free from social discrimination or marginalisation.
- **Social well-being and positive interpersonal relations.** The victim's social relations, including vis-a-vis peers, family, spouses/intimate partner and the community.
- **Satisfactory economic situation.** A satisfactory economic situation – for example, the ability to earn money, support family members, etc.
- **Physical well-being.** The individual's physical and sexual health, including any medical issues/ problems, disabilities, physical constraints and general sense of physical well-being.
- **Mental well-being.** The victim's mental health as well as her/his more general mental well-being such as self-esteem and self-acceptance.
- **Access to services and opportunities.** Whether the victim has access to services and opportunities complying with minimum quality standards needed in recovering from trafficking, as well as those needed by people generally for personal, social and economic well-being.
- **Motivation and commitment to re/integration process.** The extent to which the individual victim demonstrates commitment to realising re/integration as well as how motivated s/he is to this end.
- **Resolution of legal issues and court proceedings.** The victim's involvement in the legal/judicial process related to the trafficking experience.
- **Well-being of secondary beneficiaries.** Physical and mental well-being of the dependents of the trafficked person including children, parents, siblings.

Framing successful re/integration for trafficked children and youth

While realising these various outcomes is challenging in the case of all trafficked persons, there are additional complications and complexities when working to support the re/integration of trafficked children and youth and afford them requisite care. The provision of care is the foundation of successful re/integration and may require exploring avenues beyond the typical route of family care. For example, a child's parents may not be able or suitable to provide him/her with adequate care and support for a variety of reasons, including chronic poverty, disability, sickness, the death of a partner and so on. In a few cases, parents may have deliberately neglected, abused or exploited their child. Therefore it may be necessary to find alternate caregiving settings

for a child. Caring for a child involves providing for his/her basic needs, ensuring his/her well-being and supporting his/her education and healthy development. Similarly, children and youth who have not attained a satisfactory level of education may require longer-term support while completing education than adults who have attained a sufficient education level. There are also various factors that may influence the success and sustainability of a child or youth's re/integration including, but not limited to those, listed in the box below.

Box #1. Factors that influence re/integration of trafficked children and youth

1. The child's age
2. The child's maturity and stage of development
3. The child's education and mental capacity
4. The length of time the child was abused
5. The nature (and severity) of abuse
6. Whether the trafficker/exploiter was known to the child, including a family member
7. Whether the child can draw on family and/or social support
8. Whether the child is exposed to stigma and discrimination (either prior to or as a consequence of the child's exploitation)

An important aspect of framing successful re/integration is also appreciating how children and youth themselves understand and experience successful re/integration. Within the TVRP, beneficiary participation is an important aspect of how programmes are designed and monitored. Working with children in defining what "successful re/integration" meant to the children and youth themselves was highlighted by TVRP partner organisations as an important aspect of developing re/integration plans and supporting the re/integration process. And children/youth who re/integrated with the assistance of TVRP partner organisations talked about the importance of staff engaging with them and encouraging them to openly express their experiences and needs. In one project involving three TVRP partner organisations, children were consulted about what were the most significant changes in their lives as part of re/integration. Responses were generally consistent with the outcomes outlined above including: having a safe place to live, positive social relationships (e.g. with family, new boyfriend, children), not facing discrimination in the community, mental well-being (e.g. feeling confident, becoming independent, not being angry, feeling emotionally stable), feeling physically well and being economically secure (e.g. having a job).¹¹

Legal principles that apply to re/integration of children and youth

Child rights principles and "best interests of the child" need to underpin all work in the field of re/integration with trafficked children and youth. Everyone under 18 years of age is a child. International human rights law seeks to ensure that children are protected and their best interests are assured in law by providing children with specific rights. Re/integration programmes and policies should comply with the obligations of international human rights law to grant special protection and assistance to children who are trafficked. In particular, the key-principles enshrined in the CRC should always be applied.

¹¹ Veitch, Helen (2013) 'Feeling and being a part of something better'. *Children and young people's perspectives on reintegration, UK: Perth College.*

“Child protection” is the term used to describe the responsibilities and activities undertaken to prevent or to stop children being abused or ill-treated. The term refers to preventing and responding to violence, exploitation and abuse against children - including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage.¹² “Child protection” is different from the more all-encompassing term “safeguarding children”, which is the process of “protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children are growing up in circumstances consistent with the provision of safe and effective care and undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully”.¹³ Trafficked children and youth may face risks not only from trafficker, but also from their families, their communities, law enforcement and even from the organisations that engage in “child protection” activities. Therefore, all organisations that work with trafficked children or that engage in child protection work should have in place their own internal child-specific policies and procedures for safeguarding children to ensure that they receive safe and effective care.¹⁴

States have the duty to ensure the protection of every child against any form of neglect, abuse, violence and exploitation.¹⁵ In the case of separated trafficked children, states need to provide special protection and assistance to children deprived of their family environment.¹⁶ All children are to be protected as required by their status as children without discrimination of any kind due to race, sex, language, religion, ethnic or social origin, birth or other status, including immigration status.¹⁷ The involvement of a child trafficking victim in criminal activities shall not undermine his/her status as both a child and a victim or his/her related rights to special protection. States are required not only to refrain from measures infringing on children's rights, but also to take positive measures to ensure the enjoyment of these rights without discrimination.¹⁸

More specifically in terms of re/integration work, Article 39 of the *UN Convention on the Rights of the Child* (CRC), states that states have an obligation to promote social re/integration of any child victim of abuse and violence, which includes human trafficking. That is:

States Parties shall take all appropriate measures to promote physical and psychological recovery and social re/integration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and re/integration shall take place in an environment which fosters the health, self-respect and dignity of the child.¹⁹

12 UNICEF (2006) *What is Child Protection*, New York: The Child Protection Section Programme Division UNICEF, p. 1. Available online at http://www.unicef.org/chinese/protection/files/What_is_Child_Protection.pdf

13 HMG (2006) *Working Together to Safeguard Children*, London: TSO, pp. 34-35.

14 See, for example, Myers, Jenny (n.d.) *Keeping children safe: Training for child protection toolkit*, Keeping Children Safe Coalition. Available online at http://www.un.org/en/pseataaskforce/docs/keeping_children_safe_training_for_child_protection_part_one.pdf; Save the Children (2003) *Save the Children: Child Protection Policy*, London: International Save the Children Alliance. Available online at <http://resourcecentre.savethechildren.se/sites/default/files/documents/2690.pdf>; and World Vision (2000) *World Vision Partnership Required Standards for Child Protection*, January 21. Available online at <http://www.wvi.org/child-protection/publication/world-vision-partnership-required-standards-child-protection>

15 Articles 19, 32, 34, 35, 36 UN Convention on the Rights of the Child (CRC). Other CRC articles relevant to children's right to protection are: 9, 10, 11, 16, 20, 21, 22, 23, 24, 25, 37, 39, 39 and 40.

16 Article 20 CRC.

17 Article 2 CRC; *Interagency guidelines*, p. 17; UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*, NY: UNICEF, p. 10.

18 Articles 37, 40 CRC; UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*, NY: UNICEF, p. 10.

19 Article 39 CRC.

All trafficked children have an inherent right to life, survival and development.²⁰

Further, in Guideline 8 of the *UN Recommended Principles and Guidelines on Human Rights and Human Trafficking*, it is specified that the particular physical, psychological and psychosocial harm suffered by trafficked children and their increased vulnerability to exploitation require that they be dealt with separately from adult trafficked persons in terms of laws, policies, programmes and interventions. It further states that child victims of trafficking should be provided with appropriate assistance and protection and full account should be taken of their special rights and needs.²¹

Furthermore, with respect to the right to **participate**, states should assure to the child who is capable of forming his/her own views the right to express those views freely in all matters affecting him/her. Article 12 of the CRC states:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.²²

This principle of child participation applies in every stage of the re/integration process.

The “**best interests of the child**”, as enshrined in Article 3.1 of the CRC, applies to re/integration activities as to any other action undertaken in relation to a child. That is:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.²³

As clarified by the UN Committee on the Rights of Children in *General Comment No. 14*, “the concept of the child’s best interests is aimed at ensuring both the full and effective enjoyment of all the rights recognised in the Convention and the holistic development of the child”.²⁴

Guideline 8 of the *UN Recommended Principles and Guidelines on Human Rights and Human Trafficking* also emphasises that the best interests of the child must be a primary consideration in all actions concerning trafficked children.²⁵

²⁰ Article 6 CRC.

²¹ Robinson, Mary (2002) *Recommended Principles and Guidelines on Human Rights and Human Trafficking, Addendum to the Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council*, UN document E/2002/68/Add.1, 20 May 2002, p. 12.

²² Article 12 CRC.

²³ Article 3 CRC.

²⁴ Committee on the Rights of the Children, *General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration* (Article 3, paragraph. 1), 4.

²⁵ Robinson, Mary (2002) *Recommended Principles and Guidelines on Human Rights and Human Trafficking, Addendum to the Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council*, UN document E/2002/68/Add.1, 20 May 2002, p. 12.

In the case of children, a re/integration programme should be embedded in a broader, more comprehensive process, aimed at determining their best interests.²⁶ In the context of separated and unaccompanied children, the Office of the United Nations High Commissioner for Refugees (UNHCR) conceptualised a distinction between “best interests determination” and “best interests assessment”. The **Best Interests Assessment (BIA)** is an essential element of case management and general child protection work, as individual casework undertaken with children at risk (including child victims of trafficking) must be based on an assessment of protection needs with recommendations for intervention and referral. The BIA is an assessment tool that involves a process of interviews and information gathering to ensure that all the relevant factors of a particular case are considered. A BIA supports child protection actors in any decision or action taken on behalf of a child in line with the requirements of Article 3.1 of the CRC. A BIA should be conducted as soon as a child has been identified to be at risk.²⁷ All re/integration service providers have an obligation to assess the best interests of a child and should conduct a BIA, noting that this is not the same as a formal Best Interests Determination (BID) procedure conducted by UNHCR or a government authority in the context of deciding upon a durable or sustainable solution. The BIA is an on-going process that places the child’s best interests at the centre of any action and as a primary consideration and objective of any measure affecting him/her.

Care professionals must, at all times, act in the best interests of the child and always in good faith. The best interests of a child involve balancing key factors related to the competing rights of the child, including: the views of the child, the child’s identity (particular vulnerabilities, disability, sex, sexual orientation, national origin, religion, cultural identity and so on), the child’s family situation, the views of family members or the child’s guardian or others close to the child, the socio-economic situation in the child’s country of origin, safety as a priority, the importance of the family and of close relationships, nurturing the development needs (health, education and so on) of the child, and the child’s level of integration in the host country if trafficked abroad.²⁸

In terms of re/integration work, determining what constitute “the best interests of the child” will involve weighing a range of factors, in light of the various re/integration options available (including what is realistic given an individual child’s circumstances and possibilities) as well as the consequences of each of these alternatives.²⁹

26 SCEP (2009) *Statement of Good Practices*, 4th Revised Edition, at D9.

27 The BIA is essential before any action affecting a child is taken, unless a Best Interests Determination (BID) is also required. A BID is a formal process with specific procedural safeguards and documentation requirements that is conducted for certain children, whereby a decision-maker is 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 human rights instruments so that a comprehensive decision can be made that best protects the rights of children. UNHCR (2008) *UNHCR Guidelines on Determining the Best Interests of the Child*, Geneva: UNHCR, p. 32. The difference between a BIA and a BID lies in the fact that the BID requires strict procedural safeguards. A BIA involves interviews with the child and his/her caregivers and in most cases also includes home visits; the BIA can result in a recommendation that a BID is required. Altes, M. K. (2011) *Field Handbook for the Implementation of UNHCR BID Guidelines*, Geneva: United Nations High Commissioner for Refugees, p. 7. See also Save the Children (2010) *Best Interests Determination for Children on the Move: A Toolkit for Decision-Making*, South Africa: Save the Children UK South Africa Programme. Available online at <http://resourcecentre.savethechildren.se/sites/default/files/documents/3829.pdf>

28 See Committee on the Rights of the Children, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (Article 3, paragraph. 1). According to the CRC, the main factors that need to be taken into account when determining the development needs of the child include: 1) “the right [...] to preserve his or her identity, including nationality, name and family relations” (Article 8); 2) due regard to “the desirability of continuity in a child’s upbringing and to a child’s ethnic, religious, cultural and linguistic background” (Article 20); 3) understanding that this should not lead to the acceptance of harmful traditional practices and that with maturity the child may make a free choice regarding his or her religion; 4) “the right of the child to the enjoyment of the highest attainable standard of health” (Article 24); 5) “the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral, and social development” (Article 27); 6) “the right to education” (Articles 28 and 29); and 7) “the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child” (Article 31). UNHCR (2008) *UNHCR Guidelines on Determining the Best Interests of the Child*, Geneva: UNHCR.

29 TdH (2009) *Supporting child (re)integration*. Tdh policy paper, Lausanne: Tdh, p. 4.

Such assessments are highly individual and can, in practice, be very complex and difficult.³⁰ Undertaking such determinations will require a range of considerations.

For trafficked children, the provision of re/integration services must be considered in conjunction with additional safeguards and other relevant specific procedures (e.g. for separated and unaccompanied children, persons in need of an appointed guardian or legal representative).³¹ Because of the special position of children in society it is necessary to seek the permission of a parent or guardian.³² However, the consent of an adult alone is not sufficient. Consent must also be obtained from children themselves, although the age of an individual child will determine the way in which this is feasible and meaningful.³³

It is important to ensure that rights, principles and measures to safeguard children are built into all re/integration programmes and policies.³⁴ All organisations that provide services to trafficked children should have in place internal protocols and establish minimum acceptable standards to safeguard and protect the children they serve. The United Nations Children's Fund (UNICEF) 2006 *Guidelines on the Protection of Child Victims of Trafficking* outline general principles to which service providers should adhere in working with trafficked children³⁵ as well as sets out standards for good practice with respect to protection of and assistance to trafficked children. These guidelines are based on international human rights instruments and look at the protection of trafficked children from their identification through to their recovery and integration.

Re/integration services for trafficked children and youth

The re/integration process for trafficked children and youth must begin with a best interests assessment (BIA) that results in an evaluation of the desired sustainable solution(s) for the child to be decided according to a formal BID procedure. The BID will specify whether such solutions include family reunification. In the cases where long-term solutions involve the decision not to return a child to his/her family, organisations working to

30 It is important to note the difference between a BIA and the more formal BID that involves representation of the state or a UN office. All re/integration services providers and NGOs caring for trafficked children and youth should undertake a BIA, defined as "an assessment made by staff taking action with regard to individual children, except when a BID [best interests determination] procedure is required, designed to ensure that such action gives a primary consideration to the child's best interests. The assessment can be done alone or in consultation with others by staff with the required expertise and requires the participation of the child". UNHCR & International Rescue Committee (2011) *Field Handbook for the Implementation of UNHCR BID Guidelines*, p.112. Please see reference list for additional resources on conducting a best interests assessment (BIA).

31 UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*, NY: UNICEF and WHO (2003) *Ethical and Safety Recommendations for Interviewing Trafficked Women*, Geneva: WHO, pp. 27-29.

32 The issues of informed consent and parent/guardian permission are important considerations to the development of child protection protocols and the BIA. While permission is not needed to remove a child out of a situation of exploitation, it will be needed to, for example, take full responsibility for a child in residential care and/or to provide a child with medical or legal assistance. If the child's parent/guardian(s) have been involved in the child's exploitation, this will necessarily change the process of permission/gaining informed consent and re/integration services providers should address such cases in their internal protocols. Informed consent is needed for all key activities conducted when providing services and assistance to child trafficking victims. Consent should be gained from a safe parent or guardian unless it is unsafe or otherwise not possible to gain parental or legal guardian consent. In such cases, the reasons for not gaining consent from a parent/guardian should be documented and legal counsel should be sought for the child. Additionally, informed consent should always be sought from the child himself/herself specific to the services and supports to be provided. See, for example, IOM (2007) *IOM Handbook on Direct Assistance for Victims of Trafficking*, Geneva: International Organization for Migration.

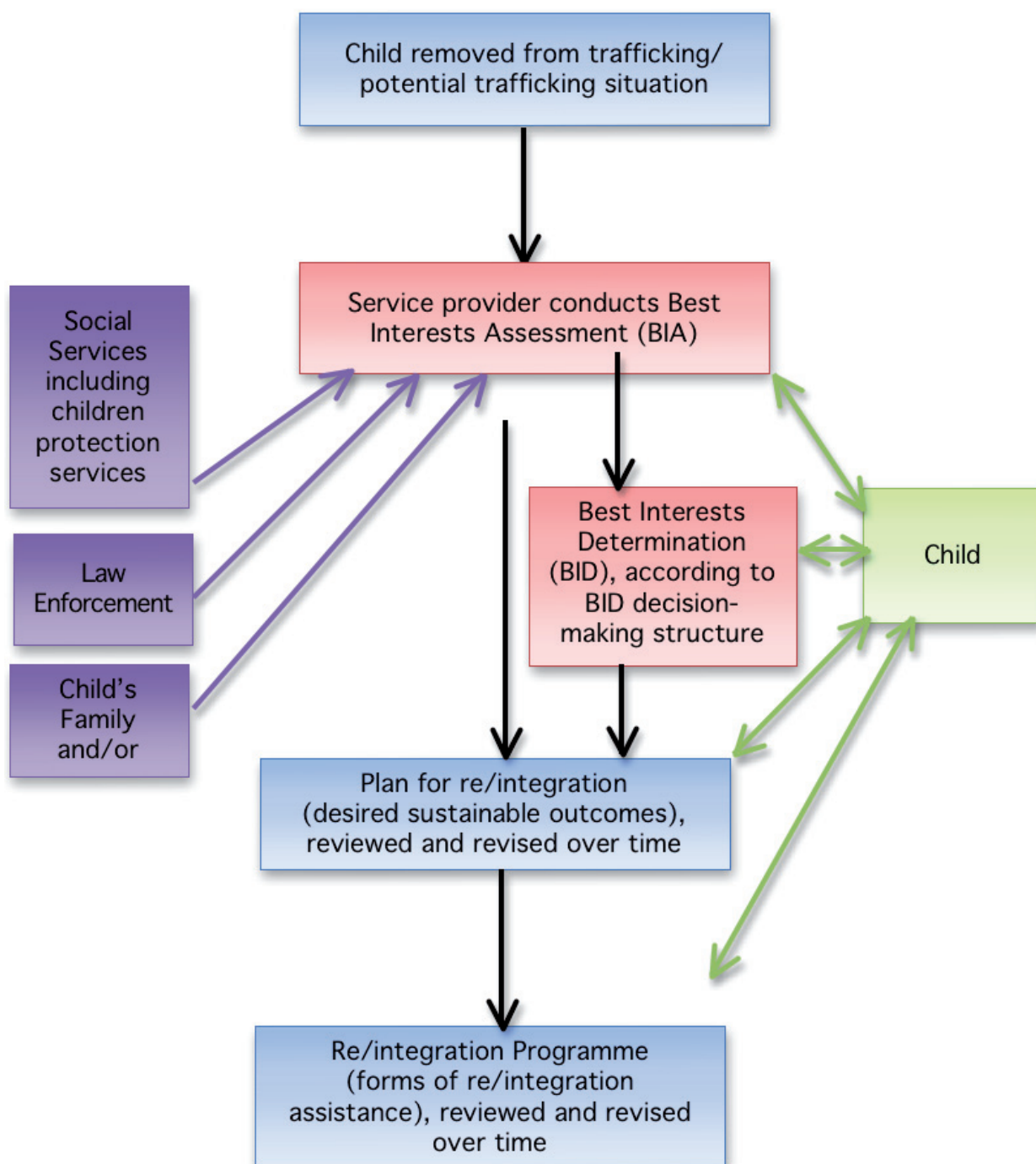
33 UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*, NY: UNICEF, p. 36.

34 See, for example, Myers, Jenny (n.d.) *Keeping children safe: Training for child protection toolkit*, Keeping Children Safe Coalition; Save the Children (2003) *Save the Children: Child Protection Policy*, London: International Save the Children Alliance; and World Vision (2000) *World Vision Partnership Required Standards for Child Protection*, January 21.

35 General principles for the guidelines include: rights of the child; best interests of the child; right to non-discrimination; respect of the views of the child; right to information, right to confidentiality; right to be protected, definition of roles and steps; and coordination/cooperation. UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*, NY: UNICEF, pp. 9-13.

assist the child must be prepared to address the legal implications. The BIA will also inform what types of re/integration assistance may be needed by trafficked children and youth. Please see diagram #1, below, for an overview of how this may take place when working to re/integrate trafficked children and youth.

Diagram 1. Process for re/integration of trafficked children and youth



Different types of re/integration assistance may be needed to realise the various outcomes in terms of the re/integration of trafficked children and youth. These may include some or all of the following:

- **Safe, healthy and affordable care and accommodation options**, whether with the family or in alternative interim or long-term care
- **Medical assistance**, including both emergency and long-term medical support
- **Psychological assistance and counselling**, for individual children and their families
- **Education and life skills**, including enrolment in school, higher education and life skills education
- **Legal assistance**, including securing identity documents, civil registration, guardianship, assistance with non-trafficking legal issues and so on
- **Legal representation and support**, including support as victim/witnesses, legal representation in criminal and civil proceedings and so on
- **Professional/vocational training and economic opportunities**, including job placement and support in starting micro or small businesses
- **Working with family**, including family mediation and assistance to other family members
- **Case management and monitoring**, including long-term follow up coordinating services on behalf of a trafficked child over time

The subsequent sections (parts 3 to 11) will examine the different types of re/integration services that should be offered to trafficked children and lay out their basis in international human rights law.³⁶ These services aim to contribute to the full realization of children's rights as enshrined in international law. Therefore, the obligation of a state to protect and assist trafficked children in accordance with these rights is unequivocal. Each section will also discuss the different models for providing each service as well as some of the challenges faced when providing such support to trafficked children and youth, and will end with specific recommendations about how each service area might be enhanced/improved to better meet the re/integration needs of trafficked children and youth. While this paper will discuss the significant challenges that trafficked children and youth may face in overcoming their trafficking experiences and re/integrating into their post-trafficking lives, this is not without recognition of the strength and resilience that many trafficked children and youth show in the re/integration process.

³⁶ States have the primary obligation to protect and promote human rights. Human rights obligations are defined and guaranteed by international customary law (evidence of a general practice of states accepted as law and followed out of a sense of legal obligation) and international human rights treaties, creating binding obligations on the states that have ratified them to give effect to these rights. OHCHR (2009) *The Right to Adequate Housing*, Fact Sheet No. 21/Rev. 1, p. 29, available online at http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf

3. SAFE, HEALTHY AND AFFORDABLE CARE AND ACCOMMODATION OPTIONS

The accommodation needs and situations of trafficked children and youth

Children should have access to housing/accommodation that provides them with safety and security, offers a healthy living environment and adequate standard of living and that is affordable³⁷ to the child or youth (and/or their family).³⁸ Having a positive and healthy place to live is an essential foundation of sustainable re/integration. It provides a safe place to live and also creates a sense of safety and well-being after the insecurities and violations experienced while trafficked. It can also be an important contributor in helping children and youth to process their experiences and move on from their exploitation.³⁹ And yet many trafficked children and youth do not have access to such accommodation.

Case studies. Trafficked children lacked safe, healthy and affordable accommodation

"Teuta" was trafficked for sexual exploitation after which she returned home to live with her family. However she was referred to a re/integration centre by police after being physically and psychologically abused by her father and stepmother. In addition to family mediation, the re/integration centre provided her with psycho-social counselling, support to attend vocational courses and school and identified a better option for her long-term accommodation. This meant living with her aunt, with whom she had a positive and healthy relationship. Teuta's aunt was extremely supportive and this opportunity to live within her family was an important one for Teuta as it offered her a safe and healthy environment in a family setting.

Two sisters were abused and trafficked by their father for sexual exploitation, making it unsafe for them to return home after being identified as trafficking victims. The only available option for the girls was to be placed in a shelter programme. They had no other family they could live with and no alternative care placements were available.

37 Affordable refers to the cost of housing when living with one's family or living independently. It is about ensuring that trafficked children and youth have access to housing that they can afford.

38 At the same time, attention must be paid to how accommodation lines up with the living environments of the families to which trafficked children and youth will return. When victims in assistance programmes live in conditions and receive a package of services that far exceed what is possible for their family or in the population generally, this may create material and life expectations that cannot be realised which may, in turn, lead to dependency on the programme and staff or "failed" re/integration. Surtees, Rebecca (2008) *Re/integration of trafficked persons – how can our work be more effective*, Brussels: KBF & Vienna: NEXUS Institute.

39 Please see Beckett, H. (2011) 'Not a world away' *The sexual exploitation of children and young people in Northern Ireland*, Belfast: Barnardo's; Clawson, H.J., Dutch, D., Solomon, A. and Goldblatt Grace, L. (2009) *Human trafficking into and within the United States: A review of the literature*, US Department of Health and Human Services; Cody, C. (2010) 'Recovery services for child victims of sexual violence and their families – What can be offered?' in *Protecting children from sexual violence - A comprehensive approach*, Strasbourg: Council of Europe; Mayhew, P. and Mossman, E. (2007) *Exiting prostitution: Models of best practice*, Wellington: The Ministry of Justice; Pearce, J.J. (2009) *Young people and sexual exploitation: 'It's not hidden, you just aren't looking'*, London: Routledge; Scott, S and Skidmore, P. (2006) *Reducing the risk: Barnardo's support for sexually exploited young people. A two year evaluation*, Barking: Barnardo's; and Skidmore, P. (2004) *What Works in child sexual exploitation: sharing and learning*, Barking: Barnardo's.

Trafficked children and youth are a diverse group, differing by age, maturity, stage of development, trafficking experience, their personal and family situations, assistance needs and so on. A wide range of accommodation options are therefore required to meet the needs of these different children and youth, including potentially different models at different stages of their recovery and re/integration.

The child's right to safe, healthy and affordable accommodation

International human rights law recognises the human right to an adequate standard of living, including adequate housing.⁴⁰ Adequate housing, as part of the right to an adequate standard of living, is enshrined in the 1948 *Universal Declaration of Human Rights* (Article 25) and in the 1966 *International Covenant on Economic, Social and Cultural Rights* (Article 11).⁴¹ Notably all states have ratified at least one international treaty referring to adequate housing.⁴²

Moreover and with specific relevance to children is Article 27 of the CRC, which states:

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. [...] ⁴³

Different accommodation models for trafficked children and youth

There are different accommodation options in working on the re/integration of trafficked children and youth. These options include both short-term and longer-term options and, in many situations, will involve a combination of different types of accommodation at different stages of re/integration and according to each child's age, maturity, stage of development and family situation. Re/integration programmes and policies that provide children with safe, healthy and affordable accommodation must be based on the best interests of a child on an on-going basis and in response to the child's evolving situation and, in so doing, consider the different models of accommodation that are available to each child (including at various stages of their re/integration). Some of the accommodation options used in the Balkan region are outlined in box #2, below.⁴⁴

40 OHCHR (2009) *The Right to Adequate Housing*, Fact Sheet No. 21/Rev. 1, p. 1, available online at http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf

41 OHCHR (2009) *The Right to Adequate Housing*, Fact Sheet No. 21/Rev. 1, p. 1, available online at http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf

42 Further, all states have committed themselves to protecting the right to adequate housing through international declarations, plans of action or conference outcomes. OHCHR (2009) *The Right to Adequate Housing*, Fact Sheet No. 21/Rev. 1, p. 1, available online at http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf

43 Article 27 CRC.

44 See also Žegarac, Nevenka (2014) *The child's right to quality care. Review of the implementation of the United Nations Guidelines for the alternative care of children in western Balkan countries*, Sarajevo: Save the Children International.

Box #2. Different accommodation options for trafficked children and youth

- Family re/integration (in home community or a new community/country)
- Residential care shelters (short-term and longer-term)
- Extended family care/kin-based placement
- Foster care
- Small group homes
- Semi-independent living options

Of note, some trafficked children and youth will require more than one accommodation option as they recover, grow up and/or their personal and family situations change over time. For example, a child's inability to return home to his or her family may be temporary, which means pursuing short-term accommodation options while barriers to return are addressed – e.g. family mediation in cases of family rejection, security issues posed by traffickers in the home community and so on.

Whichever accommodation option is pursued needs to be suitable for each individual child and there should be a clear, transparent and standardised process to assess and determine accommodation options for trafficked children and youth. Moreover, any child placed in care has the right to a regular review of the circumstances of his/her accommodation, as outlined in Article 25 of the CRC.⁴⁵

Family re/integration (in home community or a new community/country)

In re/integrating trafficked children, the preferred option is to assist children to return to live with their families.⁴⁶ This should be pursued in all situations where this is deemed a safe and healthy option for the child.⁴⁷ The child's right to live with his/her family is prescribed in several places in the CRC. Article 9 provides that a child shall not be separated from his or her parents against their will, except in accordance with applicable law when separation is necessary for the best interests of the child.⁴⁸ Article 7 of the CRC gives a child "as far as possible, the right to know and be cared for by his or her parents".⁴⁹

⁴⁵ Article 25 of the CRC states: "States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement".

⁴⁶ Žegarac notes that the principle of "necessity" indicates a need to prevent the occurrence of situations that could lead to separation of the child from the family. "Separation of a child from the family should be seen as a last resort measure and such decisions must be preceded by a rigorous and comprehensive evaluation to establish whether the child can, with appropriate support, stay with the parents or within the biological (kinship) family." Žegarac, Nevenka (2014) *The child's right to quality care. Review of the implementation of the United Nations Guidelines for the alternative care of children in western Balkan countries*, Sarajevo: Save the Children International, p. 8.

⁴⁷ See United Nations (2010) *Guidelines for the Alternative Care of Children*, A/RES/64/142, 14. Available at [http://www.unicef.org/protection/alternative_care_Guidelines-English\(2\).pdf](http://www.unicef.org/protection/alternative_care_Guidelines-English(2).pdf)

⁴⁸ Article 9 CRC. The article goes on to say that such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

⁴⁹ Article 5 further states: "States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention". Article 5 CRC.

The right of the child to be with his/her family unless this is not in the child's best interest is also recognised in Guideline 8 of the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking, which provides that in cases where children are not accompanied by relatives or guardians, states are to take steps to identify and locate family members.⁵⁰ Generally it is the case that the child or youth has missed his/her family and home immensely while trafficked and is anxious to return immediately to them.⁵¹ One young woman, trafficked abroad from the Balkans, did not want to be assisted precisely because she was so anxious to return home to her family:

When I was offered to go to the shelter here, I thought it must be like the one in Italy, which I liked. But I did not want to go to the shelter. I just wanted to go home.⁵²

Equally, the family of trafficked children and youth are also often very anxious to have them come home. One study on why some trafficking victims declined assistance found that the desire of return to one's family was a key factor in declining services (at least services, like shelters, that involved being separated from one's family). One girl, who returned home pregnant from her trafficking exploitation, declined services because her family was anxious to have her home. Her mother described the urgency she and her husband felt to have their daughter return home to live with them, in spite of her pregnancy, which is often a source of tension in families of returned trafficking victims: "We couldn't wait to see her when she came back. We were so worried. We were so excited to have her back that we accepted the baby".⁵³

However, the reality of home for many trafficked children is often less than ideal. Some families have very poor living conditions and limited means. Housing itself may be substandard and/or they lack basic needs such as heating, food, clothing and so on. On return the housing situation may have further deteriorated if the family has had to pay for the child's return and assistance needs or faced other economic difficulties. Some children return to families who do not have a permanent address and who struggle to pay monthly rental costs. In such cases, attention and support need to be provided toward addressing these issues – as a means of sustainable re/integration and toward preventing re-trafficking or continued vulnerability (of the child and the family). Some families may be dysfunctional – with unhealthy communication and relationships and even occurrences of violence and abuse.

It is often necessary to develop a support scheme for trafficked children and their families when they return home to live with their families, to target both economic and interpersonal issues within the family. Besides the work done directly with the child, support is also needed for the improvement and empowerment of the family. This would generally include supporting parents/family to access economic aid or employment options

50 This is echoed in the Legislative Guide to the Trafficking Protocol, which requests relevant authorities to "take all necessary steps to trace, identify and locate family members and facilitate the reunion of the child victim with his or her family where that is in the best interest[s] of the child." Gallagher, Anne (2010) *Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking*, UNOHCR, p. 171.

51 In some situations this urgent desire to return home to one's family (and the family's desire to have the trafficked person/child return home) has led them to decline assistance. Because so much assistance is shelter-based, declining to stay in a shelter often translates into declining assistance in a de facto sense. Brunovskis, Anette and Rebecca Surtees (2007) *Leaving the past behind? When victims of trafficking decline assistance*, Washington, DC: NEXUS & Oslo: Fafo; and Surtees, Rebecca (2008) *Why shelters? Considering residential approaches to trafficking assistance*, Vienna: NEXUS Institute. This highlights the urgent need for community-based assistance for trafficked persons who return home. In the case of trafficked children, the provision of such services (either trafficking specific or more general assistance) will require the involvement of state social services, which are legally responsible for assisting children and monitoring their assistance and re/integration.

52 Brunovskis, Anette and Surtees, Rebecca (2007) *Leaving the past behind? When victims of trafficking decline assistance*, Washington, DC: NEXUS & Oslo: Fafo, p. 55.

53 Brunovskis, Anette and Surtees, Rebecca (2007) *Leaving the past behind? When victims of trafficking decline assistance*, Washington, DC: NEXUS & Oslo: Fafo, p. 66.

through the national employment service as well as health care services, psychological assistance and legal assistance. Often central to this support is the establishment of healthy, positive and trustful communication and relationships within the family through the on-going work of social workers. It is also necessary to create a network of local partners in the community where the family lives – e.g. social workers from the child protection unit, school psychologists or other ‘alliances’, and others in order to better assist and monitor the family and the child.

Case studies. Supporting the family as a whole, along with trafficked children

“Diana”, who had been trafficked for prostitution, received comprehensive support from the NGO working with her. This involved not only working directly on her re/integration, but also assisting her father to find work in a fish factory, facilitating access to economic aid and supporting her two brothers to return to school.

“Katarina” is a 16-year-old girl who returned to her family after being sexually exploited and trafficked. Her family lived in a small village. Her parents were unemployed and the family was without basic financial means. The girl was exposed and discriminated against in the village after her return because of her trafficking experience and life was very difficult for her and her family. The assisting NGO helped the girl and her family in moving to another town, finding a suitable place to live and assisting with the rent and living costs for an initial period of time. The girl received a range of re/integration support including medical care and being supported to return to school. In addition, the NGO provided psychological assistance to both the girl and her family. Although the NGO assisted the girl’s father in seeking a job, he remained unemployed, which was a large problem for the family as a whole.

“Alexander” was abandoned by his mother at one year of age and subsequently left in a residential care facility by his father who was unable to care for him. He was raised in residential institutions. At 12 years of age, he returned to live his family but he faced problems with his father and older brother. At age fourteen he left home and ended up living on the streets. He was then trafficked for petty crimes (stealing and selling drugs) and also sexually exploited in different cities in his country. Once identified the assisting NGO contacted his family and provided them with family mediation counselling. He eventually returned to live with them, returning to school where he was also supported in his studies by a very good teacher. His other family members also received support – his brother was assisted in finding a job, his father was assisted to stop drinking, the father received counselling including in terms of his behaviour toward his children and so on.

That being said, it is not possible for some children to return to live with their families. Some children do not have a family they can return to. Others have a risky or problematic family situation which makes return to live there not in the child’s best interests. This includes cases of abuse/violence, family involvement in trafficking, substance abuse and so on. In still other situations, stigma and discrimination against children as a result of their trafficking experience may lead their families (and communities) to reject them and therefore leave them without a home to return to. Such situations then require an assessment of good quality alternative accommodation options that would best meet the child’s accommodation needs, as explored below. In some cases, children may only require alternative care on an interim basis. Therefore, even when it may not be possible to return the child immediately to the family, avenues should be kept open and work done with the family toward the possibility of a (safe) return to the family environment.

Box #3. Trafficked children may not be able to be re/integrated in their families when:

- They do not have a family they can return to (or their families have rejected them)
- They face a risky or problematic family situation (e.g. abuse/violence, family involvement in trafficking, substance abuse in the family and so on)
- They are stigmatised and discriminated against as a result of their trafficking experience, by family and community

The need for alternative care, in some situations, is recognised in Article 20 of the CRC, which states that:

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.⁵⁴

For trafficked children, interim care should, whenever possible, have the aim of family reunification and must be balanced with the best interests assessment and ensure a child's protection and rights. In accordance with the principle of family unity, children trafficked with their siblings should be kept together and trafficked girls with babies should be kept together as well.⁵⁵ Close friends may be also kept together as bonds between peers due to their common experiences may be strong and supportive peers may help each other in the recovery process.⁵⁶ That being said, the dynamics of these relationships are not always clear and children who have been in the same exploitative situation may not offer the most positive relations.

The various alternative care options, when living with family is temporarily or permanently not possible, include but are not limited to: 1) extended family care/kin-based placement; 2) foster care; 3) small group homes; 4) semi-independent living options; and 5) residential care (short-term and longer-term), which is the right option for children only in a few cases.

Interim care should be provided to separated children until they are reunited with their families or placed in foster care/other long-term care arrangements.⁵⁷ These options are discussed in turn below.

⁵⁴ Article 20 CRC.

⁵⁵ Committee on the Rights of the Child (2005) General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, OHCHR. See also UNICEF (2006) Guidelines on the Protection of Child Victims of Trafficking, NY: UNICEF, p. 19.

⁵⁶ UNICEF notes: "This will vary, but should be kept in mind when moving the children to a safe shelter. On the other hand, siblings can also be abusive of each other." UNICEF (2006) Guidelines on the Protection of Child Victims of Trafficking, NY: UNICEF, p. 19.

⁵⁷ Children should not be kept with adults unrelated to them, unless within the framework of clear foster care arrangements with regular supervision and assessment by qualified persons. UNICEF (2006) Guidelines on the Protection of Child Victims of Trafficking, NY: UNICEF, pp. 23-24.

Extended family care/kin-based placement

When circumstances prevent a child from living with his/her parents, the preferred option is for kin-based care.⁵⁸ This would involve the child being placed with someone s/he knows – e.g. an immediate family member (grandparent, aunt/uncle, older sibling) or someone with an established relationship or cultural connection to the child and his/her family. The advantage is that the child is placed in an environment and with a family that is already known to him/her, reducing stress on the child and not entirely breaking natural relations established by birth.

Some trafficked children and youth assisted under the TVRP have been placed with members of their extended families after trafficking, which has been key to their successful re/integration. This has generally been when parents are no longer living or have abandoned the child. It also occurs when the home environment is unsafe, including family complicity in the child's exploitation. One child, "Fadila", could not be safely returned to live with her father who was an alcoholic and unable to care for her. But her grandparents and paternal uncle were willing to care for her and she was placed to live with them instead. She is also able to maintain some contact with her father as her grandparents maintain this contact.

However, this is not always possible or without complication. Some family members do not accept trafficked children to live with them because they blame them for their exploitation or look down on them. When trafficked children are accommodated with kin, discrimination, stigma and blame can still come into play, making it critical that such placements be carefully monitored with inputs and participation of trafficked children themselves. Children in kinship care can be discriminated against or be treated less well than the caregiver's own children. In kinship care arrangements, there is a risk that children may be drawn into family conflict, such as friction over who should take care of the child, who has decision-making power or the division of responsibilities for each family member. There is also the potential for unauthorised or unsupervised contact with biological parents, which is concerning when the parent poses a threat to the child. By contrast, relatives may also refuse authorised contact with parents for personal reasons and family tensions that are not related to the child and work against that child's best interests. Moreover, kinship care is less monitored than more formal forms of accommodation.

An additional complication and challenge is that trafficked children may have behaviours and reactions, resulting from their exploitation and traumatic experiences, which family members do not understand or do not have the training and experience to manage. Service providers have reported instances in which families have refused to accept trafficked children because they fear that they will be a "bad influence" on other children in the family.

Caring for a trafficked child will likely require support and guidance from social services, which is not always available. Moreover, state social workers do not always have the training to offer this guidance and support.

Family members who are willing to assist trafficked kin may not be in a position to do so. Some families are not able to support their kin because of economic problems – i.e. they lack the resources to feed, clothe and house the child(ren), they cannot fund their education and so on. In some countries kin-based placement, which is often informal in nature, may require the consent of the parent, which is not always possible to obtain. In such

⁵⁸ Defined as "family-based care within the child's extended family or with close friends of the family known to the child, whether formal or informal in nature". United Nations (2010) *Guidelines for the Alternative Care of Children*, A/RES/64/142, 29(c)(i). UNICEF defines kinship care as "the full-time care, nurturing and protection of children by relatives, members of their tribes or clans, godparents, step-parents, or any adult who has a kinship bond with a child". UNICEF EAPRO (2006) *Alternative Care for Children without Primary Caregivers in Tsunami-affected Countries*, Bangkok: UNICEF, p. 26.

situations the formal process of depriving a parent of his/her parental rights, which is quite complicated, time-consuming and potentially expensive, may not be in the child's best interests in the longer-term. The United Nations has recognised this, stating in the *Guidelines on Alternative Care*, that "in most countries, the majority of children without parental care are looked after informally by relatives or others, States should seek to devise appropriate means, consistent with the present Guidelines, to ensure their welfare and protection while in such informal care arrangements, with due respect for cultural, economic, gender and religious differences and practices that do not conflict with the rights and best interests of the child."⁵⁹

Foster care

Foster care is a system in which a child who has been made a ward of the state is placed in an institution, group home or private home of a state-certified caregiver referred to as a "foster parent". The UN *Guidelines on Alternative Care* define foster care as "situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children's own family that has been selected, qualified, approved and supervised for providing such care".⁶⁰ The placement of the child is usually arranged through the government or a social-service agency. Foster care has been developed in the Balkan region to provide longer-term, family based support to vulnerable children, including, in some cases, trafficked children and youth.⁶¹

For trafficked children, foster placements can provide a valuable form of care in that they create a family environment and are a long-term placement. A foster placement offers the child an opportunity to develop a personal relationship in a stable and safe environment. Research in the United Kingdom (UK) suggests that for trafficked children, foster care is most effective when there is additional intensive support in place such as mental health services, child protection services and police protection. Although such placements are resource intensive, they are likely to be more cost effective than long-term residential care and, most importantly can simulate a home environment, which will ultimately be better for the child's recovery and re/integration.⁶²

That being said, research with trafficked children in the United States (US) found that not all foster care placements were successful and some children did not get along with their foster parents.⁶³ This has also been discussed in the Balkans where issues have arisen when the cultural background of the child and the foster family were not fully taken into account and when not all foster family members were fully supportive of the child and foster placement. Issues have also arisen when foster families have not received adequate support and training to foster trafficked children appropriately and sensitively. For example in Serbia, "Marijana", a 16-year-old girl who was trafficked abroad for forced marriage, was accommodated in a foster family after her return home because of suspicions that her father was involved in her trafficking. From the beginning the girl wanted to return to her family because she did not realise or believe that her father had done anything

⁵⁹ United Nations (2010) *Guidelines for the Alternative Care of Children*, A/RES/64/142, 18.

⁶⁰ United Nations (2010) *Guidelines for the Alternative Care of Children*, A/RES/64/142, 29(c)(2).

⁶¹ For a recent study of foster care in Serbia, please see Žegarac, Nevenka (2014) *In the Labyrinth of Social Protection: Lessons learnt from research on children in care*, European Union, Serbian Government Ministry of Labour and Social Policy & UNICEF.

⁶² Pearce, J.J. (2009) *Young people and sexual exploitation: 'It's not hidden, you just aren't looking'*, London: Routledge; Pearce, H. (2011) 'Safe accommodation for separated children' in Kelly, E. and Bohari, F. (eds) *Safeguarding children from abroad. Refugee, asylum seeking and trafficked children in the UK*, London: Jessica Kingsley Publishers; and Shuker, Lucie (2013) *Evaluation of Barnardo's Safe Accommodation Project for Sexually Exploited and Trafficked Young People*, Luton Bedfordshire: Institute of Applied Social Research, University of Bedfordshire. Available online at http://www.beds.ac.uk/_data/assets/pdf_file/0007/281374/Barnardo27s-SA-Project-Evaluation-Full-Report.pdf

⁶³ Gozdziaik, E. and Bump, M.N. (2008) *Victims no longer: research on child survivors of trafficking for sexual and labor exploitation in the United States*, US Department of Justice.

wrong. The foster family did not have any training or preparation for such a situation and was not sufficiently supportive of the girl in this time, unable to fully appreciate what she had been through.

Foster care programmes, however, are generally quite new in the region and not widely used for trafficked children. In Albania, for example, foster care has been piloted for the past three years in the capital, Tirana, Durrës and Shkodra. To date, the priority has been to support children in institutions, although a few trafficked children have been placed in foster families. In Kosovo, foster care is foreseen in the Family Law and Law on Social and Family Services and was developed in 2003 for abandoned and neglected children. Approximately forty foster families were trained by NGOs and supported by the Ministry of Labour and Social Welfare (MLSW) for fostering children. However, there remains a lack of foster care for trafficked children in spite of NGOs advocating for this option and offering training and support for families willing to foster them. In Serbia, foster care options exist but foster care was not specifically developed and tailored for child trafficking victims, which means that it is necessary to educate and train foster families for taking care of children with this kind of experience. Foster care is an option in Macedonia; it is foreseen in the country's National Plan of Action against Trafficking in Persons (2013 - 2016). But to date it has not been used for trafficked children.

Box #4. Good practice of alternative care: foster care

"Alketa" grew up in a care institution for children. When she was twelve years old her mother removed her from the institution and forced her to beg in different cities in her own country and abroad. At age sixteen, she was identified by the police and referred for assistance to an NGO. In working with Alketa and developing her re/integration plan, she spoke about having always dreamed of living with a family and so the NGO determined that the foster care model was appropriate for her and collaborated with a partner NGO and key state structures to identify a foster family. The selected family belonged to the same ethnic background as Alketa and the NGO worked with Alketa and her foster family in the initial period of placement to help familiarise the foster family and Alketa with each other. Over time, the placement was successful. Alketa's emotional and psychological state significantly improved with her foster care placement.

Small group homes

Small group homes are a type of residential child care service that provide out-of-home placement for children and youth who cannot be safely returned to their families, in the short- or long-term. This includes long- and short-term placement of children into a home of four to twelve children with parental figures as caregivers, located in neighbourhoods among family households.⁶⁴

Small group homes provide children and youth with care in a home-like environment until they can return to their families or a long-term alternative living arrangement is achieved. Small group homes are intended to: 1) provide substitute care in a stable and safe home-like family living environment, as specified by the individual re/integration plan and subject to regular review; 2) to protect and promote the health and welfare of trafficked children and nurture their overall growth and development (including their physical, social, emotional

⁶⁴ Oswald, Elizabeth (2009) *Because We Care: Programming Guidance for Children Deprived of Parental Care*, California: World Vision, p. 8.

and intellectual needs); and 3) to encourage the development of potential, responsibility, self-esteem and self-care amongst children in care.⁶⁵

Generally in the region, there is an inadequate supply of such small group options. However, some trafficked children and youth have been accommodated in small group homes. For example, in Albania, re/integration NGOs have cooperated with a religious foundation that developed a three-year pilot project to accommodate up to five vulnerable girls in a group home overseen by “house parents”, with a focus on teaching them life skills in a family-like environment.

An alternative version of the small group home is the children’s village that exists in many countries of the Balkan region. This model, managed by the organisation SOS Children’s Villages International, involves children living in small group homes with a housemother, with several such independent houses in the “village”; usually, SOS families live close together so that they can share experiences and assist each other, creating a network of mutual support. While the reasons that children are placed in SOS families vary across socioeconomic contexts and cultures, trafficked children can be accommodated in such programmes. Housemothers are responsible for five to six children and take care for their growth and education.⁶⁶ One important issue though is that these small group homes and villages are not cut off from the community, as this will impede later community reintegration options.

Box #5. Good practice of alternative care: small group homes and transition houses

In Albania, some trafficked children have been assisted in a “family home”, which accommodates five to six children and one adult household head who is a state licensed service provider. The home functions as a family. This programme is run by a religious organisation according to the state’s standards of care on children and is licensed and inspected by state social services.⁶⁷

Semi-independent living options

Young people leaving an alternative care setting need special support both before and after the transition to independent living. Semi-independent living is an important step along this pathway. The main aim is to ease young people into independent living so that they progressively learn how to assume full responsibility for their lives both socially and economically. It is also important that they have appropriate housing so that they

⁶⁵ Small group homes can be beneficial as a form of alternative care and may be particularly appropriate for older children who are recovering from family abuse and need a more neutral setting than foster care; child migrants; older teenagers; children associated with the fighting forces who are not accepted in the community; children living on the streets; and children who are particularly difficult to find foster care for. Delap, E. (2011) *Scaling down: Reducing, reshaping and improving residential care around the world*. Positive care choices, EveryChild.

⁶⁶ From 16 years of age, children live in “youth houses” for semi-independent living. See Website of SOS Children’s Villages International, available online at <http://www.sos-childrensvillages.org/>

⁶⁷ The Albanian government’s Council Decision On the Standards of Social Care Services for Children in Residential Institutions (2005) establishes eleven standards for care in residential institutions, including small group homes: adequacy of service; individual care plans; preparation for independent life; nutrition; appearance; clothing and material needs; physical, emotional and mental health; education; entertainment; reporting; protection from abuse; environment and housing; staff and management. See Lerch, V. and Stein, M. (eds.) (2010) *Ageing Out of Care: From Care to Adulthood in European and Central Asian Societies*, Austria: SOS Children’s Villages International, p. 14, available online at <http://www.sos-childrensvillages.org/about-sos/publications/imatter-publications-on-leaving-care/ageing-out-of-care-international-analysis>

can continue their studies and/or find a job. A number of re/integration organisations offer semi-independent apartments as a step along the pathway to re/integration, for youth as well as adults.

In semi-independent living, young people live on their own or in small groups but continue to be monitored and receive individualised support from social workers including counselling, as well as some material support. Rent for the flat is covered for an initial period (usually between six and twelve months, depending on the specific case) and, in addition, beneficiaries initially receive some assistance to meet their basic needs. They may also receive other services and support as needed. For example, during her period of semi-independent living, “Sara” regularly saw a therapist who helped her work through her trauma. She also attended job orientation seminars, which helped her in navigating the job market. After a period of nine months, she and her case manager decided that she was in a position to live independently.

An alternative version of semi-independent living apartments is transition houses. For instance, in Serbia, the transition house accommodates victims of trafficking – adults but also children and youth above 15 years. It is an open facility, without 24/7 surveillance, because the main goal of the programme is that beneficiaries (re) gain control of their lives and freely make decisions about their daily lives. Residents are provided with food, accommodation and all the necessities of everyday life as well as various services like psychological support, medical care and so on.

Box #6. Good practice: different accommodation to meet children’s evolving situation

“Alma” and “Ana” were trafficked by their father for prostitution. They were temporarily placed in a residential centre for trafficked children because no alternative care placement was available at that time. They received comprehensive assistance and their cases were monitored by the state social worker and staff running the programme. When the girls were older they transitioned into semi-independent living and subsequently have become independent. Alma is currently working in a kitchen and Ana is being assisted by the social worker to find a job.

Residential care (short-term and longer-term)

Residential care refers to care provided in any non-family based group setting, such as places of safety for emergency care, transit centres in emergency situations and all other short and long-term residential care facilities including group homes.⁶⁸ Residential care facilities, often referred to as “shelters” may be run by NGOs or state-run organisations (such as social services) and may vary in size and composition and care model.⁶⁹ Shelters may accommodate only trafficked children or may assist vulnerable or abused children including those who have been trafficked. They may be for children only or may accommodate adults also. When residential care is of a good standard and offers quality care, it can play an important role in the short-term (as part of the crisis or transition phase) provision of safe accommodation for trafficked children.

⁶⁸ United Nations General Assembly (2009) *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Guidelines for the Alternative Care of Children*, A/HRC/11/L.13, p. 9.

⁶⁹ *Prisons and police stations or prison-like establishments are not to be considered shelters and children should not be confined there.*

Nonetheless, only in very few cases are residential care facilities appropriate for longer-term re/integration and only if provided in small group homes, to a high standard. Residential care does not adequately meet children's need of an environment that supports their development and provides them with important life skills in preparing them for adult life. This is also true of interim residential care placement, such as shelters, which isolate children and youth from their families and communities, which negatively impacts their sense of identity as well as their eventual re/integration and sense of belonging. The fact that some shelters are "closed" (i.e. residents do not have freedom of movement and face a range of rules restrictions) is an additional complication, particularly in terms of re/integration work, which must ultimately take place in the wider community, whether with the child's family or not.⁷⁰

From a practical perspective, there may also be regulations – such as age limits – which prevent some trafficked children and youth having access to such shelters. For example, until very recently in Albania, orphanages did not accommodate children over the age of 15 years. In other countries, like Serbia, it is common practice not to accommodate children above 16 years of age in state-run shelters and institutions.

Overall challenges in accommodating trafficked children and youth

- **Legal issues with accommodating children.** For a child to be accommodated away from his/her family, social workers must have legal custody of the child. However, child custody procedures are typically very long and complicated and, in some cases, the regulations themselves are impractical. For example, in Albania, child custody is vested with individual social workers, which means that if a social worker changes positions or leaves his/her job, it is necessary to reopen the court procedure and transfer responsibility to another social worker. Additionally, there are court costs associated with custody procedures that are, in some cases, prohibitively expensive.
- **Limited options for returning the child home after being accommodated.** In many countries it is difficult to reverse a child's placement with the state. There are inadequate evaluation tools and procedures available to assess improvements in the family's situation, which makes it very difficult to return the child to his/her family. This contravenes article 25 of the CRC that states that children should have access to periodic review of treatment and all circumstances relevant to their placement.
- **Lack of services for children accommodated away from families.** Children not living with their families do not always have access to the same assistance and support as those living with their families. This includes health care and access to education. Further, economic assistance from the state is not available to persons without a permanent address, such as those staying in shelters or alternative care placements.
- **Different needs of different children, including over time.** Children (and their needs) differ greatly, depending on a range of factors including their age, stage of development, trafficking experience, personal/family background, etc. There is not one model of accommodation that will meet the needs of all children, which means there need to be different models available, including different models for the same child/youth at different stages of their recovery and re/integration.

⁷⁰ Surtees, Rebecca (2013) *After trafficking. Experiences and challenges in the (re)integration of trafficked persons in the GMS*, Bangkok: UNIAP & NEXUS Institute; Brunovskis, Anette and Surtees, Rebecca (2007) *Leaving the past behind? When victims of trafficking decline assistance*, Washington, DC: NEXUS & Oslo: Fafo; and Surtees, Rebecca (2008) *Why shelters? Considering residential approaches to trafficking assistance*, Vienna: NEXUS Institute.

- **Difficulties in finding foster care families.** Fostering is a new practice in the region and time is required to build a functioning foster care system as well as to train and identify suitable foster parents and provide an adequate subsidy to care for a foster child. It can be particularly challenging to place trafficked children in foster care given the stigma and discrimination against this category of children. Trafficked children may also struggle to adjust to a foster family as they cope with the impact of their trafficking exploitation.
- **Lack of training for those working on foster care.** There is a lack of capacity building amongst professionals working in foster care programmes in terms of being able to identify and respond to the needs and situations of trafficked children, including security issues.
- **Lack of government funding for accommodation options.** There is generally a lack of government funding for accommodation options for children – both crisis shelters and longer-term alternative care options. Governments continue to rely on civil society to provide (and find funding for) accommodation for children. For example, in Bosnia and Herzegovina (BiH), state social services relied on NGO partners to apply for foreign donations to provide accommodation to trafficked children and youth. However, more recently, some local municipalities have allocated funds for shelters. In addition, in some cases, funds have been provided to NGOs by private citizens and local businesses.
- **Failure to identify children as trafficked and in need of safe accommodation.** Not all children who need accommodation are identified and appropriately referred. For example, children who are forced to beg on the street are not always recognised as trafficking victims, which means that their situation is not always appropriately assessed (including the advisability of returning to their families) and they do not therefore have access to the services available to trafficked children/youth, including accommodation.
- **Legal issues in assessing risk.** In some countries, exploitation for begging is not recognised as trafficking; it is treated as the less serious crime of neglect, which is a misdemeanour. This has implications in terms of how the individual child is treated (i.e. as a victim of serious crime or not) and whether it is safe to return the child home. For example, in some countries, children trafficked for begging by their parents have been assessed by the prosecutor not to be victims of trafficking, necessitating social workers to return the children to family. The only other avenue is for the state to charge the parents with neglect, which they are often unable or unwilling to do.
- **Issues of safety of children in shelters and residential care.** Children may be at risk of abuse or exploitation when staying in a residential care programme if the facilities are not appropriate and/or staff are not appropriately vetted and monitored. Instances of trafficked children being exposed to poor treatment and even abuse while in care has been documented in the region. While this was sometimes at the hands of staff, one girl trafficked into prostitution was subsequently accommodated in a centre for unaccompanied minors where she was abused by boys living there, with no intervention from the staff even when she asked for help.⁷¹

⁷¹ Surtees, Rebecca (2007) *Listening to victims: experiences of identification, return and assistance in SEE, USAID, ICMPD & NEXUS Institute*, pp.223-225

- **Lack of standards of care.** There is a need for standards of care for residential options for children.⁷² This necessarily involves on-going monitoring of children and cases in different types of residential care. Minimum standards are needed to ensure that children are safe and provided for and that they receive the care and support they need. They are designed to strengthen the rights of children who cannot be cared for by their families. Standards of care set requirements for basic health and safety standards and provision of support within a residential care facility and address how to staff and administer these facilities. There is also a need for codes of conduct for staff.
- **Long-term shelters inhibit re/integration.** Re/integration cannot be done in a shelter. Re/integration implies being placed within a family and/or community and developing within this broader social framework. Therefore shelters can only be part of the early stages of re/integration and should not be seen as a panacea. Re/integration is seriously compromised when there are no accommodation alternatives to shelters for trafficked children and youth.

⁷² Examples of standards of care exist in each of the TVRP countries, related to shelters as well as to other types of residential care, such as group homes and so on. In Albania, the minimum standards of care can be found online at http://www.sherbimeshoqerore.gov.al/materiale/standardi_perkujdesit_shoqeror.pdf (in Albanian). In Kosovo, all shelter providers that provide services to victims of trafficking operate based on minimum standards of care, which were drafted by stakeholders working in anti-trafficking and which entered into force in 2010. Kosovo's minimal standards of care include requirements for basic living conditions (quality food, adequate clothing, medical care and so on); the training of shelter staff and requirement of criminal background checks for shelter staff; the right of beneficiaries to contact family and friends; the requirement of separate files and care plans for beneficiaries; the requirement of informed consent for shelter stays; and a complaint mechanism for beneficiaries. The implementation of these standards is monitored by Kosovo's Ministry of Labour and Social Welfare. In Macedonia, standards of care are required by different Macedonian laws that are based on the CRC; most of the regulations requiring standards of care are incorporated in Macedonia's "Law on Family". In Serbia, minimum standards for the accommodation of children have been adopted, but are still not fully implemented as the process of licenser and accreditation of social services is still in the beginning stages.

Recommendations to assure safe, affordable accommodation for trafficked children and youth

- Develop and implement tools to conduct family assessments to evaluate the advisability of living with the family and listen to the views of the child in such assessments
- For children accommodated away from their families, utilise these evaluation tools and procedures to assess the situation of the family periodically over time so that in appropriate cases children can be returned to their families
- Involve children and youth in all decisions about possible alternative care and accommodation options
- When needed, provide support to the family of trafficked children and youth which enables them to ensure appropriate accommodation
- Ensure an adequate supply of accommodation options for trafficked children and youth who cannot return to live with their families, including independent living options
- Identify and train foster families for fostering children victims of trafficking
- Provide sustainable financial support to foster families
- Advocate for increased government funding for accommodation options for children, including crisis shelters and longer-term alternative care options
- Educate law enforcement and other actors on trafficking so that children exploited for begging and other less-recognised forms of exploitation are identified as trafficking victims and offered alternative care and accommodation options if they cannot return to their family
- Ensure, wherever possible, a consistent caregiver
- Partner with specialist care providers who have skills and experience in working with children and youth
- Ensure that anti-trafficking laws recognise all forms of trafficking, including exploitation for begging and other less-recognised forms of exploitation, so that children exploited for "less serious crimes" are nonetheless recognised by the law as victims of trafficking
- Regularly evaluate the different accommodation options, including from the perspective of trafficked children and youth
- Regularly evaluate each individual case to ensure that a child's needs are being met at different stages of his/her re/integration
- Require criminal background checks and other mechanisms to vet and monitor staff who work in shelters and residential care facilities
- Ensure all staff working with children have been trained in children's rights and age-appropriate communication
- Ensure the safety of children in shelters and residential care facilities by closely monitoring children's interactions with one another and with staff and having in place procedures to file complaints and address abuse or other problems that arise
- Develop and implement standards of care for all forms of care and accommodation offered to trafficked children and youth covering services offered and staff conduct
- Provide a wide range of qualified alternative care and accommodation options to meet the needs of trafficked children and youth, taking into account the diverse needs of different children over time
- Ensure close cooperation between organisations and institutions working with children to assure their access to suitable housing
- Ensure that shelters are only used in the beginning stages of re/integration and develop re/integration plans to return children to their families and/or communities, or to a suitable alternative care placement
- Work with courts and relevant government officials to simplify the custody process for child victims of trafficking
- Prohibit high court fees when dealing with child custody issues

4. MEDICAL ASSISTANCE

The physical conditions and medical needs of trafficked children and youth

Child victims of human trafficking have been exposed to a wide range of abuse and exploitation, which has a direct and often very dire impact on their physical (and mental) well-being. The forms of abuse and risks that trafficked children experience include physical, sexual and psychological abuse, the forced or coerced use of drugs and alcohol, social restrictions and manipulation, economic exploitation and debt bondage, legal insecurity, abusive working and living conditions, and a range of risks associated with being a migrant and/or having marginalised status. Physical abuse can include attacks, torture, deprivation of basic necessities (like food and sleep), physical restraint and the withholding of medical or other essential care.⁷³ In addition, living conditions while trafficked are often substandard, which further compromises trafficked children's health and translates into a range of health issues and illnesses. Trafficked children and youth may also have been forced to use drugs or alcohol while exploited or may abuse substances to cope with their exploitation or following their exploitation.⁷⁴ Trafficked children and youth are particularly vulnerable to the negative physical effects of trafficking due to their evolving developmental capacities and susceptibility to injury and harm.

Further, trafficked children who come from poor and disenfranchised families generally have grown up and developed in a poor living environment with little to no access to health care. As a result, some trafficked children and youth have medical needs that preceded and have likely been exacerbated by their exploitation.

As a consequence, trafficked children and youth may have a raft of (sometimes very complex) medical needs that need to be identified and addressed as part of their recovery and re/integration.

⁷³ Zimmerman, Cathy et al. (2003) *The Health Risks and Consequences of Trafficking in Women and Adolescents: Findings from European Study*, London: School of Hygiene & Tropical Medicine.

⁷⁴ Trafficked children should never be criminalised or liable for prosecution for any status-related offences (see *infra*), including drug offences.

Case studies. Trafficked children faced many health problems, illnesses and injuries

“Vesna”, 17 years of age when she left her trafficking situation, required specialised medical interventions for tumours in her breasts, which developed as a result of beatings sustained while trafficked.

“Ema” was five years old when he was trafficked for forced begging by his father. He was unable to return home because the father was physically abusive toward him. The boy had a range of medical issues. He had suffered a head injury at the hands of his father, which required bathing and dressing the wound and administering pain-killers as needed. In addition, his personal hygiene was very poor and as a result required skin treatment. He also suffered from anaemia and other health problems.

“Lilea” was five years old when she was sold by her parents to a taxi driver to pay off their debt. She was sexually exploited and abused by the man and suffered serious gynaecological injuries as a consequence and required gynaecological surgery.

“Amir” was the five-year-old son of a trafficking victim who had not received any vaccinations since birth. Health clinics did not have experience in how to proceed with cases of children with no vaccinations and it took some time and research resolve this issue in terms of how to vaccinate him.

“Katrina” was a thirteen-year-old girl exploited for begging and sexually exploited. While exploited she was forced to sleep outside and to eat from trash bins. When she arrived at the shelter she required urgent dermatological treatment; her skin was badly damaged because of exposure to cold and unhygienic conditions. She also required gynaecological treatment because of her sexual exploitation. The girl also suffered from persistent and debilitating headaches.

The child’s right to medical care

Children have the right to medical assistance as part of re/integration services. Article 24 of the CRC recognise every child’s right to “the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health”. States Parties are “to strive to ensure that no child is deprived of his or her right of access to such health care services”.⁷⁵

Similarly the Constitution of the World Health Organization (WHO) sets forth that:

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.⁷⁶

In recognising the right to health, WHO Member States agree that the “healthy development of the child is of basic importance” and that “governments have a responsibility for the health of their peoples, which can be fulfilled only by the provision of adequate health and social measures.”⁷⁷ Further, States Parties agree that health is a state of complete physical, mental and social well-being and not merely the absence of disease or

⁷⁵ Article 24 and Article 39 CRC.

⁷⁶ Paragraph 1 Constitution of the World Health Organization, 22 July 1946.

⁷⁷ Paragraph 1 Constitution of the World Health Organization, 22 July 1946.

infirmity.⁷⁸ Medical assistance to trafficked children should, therefore, entail services for both physical and mental health⁷⁹ and includes primary care, preventative care, treatment of specific diseases and nutritional interventions.

The CRC prohibits discrimination in the provision of medical assistance in Article 2.⁸⁰ This means that foreign children should have access to health care on an equal basis as national children in a country. It also means that children who are not registered (or who are registered elsewhere in a country) should nonetheless never be denied the provision of medical care. Further, children should not be subjected to mandatory testing for diseases, including HIV/AIDS.⁸¹ The provision of medical assistance to trafficked children and youth must take into account forms of discrimination that might undermine children's health and address the implications of such forms of discrimination.⁸² Recognising that gender-based discrimination is particularly pervasive, attention should be given to the differing needs of girls and boys and the impact of gender-related social norms and values on the provision of medical assistance and health and development of boys and girls.⁸³ To ensure that the provision of medical assistance is grounded in a broad approach to gender equality, all policies and programmes affecting children's health should ensure girls' full participation; recognition of equal rights related to sexual and reproductive health; and equal access to information, education, justice and security, including the elimination of all forms of sexual and gender-based violence.⁸⁴

The Committee on the Rights of the Child emphasises that special attention must be given to certain categories of children, including children and adolescents with psychosocial disabilities (that is, children suffering from psychosocial, emotional or mental problems) and that their care plans be "in accordance with the principle of the best interests of the child, with the primary understanding that it is in the best interests of all children with disabilities to be cared for, as far as possible, in the community in a family setting and preferably within their own family with the necessary supports made available to the family and the child".⁸⁵

Article 12 of the CRC states that any child able to form his/her own views has "the right to express those views freely in all matters affecting him/her" and that these views be given due weight in accordance with the child's age and maturity.⁸⁶ This, according to the Committee on the Rights of the Child, includes a child's views on all aspects of health provisions, including, for example, what services are needed, how and where they are best provided, barriers to accessing or using services, the quality of the services and the attitudes of health professionals, how to strengthen children's capacities to take increasing levels of responsibility for their own

78 Constitution of the World Health Organization, 22 July 1946.

79 Mental health services are further discussed in section 5: Psychological assistance and counselling.

80 The grounds on which discrimination is proscribed include race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status including sexual orientation, gender identity, and health status. Article 2 CRC and Committee on the Rights of the Child (2013) General Comment No. 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (Art. 24), OHCHR, p. 4.

81 Committee on the Rights of the Child (2005), General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, OHCHR.

82 Committee on the Rights of the Child (2013) General Comment No. 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (Art. 24), OHCHR, pp. 4-5.

83 "Attention also needs to be given to harmful gender-based practices and norms of behaviour that are ingrained in traditions and customs and undermine the right to health of girls and boys." Committee on the Rights of the Child (2013) General Comment No. 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (Art. 24), OHCHR, p. 5.

84 Committee on the Rights of the Child (2013) General Comment No. 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (Art. 24), OHCHR, p. 5.

85 Committee on the Rights of the Child (2013) General Comment No. 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (Art. 24), OHCHR, p. 5.

86 Article 12 CRC.

health and development, and how to involve them more effectively in the provision of services, as peer educators.⁸⁷ Trafficked children should not be coerced into receiving medical assistance or testing, unless it can be demonstrated on an individual basis that it is in the best interests of the child.⁸⁸ Finally, a trafficked child's privacy must be protected at all times during the provision of medical assistance and other re/integration services. UNICEF's 2006 *Guidelines on the Protection of Child Victims of Trafficking* encourage states and others to protect, as appropriate, the privacy and identity of child victims of trafficking and to take measures to avoid the dissemination of information that could lead to their identification.⁸⁹

Different models of medical interventions

The BIA will allow re/integration service providers to determine the health care needs of a trafficked child, including emergency issues and desirable long-term outcomes. Trafficked children and youth require different types of medical treatment, depending on the nature of their health problems and their specific trafficking experiences. The types of medical care required by trafficked children and youth include:

Emergency medical care. Upon identification, trafficked children should receive emergency medical care to address any urgent needs. The child's parent or guardian has legal responsibility for decisions about the care and provision of medical help, based on the advice and guidance of medical personnel. In situations when such consent cannot be obtained quickly (e.g. because the parent cannot be located, the child is outside of his/her country of origin, and so on) the urgent medical needs of the child may be considered paramount in the provision of emergency medical care. Typical emergency medical needs include, but are not limited to, treatment for cuts and infections, gynaecological problems, treatment of sexually transmitted diseases, abortions, dental problems, broken bones, dermatological problems, stomach/digestion problems, treatment for addiction and substance abuse and urinary tract infections.

Long-term, on-going medical care. Medical assistance needed is often longer-term. In some cases, victims have chronic conditions that require on-going medical assistance and care, sometimes over very long periods of time. Common problems have included diabetes, hepatitis, HIV/AIDS or other sexually transmitted infections (STIs), chronic gynaecological problems, inflammations, anorexia/bulimia, insomnia, chronic headaches, renal diseases, mental health issues, self-harming, respiratory problems, ulcers and digestive diseases.

Specialised medical treatment. Some trafficked children and youth have medical problems that require specialised medical diagnostic tools and tests – e.g. computerised tomography (CT) scans, magnetic resonance imaging (MRI), ultrasound examinations, echocardiograms (ECHO) and electroencephalography (EEG). In addition, treatment for specialised medical care is often prohibitively expensive and thus not available to most trafficking victims. This includes psychiatric treatment, various surgical interventions, treatment of reproductive problems, long-term treatment for substance abuse and addiction, dental care, treatment

87 "States are encouraged to conduct regular participatory consultations, which are adapted to the age and maturity of the child, and research with children, and to do this separately with their parents, in order to learn about their health challenges, developmental needs and expectations as a contribution to the design of effective interventions and health programmes." Committee on the Rights of the Child (2013) General Comment No. 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (Art. 24), OHCHR, p. 5. Further, states should review and consider allowing trafficked children to consent to certain medical treatments and interventions without the permission of a parent, caregiver, or guardian, such as HIV testing and sexual and reproductive health services, including education and guidance on sexual health, contraception and safe abortion.

88 Gallagher, Anne (2010) *Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking*, UNOHCHR, p. 167.

89 UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*, NY: UNICEF, p. 11.

of chronic conditions and physical rehabilitation. In a handful of instances, organisations have sought out specialised medical treatment abroad when the special medical interventions or services could not be accessed in the country.

Orientation and information about health and health care. In addition to treating medical problems, re/integration efforts also require working with beneficiaries to establish healthy living habits and to develop their capacity for self-health care, through health education sessions, for beneficiaries and to their families.

Overall challenges in the provision of medical care to trafficked children and youth

- **Lack of child friendly procedures in medical treatment.** In many countries, there are no special procedures and protocols for medical professionals working with child victims of human trafficking. This means that both medical staff and administrators engaging with trafficked children and youth do not always have the requisite skills and sensitivity to interact appropriately with children. There is, as a consequence, a risk not only of inappropriate and/or insufficient care but also re-victimisation due to poor treatment, stigmatisation and lack of sensitivity by medical personnel. There is also the risk that parents or guardians will be unable to accompany children during hospital stays or medical procedures, a form of support that is particularly important for younger children.
- **Only basic health care is available to most VoTs, including children.** NGOs often lack resources to meet the full medical needs of trafficked children and the state-provided medical care is limited in scope and nature. Often trafficked children and youth have access to only basic medical care, which means any specialist medical needs or chronic conditions are likely to go untreated (or undertreated).
- **General lack of free health care.** In some countries, the provision of “free” health care may be legislated but unavailable or not accessible in practice. This can be exacerbated in remote areas of a country where there simply are not health care providers or in urban areas where there are exorbitant wait times or lengthy bureaucratic procedures to access the system. Further, trafficked children and youth may find that they are not entitled to free health care due to citizenship, registration issues, social security requirements, and so on.
- **Discrimination and stigmatisation of trafficking victims, including children, by medical staff.** Very commonly, trafficking victims face discrimination, even stigma, in their interactions with health care workers. As a result of this treatment, trafficking victims are re-victimised within the assistance framework.
- **Lack of identity documents to access health care.** Most beneficiaries, upon exit from trafficking, do not possess any identity documents and, therefore, do not have a health insurance card. This often inhibits, or at least delays, their ability to access health services. Some trafficked children never had documents, which means a very long process of civil registration before they are able to access healthcare.
- **Delays in obtaining consent from parents.** Some medical testing and treatment for children requires written consent of parents/guardians, which can take time to obtain in situations when the child is not living with the family but where they have retained their parental rights. In some cases, it has been difficult to find the family. In other cases families have refused to consent to the treatment, because of personal or cultural differences or because the medical testing and treatment were not properly explained to them. The lack of parental/guardian consent can delay (and sometimes even prevent) medical assistance to children.

- **Lack of child participation in medical treatment.** Generally, trafficked children and youth are not actively engaged in and consulted about their medical issues and treatments. Decisions are often made on their behalf, sometimes without fully informing the child/youth who is concerned.
- **Violation of the privacy and rights of trafficked children.** Medical personnel do not always respect the privacy and rights of trafficked children and youth. There have been many instances in which medical personnel have insisted on obtaining details of their trafficking situations, even when not relevant for medical treatment. For example, one girl was asked by a clinic nurse about her trafficking experience (including a range of inappropriate and irrelevant questions) in the public waiting room, in front of other patients. In another case one dental clinic required all former trafficking victims to be tested for HIV and hepatitis prior to any dental treatment. There are also issues around medical staff sharing confidential medical information with other stakeholders and service providers, without consent of the trafficked child/youth or his/her parent/guardian.
- **Lack of cooperation between different medical institutions.** Some trafficked persons have faced multiple medical problems and the different medical institutions did not communicate and cooperate in terms of treatment. In some instances, lack of cooperation occurs between private and public clinics, which do not refer patients to one another. More generally, this hinders a holistic approach to the child's health problems and needs.
- **Pre-existing medical needs.** Some trafficked children have health problems that preceded trafficking but which nonetheless require treatment. Many trafficked children originate from impoverished families who did not have access to medical care, which may have impeded development or led to chronic health problems. Children or youth from violent homes may have health problems that result from the violence. Not only do these health needs require treatment, but the lack of care at home must also be factored into the individual re/integration plan of the child or youth.
- **Lack of knowledge about human trafficking and identification/referral procedures.** Doctors and medical staff in primary or secondary health care systems are generally not included in any specialised training for the identification and protection of child victims of trafficking. As a result, they are often unaware of the specific issue and how to refer the child for appropriate care.

Box #7. Good practice in medical referrals

One NGO in Bosnia-Herzegovina worked together with representatives from the public health institutions and the public hospital to develop a protocol/memorandum on provision of free health services for the beneficiaries of the NGO.

In Albania, the Ministry of Health was, in 2012, included as part of the National Referral Mechanism (2012) and will be responsible for the provision of health service for former victims of trafficking.

In Kosovo, a memorandum of understanding (MoU) between Ministry of Health and Kosovar Shelter Coalition (8 shelter organisations) was signed in the beginning of 2014 for the provision of free of charge health care assistance for victims of trafficking or domestic violence and other vulnerable groups.

Recommendations for providing medical care to trafficked children and youth

- Make free of charge medical assistance available to all trafficked children and youth, both in the short- and long-term, as in-patients and out-patients
- Expand the provision of (free of charge) medical care for trafficked children and youth to include medicines and specialised treatments
- Train relevant medical personnel in child friendly protocols and procedures for trafficked children and youth and monitor their implementation
- Ensure that child friendly protocols and procedures allow for parents or guardians to accompany children (particularly younger children) when appropriate during hospital stays, doctor visits, and other medical procedures
- Accompany children when appropriate during hospital stays, doctor visits and medical procedures and intervene on behalf of the child when medical personnel act in an inappropriate manner
- Provide trafficked children and youth with identity documents and the means to access medical care
- Work to streamline the procedure of obtaining consent from parents/guardians to address delays in the provision of medical treatment to child victims of trafficking
- Build the capacity of health institutions (private and public) to identify and refer VoTs according to standard operating procedures
- Ensure that child victims are actively engaged in and consulted about their medical issues and treatment and require informed consent for medical procedures and appropriately inform family or guardian
- Develop (and enforce) ethical procedures in the provision of healthcare to trafficked persons, not least in terms of privacy and confidentiality
- Implement protocols and procedures to ensure the privacy of children and youth receiving medical care
- Increase involvement of the ministry of health (and local health departments) in the identification and assistance of trafficking victims, including the implementation of bilateral MOUs with NGO service providers
- Establish cooperation and referral at a local level between health units and social services
- Monitor the involvement of health departments and medical personnel and make improvements as needed
- Develop special community-based programmes for beneficiaries with mental health problems
- Ensure that pre-existing medical needs are addressed as part of comprehensive health care
- Assess the availability (or lack) of care within the child's family/home environment and other circumstances at home that may affect the child's health and factor these into the child's re/integration plan
- Include doctors and medical staff in specialised trainings for the identification and protection of child victims of trafficking

5. PSYCHOLOGICAL ASSISTANCE AND COUNSELLING (FOR INDIVIDUAL CHILDREN AND THEIR FAMILIES)

The psychological and mental health needs of trafficked children and youth

Trafficked children and youth often experience severe and complex mental health issues as a result of their trafficking exploitation. As a consequence of the horrific experiences trafficked children faced while trafficked, many trafficked children suffer great stress and trauma. Trafficked children may suffer from various serious conditions, including mood disorders, anxiety disorders, depression, conduct disorders, dissociative disorders, substance abuse related disorders and post-traumatic stress disorder (PTSD).⁹⁰ They may also experience feelings of stress, shame, low self-esteem, lack of motivation, lack of social competence and lack of interpersonal trust as a result of their exploitation. The psychological impact of trafficking on children is of particular concern given that children have less developed coping skills due to their age, maturity and stage of development.

The mental health needs of trafficked children may go beyond the emotional disturbances related to their trafficking experience. Trafficked children who come from poor and disenfranchised families generally have grown up and developed in a poor living environment with little to no access to health care, let alone psychological care. Some trafficked children may have experienced neglect, violence or trauma in their home environment before their trafficking experience and as a result may have mental health needs that preceded and have likely been exacerbated by their exploitation. Some trafficked children may have mental disabilities that complicate their recovery.

In addition, trafficked children and youth may face additional psychological issues when trying to recover and move on from trafficking. Problems and stressors when trying to recover and move on from the trafficking experience may exacerbate mental health problems, including tensions within the family, lack of emotional support within the family or community, being in limbo while involved in legal procedures and lack of assistance and support to cope with life after trafficking. For trafficked children who return home, family mediation may be needed to provide psychological support and understanding of the mental health consequences of their trafficking experiences.

⁹⁰ In addition to PTSD, victims of human trafficking have been found to suffer from other anxiety and mood disorders including panic attacks, obsessive compulsive disorder, generalised anxiety disorder, and major depressive disorder. Individuals with traumatic histories of physical and/or sexual abuse have also been found to be at increased risk for the development of dissociative disorders. Williamson, Erin, et al. (2010) *Evidence-Based Mental Health Treatment for Victims of Human Trafficking*, United States Department of Health and Human Services.

Case studies. Trafficked children face psychological issues and stresses

"Alma" was 17 years old and living with her family in a remote village in her country when she was raped by her brother. Shortly afterward she was trafficked into prostitution by a "boyfriend". After a short time she was rescued by the police and brought to a shelter. In the first days at the shelter she showed no emotional reaction. She was withdrawn, had trouble with sleep, had bad dreams, did not eat well, and was often crying. She had difficulties creating relationships with others in the shelter, especially with the caregiver. She was deeply traumatised by the rape by her brother and feared that her family would not accept her home.

"Ana" was abandoned by her father and stepmother as a young child because she was considered "bad tempered and defiant". She was sexually exploited at age fourteen after which she was assisted by an organisation working with trafficked children. She had a range of psychological problems, not least suffering from severe anxiety and anger management issues.

"Suzana", a fifteen-year-old girl trafficked for sexual exploitation, was referred to an assistance organisation after being identified as a trafficking victim. She was suffering from PTSD and dissociative disorder and she was not fully aware of what had happened to her.

The child's right to psychological assistance and counselling

As established in the previous section on medical assistance, international human rights law recognises the human right to health and further recognises that health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.⁹¹ Trafficked children have the right to psychological assistance and counselling as part of re/integration services, not only as a subset of rights under medical assistance, in accordance to with Article 39 of the CRC, which obligates states to

...take all appropriate measures to promote physical and psychological recovery and social re/integration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and re/integration shall take place in an environment which fosters the health, self-respect and dignity of the child.⁹²

To promote psychological recovery and social re/integration, trafficked children should be provided with psychological assistance, counselling, rehabilitation and social re/integration services.⁹³ The obligation to provide trafficked children with psychological assistance and counselling as part of re/integration services is also enshrined in Article 19 of the CRC.⁹⁴

91 Constitution of the World Health Organization, 22 July 1946.

92 Article 39 CRC.

93 Gallagher, Anne (2010) *Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking*, UNOHCR, p. 166.

94 Article 19 of the CRC states: 1) States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child and 2) Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Trafficked children and youth may be addicted to drugs or alcohol and should receive specialist treatment for substance abuse as needed. Trafficked children should never be criminalised or liable for prosecution for any status-related offences, including drug offences.⁹⁵

Different models of psychological support for trafficked children and youth

There are different models of psychological support for trafficked children and their families that include traditional counselling and mediation as well as strategies for stress management and strength-building. Trafficked children may require different types of psychological care depending on the nature of their mental health issues and their specific trafficking experiences. The types of psychological care required by trafficked children and youth include:

Individual psychological counselling. Upon identification, trafficked children should receive individual psychological counselling to assess and address their specific mental health needs. Individual psychological counselling is a process in which a patient meets one-on-one with a trained psychologist or therapist, in a safe, supportive and confidential environment, to work toward physical and emotional stabilisation. Psychological counselling focuses on the facilitation of personal and interpersonal functioning to address the individual's past and present (and overlapping) experiences and to address his/her trafficking trauma.

Group psychological counselling. Group counselling can help trafficked children to feel that they are a part of a peer group, which can provide much-needed social support. Group counselling is a form of psychological care or therapy in which individuals with similar experiences come together as a group to work with a professional psychologist or therapist. The professional directs the session, but individual members of the group contribute through sharing their feelings and experiences and listening to one another. Group counselling is an established approach in providing psychological care. Trafficked persons have talked about the importance of being able to share their experiences with others and receiving encouragement and support.

Specialised psychiatric intervention (and psychological support). While psychological problems are mainly treated by psychologists through psychotherapy (such as psychological counselling) and specialised psychological treatments, there may also be a need to combine this with specialised psychiatric intervention. In most cases, specialised psychiatric intervention necessitates temporary hospitalisation. Specialised psychiatric intervention is generally used with patients who are in danger of harming themselves or others, but it may also be used with some trafficked children and youth who have severe mental health issues – e.g. psychosis, schizophrenia, bipolar disorder, psychotic depression – that require specialised psychiatric treatment to be controlled with the right support/medication. This treatment is generally offered in cooperation with a psychologist who works closely with the individual on a day-to-day basis. In some cases, psychological care is combined with pharmacotherapy, which ordines a psychiatrist.

Counselling related to substance abuse. Re/integration may require preventing illicit drug use through rehabilitation, psychological assistance and counselling. There are various types of rehabilitation programs including: residential treatment (in-patient), out-patient treatment, addiction counselling, mental health assistance

⁹⁵ A status-related offence refers to conduct that would not be a crime if it was committed by an adult. In other words, actions that are "status-related offences" are only considered to be violations of the law because of the child/youth's status as a minor. Common examples of status-related offences include underage possession and consumption of alcohol, truancy, running away, violating curfews, and so on. See also Article 23 CRC on the special needs of children and youth with disabilities.

and medical treatment through pharmacotherapy, all of which must be assessed for appropriateness to a child's age. Physicians and psychologists both play an important role in the drug and alcohol rehabilitation of persons.

Art therapy. Art therapy is a form of psychotherapy that uses art media as its primary mode of communication. It includes painting, drawing, collaging and sculpting. Victims of trafficking may experience difficulties in expressing their feelings and in recalling trauma related episodes. Art therapy can help as an alternative form of (non-direct) expression. It can be used as both an assessment and therapeutic tool. Art sessions can help child and youth trafficking victims to reduce symptoms of depression and anxiety, to increase their self-esteem and feelings of self-worthiness, and art therapy encourages safe disclosure. The purpose of art therapy is essentially one of healing; service providers have found it is especially successful for VoTs with mental or emotional problems.

Drama therapy. Drama therapy is the intentional use of drama or theatre processes to achieve therapeutic goals. This type of therapy can help child trafficking victims gain insight and catharsis through (re)enacting their own past and present issues or problems. Role-plays in a safe group and environment can help child VoTs to explore their inner conflicts, develop and learn new coping skills, and stabilise their physical and emotional wellbeing.

Body/movement therapy. This approach to psychotherapy aims to reconnect the person with his/her body after a trauma and to efficiently integrate the experience into his/her life. Body/movement therapy is particularly successful with children, as children have a natural system for expressing and releasing the effects of trauma.

Mindful meditation and coping skills. This technique of concentration and engagement moment by moment helps children to be unconditionally present, thereby increasing their self-awareness and abilities to savour happy times and better manage the trying times. It helps children to stay connected with their true selves, building a sense of self-love and worth. In practice it translates into better concentration, increased focus and improved memory.

Yoga and other relaxation techniques. Victims of trafficking experience stress and anxiety as a result of their past traumatic experiences and present situations. Relaxation techniques can help them reduce physical symptoms and pain, muscle tension, and may result in better concentration in children. Yoga and relaxation techniques can be held in groups and also tailored to children so they can practice them individually when they go through stressful situations. Relaxation techniques include breathing meditation for stress relief, progressive muscle relaxation, body scan meditation and other imagination relaxation techniques. These techniques help beneficiaries to have relief from negative thoughts and gain inner sustainability as a crucial state of mind.

Box #8. Good practice: different models of psychological support for trafficked children and youth**Family counselling and mediation**

"Hana" was 15 years old when she was referred and accommodated in a rehabilitation centre as a victim of trafficking. She had dropped out of school because of her trafficking situation and could not finish the final class of elementary school. Before her trafficking experience she had been living with her parents and her little brother at home. She had been a good student and enjoyed school. Upon entry into the assistance programme Hana was suffering from post traumatic stress disorder (PTSD) and dissociative disorder as a result of her trafficking experience. The programme lasted five months and in addition to providing a range of psychological services to Hana, from individual to group counselling, the centre also worked on improving her relationships with her family members, especially with her parents, who at first believed that the daughter's trafficking was her fault. The family counselling and reconciliation sessions had a huge impact upon her reintegration. Afterward Hana started to visit her family and to maintain healthy family relations that helped her a lot during her recovery. When she left the programme, Hana returned home where she was welcomed by her family. She continues to live with them and family relationships are generally positive and healthy. With assistance from state social services and other organisations, Hana was also able to return to school.

After her trafficking experience "Marija" continued to have a very good relationship with her mother, but her relationship with her stepfather was not good. Her stepfather blamed her for what had happened to her. The organisation working with Marija provided the family as a whole with mediation counselling (in addition to other re/integration services), after which Marija's stepfather invited Marija to move back home.

Combined forms of psychological support

"Lara" was abandoned by her mother at age two and grew up with her father and stepmother. Lara was told that her mother had died, but at age seven she discovered that her mother was still alive and had abandoned her. She was very distressed by this discovery and, as her family explained to service providers, Lara became a "bad tempered and defiant child, very difficult to get along with and very jealous". At age fourteen Lara was sexually abused and exploited both inside and outside of her country. She was identified and assisted by an organisation working with trafficked children. It was necessary to address her psychological problems, both those that existed before she was trafficked and those that were exacerbated by her trafficking experience. The assisting organisation provided a range of services to meet these needs including psychological counselling, anger management techniques, training of social competences and assertiveness, social support within a peer group, mediation with her family and eventually the opportunity to meet with her mother.

Overall challenges in the provision of psychological support to trafficked children and youth

- **Trafficked children may be resistant to or not ready for psychological support.** Trafficked children and youth may feel unable to cope with reminders of their trafficking experiences or the associated emotions that may arise during psychological treatment or counselling. Further, trafficked children may struggle with interpersonal trust, mistrust psychological assistance in general and have difficulties in asking for help.
- **A lack of support from family members.** Family members may not be able to accept what has happened to a child or may even blame the child for the trafficking experience. Family members may not be able to understand a child's mental health needs or may have prejudices against the provision of psychological treatment.
- **Lack of child friendly procedures in psychological treatment.** In many countries, there are no special procedures and protocols for mental health care professionals serving (child) victims of human trafficking.
- **Lack of identity documents to access psychological care.** Most beneficiaries, upon exit from trafficking, do not possess any identity documents and, therefore, do not have a health insurance card and/or access to healthcare.
- **Pre-existing mental health needs.** Some trafficked children have psychological problems that preceded trafficking but which nonetheless require treatment. Children or youth from violent homes may have mental health problems that result from the violence. Not only do these mental health needs require treatment but the lack of care at home must also be factored into the individual re/integration plan of the child or youth.
- **Inadequate availability of psychological services for trafficked children and their families.** Psychological or counselling services may not be available to a child once s/he is returned to his/her home. The child's family may also be in need of psychological assistance that is not available and the cost of travel to receive services may be prohibitive. This threatens the child's ability to continue to receive psychological assistance and leaves the child vulnerable to regression. There may be too few professionals trained in psychological support and counselling, especially in small towns and rural areas.

Recommendations for psychological support to trafficked children and youth and their families

- Ensure that trafficked children and youth have access to psychological assistance as part of re/integration, without any form of discrimination
- Work to develop interpersonal trust with trafficked children and youth to aid in the provision of psychological treatment and counselling
- Conduct family mediation and work with family members to provide family-based support, family therapy and understanding of a child's mental health needs
- Offer psychological support to the family in order to create a healthy psychological environment and prevent a possible relapse for the child
- Ensure child specific and trafficking specific training for all staff providing psychological care to trafficked children
- Recognise that some "symptoms" may be coping strategies even if maladaptive
- Provide trafficked children and youth with identity documents and the means to access psychological support
- Assess the availability (or lack) of psychological support within the child's family/home environment and factor into the child's re/integration plan
- Provide a wide range of psychological support to trafficked children and youth, from individual and group counselling to alternative models
- Individualise psychological support and ensure that trafficked children and youth are actively engaged in and consulted about their psychological care
- Increase involvement of the ministry of health (and local health departments) in the identification and assistance of trafficking victims, including the implementation of bilateral MoUs with NGO service providers
- Provide specialised trainings to professionals who are in contact with children (such as teachers, educators, school psychologists), to develop the referral mechanism for psychological support in trafficking cases
- All local institutions working directly with children (i.e. the police, social workers, the court and so on) should have a child psychologist as permanent staff in their team

6. EDUCATION AND LIFE SKILLS

The educational needs of trafficked children and youth

Trafficked children and youth have typically missed out on some or all forms of education in the lead-up or as a result of their trafficking experiences. Some children who started school have been unable to complete their education and may face difficulties in returning to school – e.g. being placed with much younger children or facing difficulties in adjusting to the (structured) school environment. Some children face discrimination and stigma in schools and/or have health and psychological problems that negatively impact their performances in the classroom. Other children did not have access to education even before trafficking and, as a consequence, lack even the most basic literacy and numeracy. Trafficked children and youth may also lack basic life skills that can be key in helping them cope with their trafficking experiences and move on constructively with their lives. Nonetheless many trafficked children show resilience in overcoming these barriers and successfully re/integrate into the school environment.

Case studies. Trafficked children needed education and life skills

“Farah” was an eleven-year-old girl trafficked to the Balkans from the Near East. She was granted temporary residence in the country of destination and was accommodated at the state-run shelter. She struggled to adapt to life in the shelter including the restrictions on her movement and the new cultural environment. She was unable to attend school as she did not speak the local language. She started learning the local language with a teacher hired by a local NGO, but was unable to attend school until she was sufficiently fluent. This was a source of stress and anxiety for her.

“Natalja” was 17 years old when she was rescued by the police after being trafficked for sexual exploitation. She came from a difficult background, having grown up very poor in a village and having been raped by her brother prior to being trafficked by her boyfriend. She was assisted at a shelter for children where staff helped her with key issues like problem solving, how to communicate effectively with others, who and how to trust, building self-esteem and empowerment and education about sexual relations, health and relationships.

The child’s right to education and life skills

The CRC recognises the right of a child to education in Article 28 and instructs States Parties, among other things, to make primary education compulsory and available free to all and to make educational and vocational information and guidance available and accessible to all children.⁹⁶ Article 28 specifically

⁹⁶ Article 28(a) and Article 28(e) CRC.

sets forth that States Parties shall “encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.” Article 28 further sets forth that States Parties shall make higher education accessible to all, an important provision for trafficked youth who may require higher education in order to eventually secure sustainable, satisfactory employment. States Parties to the CRC further agree that the education of the child shall be directed to the development of the child’s personality, talents and mental and physical abilities to their fullest potential and to the development of respect for the child’s cultural identity, language and values, and the country from which he or she may originate.⁹⁷

The *International Covenant on Economic, Social and Cultural Rights* also recognises the right to education in Article 13, stating that primary education shall be compulsory and available free to all and that secondary education in its different forms (including technical and vocational secondary education) shall be made generally available and accessible to all by every appropriate means.⁹⁸

Guideline 8.10 of UNICEF’s 2006 *Guidelines on the Protection of Child Victims of Trafficking* requests states and others to consider “taking measures to ensure adequate and appropriate training, in particular legal and psychological training, for persons working with child victims of trafficking”.⁹⁹ Persons, such as teachers, working to provide education and life skills to trafficked children should undergo such trainings to ensure that they work in a child-sensitive manner respecting the privacy of the victim.

It is also important to ensure that trafficked children also have access to play and recreational activities, as outlined in Article 31 of the CRC:

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.¹⁰⁰

Different educational models for trafficked children and youth

There are different types of educational opportunities which trafficked children and youth may require. These include:

Formal education. Formal education refers to the structured educational system provided by the state for children. In most countries, the formal education system is state-supported and state-operated. In some countries, the state allows and certifies private systems that provide a comparable education. Formal education is generally done through reinsertion in the mainstream education system but also through night schools, correspondence classes, etc. Catch-up classes may also be offered as part of the formal education system to facilitate school reinsertion.

⁹⁷ Article 29 CRC.

⁹⁸ Article 13 *International Covenant on Economic, Social and Cultural Rights*, 3 January 1976.

⁹⁹ Gallagher, Anne (2010) *Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking*, UNOHCR, p. 166.

¹⁰⁰ Article 31 CRC.

Non-formal education. Non-formal education is that which takes place outside of the formally organised school system. Non-formal education is not compulsory, does not involve formal certification and may or may not be state-supported. For trafficked children, non-formal education generally centres around “catch up” tutoring toward subsequent enrolment in the formal school system, tutoring and examination preparation. Many organisations undertake such classes in close cooperation with the public school system, following similar curricula to the formal system. However, non-formal education also includes basic literacy workshops, foreign language classes and IT courses. In addition, some programmes have private teachers who work with children who cannot be enrolled in school (e.g. for security reasons, lack of documents and so on).

Life skills training. Life skills are problem solving behaviours, as well as knowledge and skills used appropriately and responsibly in the management of personal affairs. They are a set of human skills acquired through teaching or direct experience that are used to handle problems and questions commonly encountered in daily life and may include:

- Interpersonal skills, to deal appropriately with others
- Listening skills – to empathise and understand
- Communication skills
- Negotiation skills – to be assertive, avoid conflict
- Problem-solving
- Decision-making
- Skills to cope with emotions
- Relationships skills
- Basic literacy and numeracy skills

Box #9. Good practice: school reinsertion initiative

Schools need to be committed to assisting trafficked children to return to, stay in and succeed in school. One organisation in Serbia invites schoolteachers and staff to visit their organisation and the children as a means of breaking the stigma against these children. It also helps the children to overcome their fear of teachers; many never went to school because they were afraid of teachers and school authorities. As part of the exchange, children can go to the school and sit in on classes to see what they are like. Once children enrol in school, the organisation continues to support the children and their families to help them to stay in school. Outreach workers go to the family/community and accompany children to and from school. They interact with the family and the teacher and, where needed, facilitate communication between the two.

Good practice: supporting life skills training

Example #1. Sage Life Skills Programme, San Francisco, is offered to girl victims of sexual exploitation, between 13 and 18 years of age, living in their communities. Topics and approaches include: learning about sexual exploitation; healthy relationships; reproductive health and sex education; domestic violence; pimping tactics and dating older men; anger management; job readiness skills (e.g. CV/resume writing and interviewing); substance use and harm reduction; and developing healthy boundaries and a healthy lifestyle.

Example #2. “Power girls” project in West Bengal, India was designed for rescued girls and offered as part of a residential programme. Topics and issues included: “knowing myself”, communicating with others and active listening; helping others and problem solving; relaxation, stress reduction, building trust and working with negative emotions; peer pressure; gender and society (including role models, strong women, assertiveness, inequality); “men in my life” (including male attitudes and behaviours; “my family”(including family roles, family conflicts) and planning for the future and goal setting.

Overall challenges in the provision of educational opportunities to trafficked children and youth

- **Administrative and bureaucratic barriers.** In some countries, children must attend school in the area where they (and their families) are registered as living. However, this is not always possible – e.g. when it is not safe to return to the family – and the administrative system does not allow for registration in schools in other areas. Some programmes hire private teachers for these children. However, the classes are not part of the formal education system, which means their education is not accredited and recognised by the state.
- **Discrimination and stigma.** Not uncommonly trafficked children face discrimination in trying to re-enter the formal education system. In some situations, this discrimination prevents them from even being able to attend school. In other cases, children may be able to attend school but will face discrimination – e.g. as a trafficked person if their experience is known or as someone who has left school and is behind the other students. Some trafficked children face discrimination as a result of other, often pre-existing factors – e.g. being from a poor family, coming from an ethnic minority, being a former street involved child, etc.
- **Lack of interest in or ambivalence toward education.** Some trafficked children and youth (and their families) are not interested in attending school. They have not been raised in environments where education is valued and they see more value in trying to work and earn money for the family. Some trafficked children come from families that actively discourage their attendance at school, particular when it interferes with work/income earning. Many organisations face the challenge of explaining to these children and youth (and their families) the importance of education, particularly when they can earn more begging than they can with a job that requires completing formal education. Some trafficked children (and/or their families) are ambivalent about receiving education, which translates into low motivation on the part of the child/youth and/or little support/encouragement from their family to continue with education.
- **Not adjusted to educational format.** Some trafficked children and youth are not adjusted to the school environment. They find it difficult to sit in a classroom all day and to adhere to the structure and discipline of the school setting. This in turn causes tension between the child and teacher and in relations with other students.
- **Social and cultural barriers.** In some families and communities there is a low priority placed on girl's education. Girls may also drop out of school in cultures where they marry at a young age – sometimes as young as 12 and 13 years old. Often such cases are not detected or prioritised in schools and go unreported.
- **Lack of birth registration and/or identity documents.**¹⁰¹ Many trafficked children have not been registered at birth, particularly ethnic minorities, which means they lack the documents and, by implication, the right to access education. Further, the process of birth registration can be both complicated and costly and families may not have the resources to pay for this process and/or knowledge to navigate the legal/administrative steps involved. Acquiring birth registration and identity documents is particularly difficult in the case of trafficked children who are not living with and/or do not have contact with their families.
- **Individual limitations.** Some trafficked children have special needs, which cannot be met within the mainstream schooling system. This includes children with mental disabilities, behavioural issues and various types of learning disabilities.

¹⁰¹ Lack of registration and formal status is an obstacle in accessing a wide range of services offered by the state including medical care, vocational training, job placement and so on.

- **Age differences.** Some trafficked children have had little or no schooling, which means being placed with children much younger than themselves. This is not a viable option from either an education or social perspective. In some situations there are options for older children to attend part-time schools or night schools, which allow them to complete two grades in a year. However, these school options are not available in all areas/countries.
- **Security issues.** Some children are unable to attend formal school because their trafficker is at large and poses a threat to their safety. While classes may be provided in a shelter, this means that the child does not benefit from other aspects of education including social interactions with peers. It may also mean that the child does not receive formal educational certification from the state, which may limit future education, training and employment opportunities.
- **Transportation.** Some children and youth, particularly those from rural areas and in higher grades, need to travel to attend school, which is difficult for them. In some cases, this travel is stressful – for children (and their families) who may feel vulnerable after their trafficking experience. In other cases, the travel costs themselves serve as a barrier.
- **Funding issues.** In many countries, education is free. But there are associated costs which are hard for some children and their families to pay – for example, enrolment fees, buying school books and uniforms, travel costs, sitting exams, tutoring, etc. Further, many trafficked children do not fit easily within the formal education system – e.g. because they are older than classmates, fear of discrimination/stigma and so on – and alternative options – e.g. night school or equivalency programmes – are fee-based.
- **No education options for foreign victims.** Language constitutes a barrier to attending the state-run schools when foreign victims integrate in the country of exploitation. Moreover, for trafficked children who will return home or settle elsewhere, they should be offered education consistent with the national curriculum of the country in which they will re/integrate.
- **Lack of education limits economic options.** Having a certificate as evidence of attending school is required for most employment in the TVRP project countries, making completion of secondary school essential. Secondary school is required for a range of fields that trafficked persons assisted within the TVRP have entered – e.g. tailor, hairdresser, administrator, secretarial work, shop assistant, cosmetician, cook, baker and waitress. The only jobs for which secondary schooling is not required are cleaning and work in agriculture, which may be suitable in the short-term, but with limited wages and long-term prospects.
- **Lack of alternatives to regular schools.** In some countries, changes in legislation have led to the closure of special schools and night schools that have been helpful for children and youth who do not feel comfortable or fit within formal school systems.
- **Ancillary services needed to support staying in school.** To encourage staying in school means, for some trafficked children, helping them to satisfy their daily needs – e.g. food and clean clothing, helping with homework, being accompanied to school, an in-kind subsidy, etc. There may also be a need to refer these children to other organisations for services to address their other needs.
- **Financial difficulties lead to school leaving.** Due to poverty or an economic crisis in the family, some children and youth must (or choose to) leave school to work to support their families.

- **Unresponsive education system and staff.** Staff are not always trained and sensitised in working with trafficked or vulnerable children/youth nor do they have the resources or training to support the educational success of these children/youth. Children may not only need support due to their past exploitation but also because they face difficulty in concentrating when their lives are unstable and insecure due to family problems, involvement in legal proceedings and so on.

Recommendations for educational opportunities to trafficked children and youth

- Work with governments and school officials to overcome administrative and bureaucratic barriers to school registration and reinsertion
- Advocate for the development of programmes to provide private teachers for children who are not able to enrol in the formal education system and ensure these private programmes are accredited by the state
- Offer teachers and administration training in trafficking issues to eliminate discrimination and stigma against trafficked children and youth
- Develop anti-bullying programmes, peer support groups and other such programmes to work with children in schools to eliminate violence, discrimination and stigma generally within peer groups
- Engage with school teachers to support the integration of trafficked children and youth in the school environment
- Mediate with trafficked children and their families to help them to understand the importance of education
- Develop alternative programmes within the formal school system to help trafficked children and youth adjust to the school environment
- Ensure that trafficked children and youth are able to register for school by providing them with identity documents and allowing open enrolment
- Work with special educators and school officials to address the special needs (such as mental disabilities, behavioural issues and learning disabilities) of trafficking victims who return to school, as much as possible including children with special needs in the regular classroom (with the assistance of classroom assistants and so on)
- Advocate for the development of part-time or night schools which allow older children who return to school to attend classes with peers their own age
- Assess and address security issues and include them in the child's re/integration plan with the goal of school reinsertion whenever possible
- Provide free or affordable transportation to trafficked children and youth who must travel to attend school
- Provide support for school materials like books, uniforms and so on
- Offer alternative educational opportunities, particularly to children who speak a different language or are outside of their home country, including private teachers accredited by the state and options such as free or affordable night school, part-time classes or equivalency programmes
- Offer non-formal educational opportunities which are focused on formal school reinsertion
- Encourage trafficked youth to attain higher education
- Work with organisations to provide much-needed support for trafficked children and youth in school, including tutors, help with homework, and providing for basic needs
- Undertake family mediation and offer assistance to families to build a network of family support for trafficked children and youth to remain in school
- Train and sensitise educational staff in working with trafficked or vulnerable children/youth and provide resources to support the educational success of these children/youth

7. LEGAL AND ADMINISTRATIVE ASSISTANCE

The legal and administrative needs of trafficked children and youth

Trafficked children have different legal and administrative assistance needs with which they generally require support. These can be generally divided into administrative needs and legal needs.

Administrative needs are related to assistance and mediation required in dealing with the state to access rights and entitlements. This includes assistance in processing identity documents, birth registration and accessing social welfare services (e.g. financial assistance, pensions, family pensions). In some cases trafficked children and youth will need to directly access these services; in other cases, it is the child's family along with the child who require this administrative support.

Legal assistance needs are those dealing with legal issues not related to trafficking experiences. Legal assistance is different from legal representation (which should be provided to trafficked children during a criminal case or immigration proceedings). Legal assistance may include providing trafficked children with obtaining identity documents, civil registration, assistance with divorce proceedings, guardianship issues, child custody, obtaining material support (e.g. alimony, child support), dealing with issues of family violence, inheritance claims and so on. Here again, it may be the child and/or the child's family that has these needs. And in some cases trafficked youth may have children themselves with legal assistance needs. An additional issue in the case of trafficked children and youth is that of guardianship. Trafficked children should be appointed a guardian to protect their rights and interests, whenever their parents are temporarily or permanently unable, unwilling or unsuitable to exercise their parental rights.

Case studies. Trafficked children faced issues with legal status

"Natasha" grew up in a house for children without parental care. She was trafficked abroad for prostitution. When she returned home from abroad, she did not have any legal documents. The organisation assisting her contacted state social services to request that social services issue new documents. However, when Natasha turned 18, she could no longer use the address of the state social services for her various legal documents including her identity card, health insurance or welfare financial help. She did not have a permanent address in the city where she was being assisted and so did not have any legal registration or documents. Only after much advocacy on the part of the assisting organisation was it possible to register the young woman at the state social service office in her community of origin. Without the active involvement of the NGO, however, this would not have been possible.

"Violeta" was abandoned by her parents as a girl and ended up trafficked for prostitution. Upon returning home she was assisted in a shelter programme. However, the organisation explored options for kin-based care and began working with her grandmother, who wished to assume custody of her granddaughter. The organisation is currently assisting the grandmother to navigate custody proceedings, which are complex and also costly.

When "Biljana" was born, her mother did not register her birth. Her parents separated when she was just one year old and her mother started a relationship with another man, with whom she had three more children, all of whom were registered and had legal status. In spite of not having legal documents, Biljana was permitted to attend school and her mother received child support from state social services. Upon completing primary school, Biljana's father arranged for her to be married to a much older man (45-years-old), agreeing also that she would work for her "husband's" family on their farm. Biljana was abused by this man's family and, after six months, escaped and sought help from her aunt who reported her case to the police and to the Centre for Social Work. She stayed in her aunt's village where she was able to attend a technical high school, still without legal documents. She tried on several occasions to be registered and obtain legal documents from different centres for social work and police units (in her hometown and in her aunt's village) but all institutions said it was not their responsibility. One NGO worked with Biljana to obtain her personal documents, but both options to do so were complicated and expensive. One option required that she initiate a private lawsuit for paternity/maternity with DNA analysis, which was prohibitively expensive. The other option involved establishing a guardian for Biljana to facilitate the registration process, including the requirement of two witnesses to testify where Biljana was born, confirmation by a gynaecologist that Biljana's mother was able to give birth and had already delivered, and confirmation by a paediatrician of Biljana's age (all of which was complicated to arrange).

The child's right to legal assistance and legal status

Re/integration services to trafficked children should include legal assistance, which involves such services as the provision of information, appointment of a guardian, providing trafficked children with identity documents, civil registration, and so on. Child victims have the right to be provided with accessible information regarding their situation and their rights, including protection mechanisms, other available services, and the processes of family reunification and/or repatriation.¹⁰²

Trafficked children should be appointed an independent and qualified guardian to protect their rights and interests.¹⁰³ The appointment of a guardian is required when children are temporarily or permanently deprived of parental care, most commonly when they are separated or unaccompanied outside of their country of origin or when they are not returned immediately to their families. The appointment of a guardian is critical to ensuring that the state provides the special protection and assistance to children deprived of parental care that is

¹⁰² UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*, NY: UNICEF, p. 11; Articles 9,13 CRC, Article 10 Trafficking Protocol.

¹⁰³ "Typical tasks for a guardian would include ensuring the child's best interests remain the paramount consideration in all actions or decisions taken in respect of the child; ensuring the provision of all necessary assistance, support and protection; being present during any engagement with criminal justice authorities; facilitating referral to appropriate services; and assisting in the identification and implementation of a durable solution." Gallagher, Anne (2010) *Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking*, UNOHCR, pp. 169-170. For more on the qualifications and duties of a guardian, please see Smith, Terry (Ed.) (2009) *Statement of Good Practice*, 4th Revised Edition, Denmark: Separated Children in Europe Programme. Available at <http://www.refworld.org/pdfid/415450694.pdf>

required in international law.¹⁰⁴ While not codified in the *Trafficking Protocol* itself, the *Legislative Guide to the Trafficking Protocol* nonetheless encourages States Parties to consider appointing, as soon as a child victim of trafficking is identified, a guardian “to accompany the child throughout the entire process until a durable solution in the best interests of the child has been identified and implemented.”¹⁰⁵ The *European Trafficking Convention* requires States Parties, as soon as an unaccompanied child is identified as a trafficking victim, to: a) provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child; b) take the necessary steps to establish his/her identity and nationality; and c) make every effort to locate his/her family when this is in the best interests of the child.¹⁰⁶

International human rights law recognises the child’s right to identity, which would include legal assistance in attaining identity documents as established in Article 8 of the CRC.¹⁰⁷ Civil registration is a route for a state to re-establish a trafficked child’s identity and to provide assistance and protection to trafficked children as required by international human rights law.¹⁰⁸ To implement the rights guaranteed by the CRC, States Parties should provide legal assistance to trafficked children.

Different types of legal and administrative support offered to trafficked children and youth

To respond to administrative and legal assistance needs, re/integration organisations offer various services as described below.

General information sessions about legal rights and entitlements as trafficked persons. Child victims have the right to be provided with accessible and age-appropriate information regarding their situation and their rights, including protection mechanisms, other available services and the processes of family reunification and/or repatriation.

Legal counselling. Counselling and advice from a lawyer about a specific legal issue not related to the trafficking experience. This requires communicating effectively with children and young people. This might include information about how to file divorce papers, claim child custody, ensure payment of child support, ensure the child’s right to paternal inheritance, how to apply for civil registration, access economic assistance, residence permits and so on.

Legal representation and support. Legal representation or support by a lawyer on some legal issue such as during child custody hearings, child support and/or alimony payments, divorce proceedings, landownership claims, accessing economic assistance and so on. In some cases, trafficked children and youth have been

104 Article 20 CRC.

105 UNODC (2004) *Legislative Guides for the Implementation of the United Nations Convention Against Transnational Organized Crime and the Protocol Thereto*, New York: United Nations, pp. 289-290.

106 Article 10(4) *Council of Europe Convention on Action Against Trafficking in Human Beings* (2005) CETS No. 197.

107 Article 8 of the CRC requires 1) States Parties to undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference and 2) Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

108 UNICEF defines registration as “the compilation of key personal data: full name, date and place of birth, nationality, father’s and mother’s name, former address and present location. This information is collected for the purpose of establishing the identity of the child, for protection and to facilitate tracing. Documentation is the process of recording further information in order to meet the specific needs of the child, including tracing, and to make plans for his or her future. This is a continuation of the registration process and not a separate undertaking.” UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*, NY: UNICEF, p. 18.

married and have children themselves and require this direct support. In other cases, this support is required by their parents/guardians.

Accompanying social work. Social workers generally accompany trafficked children or their family members to deal with administrative issues like civil registration, document processing, school registration and so on. Another aspect of this work is the establishment of relations between institutions and the families of trafficked children, to facilitate on-going communication and support and to empower children and their families to access services to which they are entitled.

Overall challenges in the legal assistance offered to trafficked children and youth

- **Lack of information provided to children about their rights.** Trafficked children may be unaware of their rights or even the legal issues they face after their exit from trafficking. The policies and procedures in place to provide trafficking victims with information may not be child-specific, meaning that even if information sessions are held they may not be at a level appropriate to different age-groups and levels of maturity or specific to children.
- **Lack of documentation (birth certificate, identification card).** Trafficked children often do not have identity documents and may therefore need assistance in obtaining forms of identification. However, without a permanent residential address in the city of assistance or re/integration, they cannot access these documents. Issues may also arise if the child's parents were not married or if the father is no longer around.
- **Lack of birth/civil registration.** Some trafficked children are not registered at birth and thus lack a civil/legal identity. Without birth/civil registration, trafficked children may be unable to access social welfare services, attend school or hold identity documents.
- **Guardians are not appointed to children during the re/integration process.** In order to ensure the best interests of a child when parents are unable to do so, states should appoint a guardian to protect a child's interests for the duration of the re/integration process when the child is temporarily or permanently deprived of parental care. If a guardian is not appointed (due to lack of resources or otherwise), a child will be without a constant advocate for his/her rights and more vulnerable to harm during re/integration.
- **Children lack trust in adults and authorities following a trafficking experience.** Trafficked children and youth may not trust the individuals who are trying to help them during re/integration – e.g. because they are suspicious of assistance, are discriminated against by authorities, due to issues of corruption, bad assistance experiences in the past or lack of trust linked to their exploitation. As a result, they may decline support or not communicate their situations and needs.

Recommendations for policy makers and practitioners in offering legal and administrative support to trafficked children and youth

- Conduct information sessions for trafficked children and their parents/guardians at a level that they can understand including individual information and counselling sessions based on a child's specific needs, age and maturity
- Register all children and equip them with identification documents
- Develop a social protection system oriented to the specific needs of children and with flexibility to address a range of diverse cases, including child victims of trafficking
- Engage civil service providers in regulating and monitoring the provision of services to children, with a focus on the appointment of guardians and specific monitoring of the relationships between children and their parents or legal guardians
- Waive court and other administrative fees for victims of trafficking
- Appoint guardians for children who are temporarily or permanently deprived of parental care and provide a lawyer or social worker to accompany a child during all legal and administrative proceedings
- Work to build trust with trafficked children and ensure individualised case management so that trafficked children and youth are able to articulate their needs
- Ensure that trafficked children are given an official status in law that provides them with facilitated access to identification documents, legal assistance and the services they need

8. LEGAL REPRESENTATION AND SUPPORT IN CRIMINAL AND CIVIL PROCEEDINGS

The needs of trafficked children and youth as victim/witnesses

Trafficked children and youth may be involved in trafficking-related legal proceedings. If traffickers are prosecuted, trafficked children and youth may serve as witnesses. They may also be represented as victims of crime in compensation claims or civil proceedings. Legal proceedings place children and youth in precarious positions, particularly at risk for secondary victimisation. They may also be at serious risk of intimidation and reprisals from traffickers. Involvement in legal proceedings can cause trauma for child victims. The best interests of the child must inform whether a child participates in trafficking-related legal proceedings. Protocols within the criminal justice system should ensure that a best interests assessment (or even the more formal BID) is carried out before a child participates in legal proceedings against a trafficker. Organisations that provide re/integration services to children should advocate for the prosecuting authority to fully weigh the best interests of the child in making a decision to pursue a case that would require a child to testify.

Children and youth need to be represented during all trafficking related legal proceedings to ensure their rights particularly to protection. Further, trafficked children and youth need assistance and representation to ensure that they themselves are not subjected to criminal charges or sanctions for offences related to their situation as trafficked persons. Trafficked children and youth need to have their rights explained to them in a language and at a level that they can understand and to be asked for their informed consent for all participation in legal proceedings. They should also have their views and opinions sought and considered in all proceedings and subsequent decisions affecting them.

Case studies. Trafficked children face problems in the criminal justice system

"Fadila" was 16 years old when she entered a re/integration programme. She had been trafficked for sexual exploitation and decided to press charges against her trafficker. Her experience within the legal structures, however, was less than positive, as she described:

"... during the first court hearing although I had asked the prosecutor of the case to conduct this hearing and those following with closed doors, my request was not taken into consideration by the adjudicating body. During the hearing, the moment I was giving my statement, the relatives of the defendant (who were over thirty people) began to make fun of me. The adjudicating body took no measures for these people to keep silence or to order the ones who were laughing to leave the room; instead the judges started laughing along with the attendees. This situation embarrassed and

scared me. As if all this was not enough, the judge of the hearing started to ask me some intimate questions that had nothing to do with the case or the trial, but that really infringed my dignity as a woman and as a person. Therefore I did not believe in the conduction of a fair and independent trial; at the same time from that moment on I started to fear for my life. Knowing what kind of person the trafficker is and what kind of family he has, anything might happen”.

“Maria” was 16 years old when she was trafficked for sexual exploitation. She was badly treated by criminal justice actors throughout her involvement in the criminal process against her trafficker. The investigative judge demonstrated lack of skill and sensitivity in handling such cases. For example, while the girl was giving her statement, the doors were left open and others not involved in the case came into the office and listened to her statement. No one cared that the girl was deeply upset and uncomfortable while giving her statement, not least in front of someone she did not know and who had no role in assisting with the case. The investigative judge’s line of questioning was also unacceptable and insensitive – he asked questions that blamed the victim for her trafficking experience (e.g. “why did you not pick apples instead of working in a massage salon?”). Moreover, while giving her statement the state psychologist and social worker were talking privately and not assisting and supporting her through the process.

The child’s right to legal support and rights as victim/witness

International human rights law establishes that all victims, including children, have a legitimate role to play in criminal or civil actions against their exploiters, including the right to be heard; the right to information; and the right to be kept informed.¹⁰⁹ The *UN Recommended Principles and Guidelines on Human Rights and Human Trafficking* state in Guideline 9:

Trafficked persons, as victims of human rights violations, have an international legal right to adequate and appropriate remedies. This right is often not effectively available to trafficked persons as they frequently lack information on the possibilities and processes for obtaining remedies, including compensation, for trafficking and related exploitation. In order to overcome this problem, legal and other material assistance should be provided to trafficked persons to enable them to realize their right to adequate and appropriate remedies.¹¹⁰

Legal advice/representation should be provided to trafficked children in all cases where they are involved in judicial or administrative proceedings.¹¹¹

¹⁰⁹ Gallagher, Anne (2010) *Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking*, UNOHCR, p. 170.

¹¹⁰ Robinson, Mary (2002) *Recommended Principles and Guidelines on Human Rights and Human Trafficking, Addendum to the Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council*, UN document E/2002/68/Add.1, 20 May 2002, p. 11.

¹¹¹ Kosovo addresses the treatment of child victims of trafficking in criminal investigations and proceedings in its new law on preventing and combating trafficking in persons and on the protection of victims of trafficking, approved by the Kosovo Assembly in July 2013. Article 16 of the new law specifies the measures that must be undertaken by authorities in order to prevent re-victimisation of the child during criminal investigations and proceedings.

Legal advice/representation should be provided to ensure that trafficked children are not criminalised in any way. The *UN Recommended Principles and Guidelines on Human Rights and Human Trafficking* state:

Trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons.¹¹²

Examples of unlawful activities that are a "direct consequence" of being trafficked include immigration violations, illegal prostitution, illegal begging, theft and other petty crime, and so on. Notably, trafficked children are also at risk of being criminalised for status-related offences that are an "indirect consequence" of being trafficked. Status-related offences are actions that are only considered to be violations of the law because of the child/youth's status as a minor. Examples of status-related offences include underage possession and consumption of alcohol, truancy, running away, violating curfews, and so on. Child victims of trafficking should not be detained, charged or prosecuted for unlawful activities that arise directly or indirectly from their situation as trafficking victims and should receive legal advice/representation to ensure that they are protected from criminalisation.

The *UN Recommended Principles and Guidelines on Human Rights and Human Trafficking* seek to ensure that "children who are victims of trafficking are not subjected to criminal procedures or sanctions for offences related to their situation as trafficked persons."¹¹³ The European Trafficking Convention also establishes this right, obligating a States Party to:

...in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.¹¹⁴

It is very important to be aware of the "precarious position of child victims in the criminal justice system," particularly "in the case of children who are asked, or required, to participate in the investigation and prosecution of their exploiters."¹¹⁵ Child witnesses are at serious risk of intimidation and reprisals from traffickers and involvement in legal proceedings can cause trauma for child victims.

In all cases, in determining whether a child victim should be involved in criminal proceedings and, if so, the nature and extent of that involvement, it will be important for the relevant authorities to consider the best interests of each individual child case by case. As noted above, the views of the child should also be taken into account.¹¹⁶

112 Robinson, Mary (2002) *Recommended Principles and Guidelines on Human Rights and Human Trafficking, Addendum to the Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council*, UN document E/2002/68/Add.1, 20 May 2002, p. 1.

113 Robinson, Mary (2002) *Recommended Principles and Guidelines on Human Rights and Human Trafficking, Addendum to the Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council*, UN document E/2002/68/Add.1, 20 May 2002, p. 11.

114 Article 26 Council of Europe Convention on Action Against Trafficking in Human Beings (2005) CETS No. 197.

115 Gallagher, Anne (2010) *Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking*, UNOHCR, p. 170.

116 Gallagher, Anne (2010) *Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking*, UNOHCR, p. 170.

Children have the right to be protected during criminal proceedings¹¹⁷ and providing legal representation should serve to ensure that right.

Different types of legal support to trafficked children and youth; as victim/witnesses

To protect children who are involved as victim/witnesses during criminal and other legal proceedings, various forms of legal representation and support can be provided, including:

Legal assistance, counselling and support while involved in criminal proceedings. Criminal proceedings will vary by country, but in general the victim/witness will first give testimony during the pre-investigation process. The case will then move to the court, where a legal representative will represent the child victim/witness during the prosecution of criminal charges against the trafficker(s). The child victim/witness may give testimony again during the court case. Legal assistance, counselling and support involve supporting the victim through every stage of the criminal proceedings. Key responsibilities may include: obtaining information about referral services; defining time frames and timelines; informing victim/witnesses about all relevant information related to their case (including information about the exact phases of the legal process); accompanying beneficiaries throughout the criminal case (waiting outside court, in court, the police station and so on); contacting relevant authorities involved in the proceedings (i.e. police, public prosecutor, investigating judge, social worker, etc.) on behalf of the victim/witness; filing a damage request; counselling the victim during the legal proceedings; informing the child victim/witness about the outcome of the case (sentencing of trafficker, jail time, etc.); and keeping the child victim/witness abreast of information pertaining to the case after legal proceedings have ended (such as when a trafficker is released from jail, etc.).

Legal representation in civil proceedings. In addition to criminal proceedings, children and youth may be involved in private or civil actions against their trafficker(s). Civil litigation on behalf of trafficked persons is a way to provide compensation to victims¹¹⁸ (as well as to deter traffickers by increasing financial disincentives). Trafficked children and youth have endured a multitude of abuses resulting in both economic and non-economic losses and private enforcement of these injuries can result in recovery in the form of compensatory, punitive and other damage awards. They also have civil rights to pursue redress in addition to (or in the absence of) a criminal investigation or the prosecution of traffickers. Civil cases can be brought by an attorney on behalf of a trafficked plaintiff and in all such cases children and youth need legal representation to represent their interests in obtaining direct relief.¹¹⁹

Witness protection. Trafficked children and youth, by virtue of their age and developing levels of maturity, are particularly vulnerable when they come into contact with the criminal justice system and, therefore, must be appropriately assisted and protected. If serving as witnesses in trafficking-related proceedings, children and youth must be protected from threats, intimidation, corruption, or bodily injury and states are obliged to take appropriate measures to provide effective protection. Protection may be as simple as providing a police escort to the courtroom, offering temporary residence in a safe house, or using technology (such as

¹¹⁷ Article 40 CRC. See also United Nations (2002) *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, A/RES/54/263, which outlines appropriate measures to protect the rights and interests of child victims at all stages of the criminal justice process in Article 8.

¹¹⁸ In some countries compensation is awarded as part of the criminal proceedings. In Macedonia, for example, most criminal cases against traffickers award compensation to victims. However, victims frequently do not receive their awards, due to the perpetrators not possessing any assets and the lack of an established state fund for compensation.

¹¹⁹ Kim, Kathleen & Werner, Daniel (2005) *Civil Litigation on Behalf of Victims of Human Trafficking*, Los Angeles: The Legal Aid Foundation of Los Angeles.

videoconferencing) for testimony.¹²⁰ In some cases, however, witness protection may require extraordinary measures, such as resettlement of a witness under a new identity in a new, undisclosed place of residence.¹²¹

Box #10. Good practice: legal advocacy

Organisations in Albania couple their daily work on legal assistance with advocacy and lobbying of government partners. This generally involved introducing government authorities to difficulties and issues faced by beneficiaries – from local and central institutions as well as within legal proceedings. It also involved lobbying to improve the national legal framework and policies. One result was the establishment of a specialised anti-trafficking structure within the Prosecution Office for Serious Crimes. Moreover, two female prosecutors were trained and appointed to work with all victims who give statements against their traffickers. In addition, the prosecutor's office has recently been included in the National Referral Mechanism (NRM).

Overall challenges in supporting trafficked children and youth through the criminal and civil process

- **Insensitive treatment by police, prosecutors, judges and courtroom officers.** This can result in the re-victimisation of trafficked children. Facing prejudices from representatives of these institutions can also aggravate psychological conditions, resulting in a lack of trust in the justice institutions, problems in behaviour and communication with staff and other beneficiaries in a shelter, fear and insecurity, and so on.
- **Lack of full information and informed consent of child and youth victims of trafficking regarding their rights.** This includes not being given an option to decline to be involved in legal proceedings and not being presented with the risks versus the gains. Child victims have the right to be fully informed about security issues and all trafficking-related proceedings prior to deciding whether or not to testify in proceedings against suspected trafficker(s). If children and youth do not understand or do not have full information about the legal process, they will be unable to give their informed consent to participate in the process, which infringes on their rights and makes them vulnerable to re-victimisation. Full information includes understanding the procedures that guarantee a trafficked person's rights, such as testimony and witness protection options and compensation awards.

¹²⁰ Further developments of videoconferencing and other alternative options for children to give testimony are needed in the region. For example, there exists the possibility of using videoconferencing in the Serbian legal system, but it has never been used in practice. Additionally there are no "child friendly" rooms to use during the process of children giving statements. Similarly, in Macedonia the courts have the necessary equipment for videoconferencing, but thus far this measure has only been used once (for an adult victim/witness). Macedonia's law for children provides that children may give testimony in specialised "child friendly" offices within the Centre for Social Work, but this option has never been used.

¹²¹ UNODC (2008) *Good practices for the protection of witnesses in criminal proceedings involving organized crime*, Vienna: United Nations. In Albania, the implementation of the law on witness protection (regarding the protection of victims of trafficking) has been unsuccessful and as a result in many cases victims have not pressed charges or have withdrawn denunciations in the middle of the criminal process because they feared for their safety. Since 2005, only one victim of trafficking has been included Albania's witness protection programme. In Kosovo, legislation provides that the court should take the necessary measures to protect victim/witnesses, such as holding hearings without the presence of the public and the use of appropriate communication technologies. However, there is no extraordinary measure for witness protection in Kosovo. In Macedonia, there is a law for witness protection, which includes the protection of child victim/witnesses of trafficking. The law sets forth different measures for the protection of witnesses depending on a risk assessment and the needs of the individual victim/witness. In most cases, however, witness protection in Macedonia only involves escorting children to court during a court hearing.

- **Not being informed about the legal process and status of cases.** Trafficked children and youth (and their legal representatives) are not always provided with information about the legal proceedings related to their case and in which they are currently serving as victim/witnesses or have served as victim/witnesses.
- **Lack of a social worker/ psychologist in the prosecution office or in the court who will support the trafficked child.** Court proceedings can cause harm to children, particularly if proceedings involve subjecting them to hostile questioning, personal testimony about their traumatic experiences, and so on. Legal procedures should include the provision of child-friendly information, advice and advocacy¹²² and this is unlikely if there is not a social worker or psychologist there to support a child through legal proceedings.
- **Psychological impact of serving as a victim/witness.** Serving as a victim/witness and having to provide testimony (which will involve revisiting and recounting experiences of exploitation) can re-traumatise children and youth, particularly if prosecutors, judges and other actors in the criminal justice process (such as law enforcement) are not sensitive to the particular needs of child and youth victims of trafficking. In addition to closing courtrooms in appropriate cases (not allowing media or public to be present when it is in the best interests of the child serving as a victim/witness), judges and prosecutors should ensure that children have access to private, child-friendly waiting rooms and designated entrances to the court building to prevent them from having to reencounter their trafficker(s) or individuals who may re-traumatise them. Trafficked children and youth may also suffer adverse psychological effects because of risks of reprisals by traffickers, often related to lack of risk-assessment procedures prior to involving children in the proceedings.
- **Not understanding the legal process.** Many trafficked children and youth do not fully understand the legal process (civil or criminal proceedings) and their rights and responsibilities within it. Due to their age, psychological state or level of maturity, children may not understand the legal process even when it is explained to them.
- **Compensation of child victim/witnesses is unused by the courts.** Many courts have the ability to award compensation to victim/witnesses as part of criminal proceedings. However, even in the cases where compensation has been ordered as part of a court's verdict, child victim/witnesses have not received any material or non-material compensation.
- **An unfriendly and intimidating court environment.** Police stations, prosecutors offices and courtrooms are intimidating and unfriendly environments. This is not only about the physical setting, but also about the behaviours and attitudes of police, prosecutors, court officers and judges the child/youth interacts with. Young people are often not regarded as 'reliable witnesses' especially if trafficked, as they may have problems recalling detailed information and may mix things up due to trauma/ chaotic experiences.
- **Lack of training in child friendly interviewing and protocols.** There is a lack of child-friendly interviewing procedures and settings. This includes re-interviewing and forcing children and youth to provide multiple statements. This may also include language barriers in interviewing.

¹²² Dottridge, Mike (2006) *Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe*, Geneva: UNICEF, p. 100; see also Mitchels, B. (2004) *Let's Talk. Developing effective communication with child victims of abuse and human trafficking. Practical handbook for social workers, police and other professionals*. UNICEF and UNMIK / Government of Kosovo Ministry of Labour and Social Welfare.

- **Direct confrontation of the victim with his/her trafficker(s) during the process in the prosecutor's office or in court.** Child and youth victims may already face stress, fear and anxiety in serving as witnesses during legal proceedings. This can be increased if they have to confront their trafficker(s) during the process. There is a lack of child-friendly protocols for engaging with child victim/witness in courtroom settings.
- **Lack of witness protection programmes.** Children and youth who are asked to participate as victim/witnesses in trafficking-related proceedings may experience serious security risks and there may not be witness protection programmes in place to ensure their safety. In some cases, trafficked children and their families have been threatened and even attacked. In some countries in the region the threat of retaliation by a trafficker and/or his/her associates was sufficiently risky that it prevented the children/youth from testifying at all.
- **Secondary victimisation.** Secondary victimisation, which is further victimisation following from the original trafficking experience, can happen when victim blaming, inappropriate behaviour or inappropriate language are used by court officials or other members of the criminal justice system. Child victim/witnesses may also suffer secondary victimisation if they are forced to give their statements multiple times, each time experiencing stress and anxiety.
- **Lengthy court proceedings.** Inefficient proceedings and delays can lengthen criminal cases against traffickers, which is frustrating for victims and an infringement of their rights. In some cases in the region, final court decisions have taken up to three years. Victim/witnesses may lose patience and believe that the case is not progressing or that their trafficker(s) will not be convicted, causing them to withdraw their testimony/denunciation or to stop cooperating with authorities. Lengthy court proceedings inhibit the re/integration process, as victim/witnesses are unable to move on with their lives and in some cases may even be unable to return to their families/communities as they wait for criminal proceedings to end. In some cases, a lengthy trial will mean a trafficked child will have become an adult and will not have the same protections at 18 as they did when still underage.

Recommendations in offering legal assistance to trafficked children and youth

- Ensure trafficked children and youth who are involved in legal proceedings are represented and provided with legal assistance by a lawyer with experience in trafficking cases and in working with children
- Ensure that the views of trafficked children and youth are sought and taken into consideration at all stages
- Require the court to have on staff a social worker or a psychologist who will support the trafficked child
- Train all personnel involved in the legal process in child friendly interviewing and case handling, including how to adapt to the maturity and age of minor, having in mind trauma and all the consequences of trafficking
- Provide trafficked children and youth with full information at a level that they understand and require that they give informed consent for their participation in all legal proceedings and keep them informed at all stages of the process
- Hold information sessions with children and youth where they receive all necessary information related to the criminal proceedings, including information about the court, courtroom, judge(s), prosecutor(s) and court procedures
- Make it possible for children and youth to understand criminal proceedings and what to expect, such as through arranging pre-visits to the courtroom, mock trials, and meetings with other young people who have had a court experience to share their experiences
- Actively implement compensation awards as part of criminal cases and advocate for the establishment of a state fund to ensure that victim/witnesses receive their compensation awards
- Offer child friendly interview facilities in centres for social work and police stations
- Offer witness protection to trafficked children and youth serving as witnesses in criminal proceedings
- Undertake risk assessments in the case of trafficked children, jointly with police officers, prosecutors and social workers
- Prevent secondary victimisation during legal proceedings – e.g. with the use of technologies like audio or video recording of victim statements; obligatory presence of a psychologist and trusted person known to the child
- Ensure support to the child victim/witness if the trafficker is not sentenced
- Follow up and continue to provide information, support and monitoring after the completion of the trial and after trafficker(s) have been released
- Ensure that referral mechanisms are in place in all cases where victims of trafficking are identified so that the competent institutions for criminal cases are involved in the collection of testimony and denunciations
- Ensure that anti-trafficking laws are in place and actioned to provide prosecutors with tools to bring criminal charges against trafficker(s) and to protect victim/witnesses who participate in criminal proceedings
- Work to make criminal proceedings more efficient and to avoid unnecessary delays in criminal cases; evaluate over time the impact of participation in criminal proceedings on the re/integration of the trafficking victim

9. PROFESSIONAL/ VOCATIONAL TRAINING AND ECONOMIC OPPORTUNITIES

The professional training and economic assistance needs of trafficked youth¹²³

In addition to education and life skills, trafficked youth need to be provided with professional training¹²⁴ in order to give them skills that can lead to future employment or small business opportunities. Trafficked youth will typically be behind in terms of their education and may lack even the most basic literary and numeracy skills. Professional training coupled with education and economic assistance can help them move on constructively with their lives.

Professional training and economic assistance, such as micro-loans, can help youth to re/integrate into society, contribute to their households, and eventually become financially independent, reducing their risk for re-trafficking. In addition to the monetary benefits that having a job brings, employment can positively impact a youth's life by helping him/her to establish a routine, build self-esteem, and develop confidence and positive social interactions and behaviours.

Case studies. Trafficked children lack professional and economic opportunities

"Kleja" grew up in a house for children without parental care and did not learn basic life skills. After she was trafficked and exploited, she felt suspicious of everyone. Through prolonged psychological assistance she managed to overcome her traumatic experience and to empower herself. She participated in different workshops and learned skills such as how to find a job, how to do a job interview and how to dress. Though she initially had trouble holding a steady job, after time she gained experience and more self-confidence and was able to find and retain a suitable position.

"Rihanna", a 16-year-old girl, was accommodated in a shelter following her trafficking experience and attended high school part-time. To enhance her skills at school, shelter staff registered her for a computer course. Through the computer class and shelter support she gained the skills needed to independently complete her homework.

"Sandra", a 17-year-old girl was assisted in a shelter and attended a vocational course in hairdressing. During the course and in the follow-up activities, the girl was recognised for her good professional skills. >>

¹²³ For further discussion of economic empowerment of trafficked persons during re/integration, please see Issue paper #4 (Surtees, Rebecca (2012) Re/integration of trafficked persons. Supporting economic empowerment, KBF, GIZ & NEXUS Institute.)

¹²⁴ In the context of this discussion, "professional training" includes vocational training, professional development and other opportunities to acquire skills and knowledge that enhance a trafficked youth's ability to secure economic opportunity.

Staff assessed this fact along with the girl's good relationships with her family and supported her to establish a hairdressing micro-business close to her home. The micro-business positively affected the girl's re/integration and helped to empower her and her family economically and socially.

A Roma girl "Jelena", age 17, attended a school for adults, as she could not be included in the formal school system. During the summer holiday she sought a job to contribute to her family's income. She applied for a position in a pizza restaurant to work in the kitchen (assisting and cleaning). Her case manager accompanied Jelena to the interview and it went very well. Following the interview the owner of the restaurant called the case manager to inform her that he would not hire Jelena as she was ethnic Roma and he claimed that with "them" there were always "problems" ("not finishing the job, frequent vacations and simply not showing up"). After the case manager informed Jelena that she had not been hired she was very disappointed and stated: "Secretly I knew it that I'll not get the job since the owner was afraid that the guests from the restaurant will run away since I'm Roma and they do not want to see Roma people around".

The youth's right to professional development and training and economic opportunities

Article 28 of the CRC sets forth that States Parties shall "encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need." Trafficked children and youth have the right to professional/vocational training and economic opportunities as part of re/integration services. The right to professional/vocational training is also enshrined in the International Covenant on Economic, Social and Cultural Rights, which states "secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education."¹²⁵

Professional/vocational training and economic opportunities are critical to the right to work, which is enshrined in the International Covenant on Economic, Social and Cultural Rights:

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the pre sent Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.¹²⁶

¹²⁵ Article 13 International Covenant on Economic, Social and Cultural Rights.

¹²⁶ Article 6 International Covenant on Economic, Social and Cultural Rights.

While children are protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education, health or development¹²⁷, professional/vocational training and economic development support are nonetheless required to ensure the child's rights to education and economic opportunity. In every case, access to the labour market should be in accordance with the country's age restrictions for employment and economic opportunities should always be in line with minimum wage, health and safety regulations.

Economic opportunities should include provisions to ensure a child's right to social security. Article 9 of the *International Covenant on Economic, Social and Cultural Rights* recognises the right of everyone to social security, including social insurance. Article 26 of the CRC requires States Parties to recognise for every child the right to benefit from social security, including social insurance, and to take the necessary measures to achieve the full realisation of this right in accordance with their national law.¹²⁸

Different models of professional development and economic opportunities

There exist different models to provide youth with the training, education and life skills they need to achieve professional development and secure economic opportunities, including:

Skills-based training. Vocational training provides participants with technical skills in order to undertake a specific job. Most vocational training initiatives include attention to "soft skills" as well as "hard skills" (technical skills). The skills acquired during vocational or professional training can be divided into four categories or stages:

- Pre-work (self-respect, stability, reflection, literacy, basic English or other basic foreign language skills)
- Work skills – soft (rights, responsibilities, problem-solving, work-based literacy/English or other foreign language skills)
- Work skills – hard (network building, mentoring, technical job skills)
- Follow-up (network building, career services, further training).

Apprenticeship programmes. An apprenticeship is a combination of on-the-job training and related instruction under the supervision of an individual who is already a professional in a field. Apprenticeship programmes last for a set period of time and allow trafficked youth to gain work experience at the same time that they gain work skills. It also represents a channel for children and youth to enter the labour market.

Job-readiness programmes. Instead of focusing on a particular technical skill set, job-readiness programmes focus on the overall task of preparing trafficked youth for holding a job. Job-readiness programmes provide youth with "soft skills" such as appropriate work behaviours, appropriate dress, ways to increase productivity, and so on.

127 "States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development." Article 32 CRC. The International Labour Organization's Convention No. 182 on the Worst Forms of Child Labour specifies that no-one under the age of 18 should be involved in hazardous work (or other 'worst forms of child labour') and that lists of work that is considered hazardous for children are to be drawn up at national level, by the relevant government authority in conjunction with representatives of employers' and workers' organisations.

128 Article 26 CRC.

Interview and employment counselling. Interview counselling aims to prepare trafficked youth for the job interview process. Employment counselling provides trafficked youth with advice and information about different forms of employment and supports them in planning, seeking and managing their life/work direction.

Micro-business including loans and grants. Small loans and grants may help a trafficked youth to start his/her own business. This may include professional training in the business area, counselling and support to prepare a business plan and to start and manage the business. These different components are generally required and provided in combination.

Box #11. Good practice: positive family support for professional training

“Mirjeta” was 16 years old when she was rescued by the police from her trafficking situation and brought to an organisation for re/integration services. At the time of her rescue, Mirjeta had a bad relationship with her family. The organisation invited the family to learn about their re/integration programme and the services they provided for victims of trafficking. The parents of the victim were directly informed of her decision to attend a cooking course and they gave their consent to the course. Mirjeta was also registered in the first year of high school. After completing the first year of school she moved back to live with her family.

Overall challenges in the provision of professional development and economic opportunities

- **Low level of education.** Many trafficked youth will not have completed their elementary education, let alone secondary school or higher education. Therefore for some trafficked youth technical skills training will not be enough; they will need basic literacy and numeracy training as well. There is a risk that vocational training will “replace” the opportunity for trafficked youth to continue their education, which is a challenge as higher education will be critical to increasing job opportunities and allowing trafficked youth to advance up the job ladder.
- **Lack of family support and family/community dynamics.** Trafficked youth may not have the support of their families to allow them to attend professional training or practice the skills they are developing. In other cases youth may be discriminated against in their communities because of the support they are receiving or they do not want to be recognised as trafficking victims and so decline to enrol in these programmes. Family support and family/community dynamics play an important role in the provision of professional and economic opportunities.
- **Lack of employment opportunities.** Even if trafficked youth graduate from a professional training program, there may not be employment opportunities available to them. In countries with high unemployment rates and/or experiencing a recession, the availability of jobs may be seriously lacking.
- **Vocational training opportunities don’t match with the actual job market.** In some cases the skills taught during vocational trainings will not match up with the jobs that are available in an area. Without a market assessment, programmes run the risk of training trafficked youth in areas where they will be unlikely to find

actual jobs. This may particularly be the case in rural areas (versus urban environments where there are more jobs) or in places where the market for the skills they have been taught is oversaturated.

- **Vocational trainings don't provide a satisfactory level of skills.** In other cases the skills taught during vocational trainings may not provide the participants with a high enough skill level to be able to find employment in their area of training. Long-term vocational trainings may be unavailable or unaffordable, as trafficked youth will require material support to be able to participate in a long-term programme.
- **Youth turn down professional training opportunities.** Trafficked youth may decline to participate in professional trainings that are offered due to a lack of interest, motivation or the ability to participate because of extenuating circumstances. Some trafficked youth may also lack confidence in their own capacity, causing them to turn down training opportunities.
- **Unrealistic expectations about work and salary.** Some trafficked youth may have unrealistic expectations about their job options. They may want a job that does not match their skills/education or expect an unrealistically high salary. Some also have unrealistic perceptions about the work they are expected to do and confused motivations.
- **Assumption that youth should only receive vocational training.** There is often an assumption that older children and youth should receive vocational training and apprenticeships. And certainly children/youth who wish to work and enroll in this kind of training should have the opportunity to do so. However, vocational training should not replace school education and they should also have the opportunity to pursue education alone (or alongside vocational training).
- **Stigmatisation of trafficked youth in the employment setting and community.** Trafficked youth may face discrimination by community members and employers as a result of their having been trafficked. This stigma and discrimination may translate into an inability to find work options in their home communities or to problems at work with colleagues and/or employers. Stigma and discrimination may not only be about having been trafficked, but also because of being an ethnic minority.
- **Job retention.** Trafficked children may suffer the residual effects of trafficking (e.g. stress, anxiety, traumatised, lack of trust, sexually inappropriate behaviour) and also have individual situations and characteristics (e.g. their educational and professional capacities; lack of confidence) that make it difficult for them to retain jobs. They may suffer relapses of mental or physical ailments as a result of their trafficking experience that make them miss work or have to leave a position entirely. Some trafficked youth may find it difficult to adapt to their new work environment and may face interpersonal problems with co-workers or employers.
- **Curtailed freedom of movement upon returning home.** For trafficked youth who continue to face security threats, resuming a normal life and regular employment is a significant challenge. They may be unable to move freely for fear of meeting the trafficker or because of on-going court cases. Some stay in high-risk shelters for some time as a result of these security issues, limiting employment and training options. Some victims and their families may fear encountering their traffickers in their home communities and, as a result, curtail movement. In some cases, victims' families have also limited the movements of family members after returning home, as a means of protecting them from further problems.

- **Gender biases in the type of vocational trainings offered.** Some forms of vocational training are more prevalent. For girls, these are generally sewing, knitting, weaving, hairdressing, cosmetics/beautician and jewellery-making. For boys, these are commonly construction, carpentry, automobile/motorbike repair and farming. This can lead to a surplus of some skills sets and saturation in the supply of job seekers in these industries, making it difficult to find a job. Gender-specific training may also perpetuate gender stereotypes and may not fit with the aspirations and ambitions of beneficiaries, particularly those whose experiences abroad have changed their life and material expectations.
- **Limited monitoring of and support to economic empowerment.** State- or NGO-supported training programmes are not always offered on a timetable that meets a trafficked youths' needs. Private training opportunities are often more flexible, available and responsive, but trafficked youth likely cannot afford the fees for private economic empowerment opportunities. Organisations that provide re/integration services to trafficked youth may face difficulties in leveraging funds to pay for private programmes.
- **Lack of identity documents.** Many trafficked youth will not possess legal identity documents or may not be able to establish citizenship in the country where they are living. Without identity documents a trafficked youth will be unable to gain employment or perhaps undertake professional training.
- **Practical barriers, such as childcare and transportation.** Some trafficked youth face practical barriers in being able to accept and continue with a job. Youth with dependent family members – particularly small children – often face difficulty in balancing work with these responsibilities. Access to childcare programmes is not assured in most countries; even less common are childcare options for persons working irregular hours or overnight shift work. For others, barriers may be the cost or lack of transportation between the work place and home (or it may take hours to reach work from home). Shift work can also involve traveling at potentially unsafe times (i.e. very late at night).

Recommendations for offering economic opportunities to trafficked youth (and their families)

- The provision of professional training must be individualised and personalised And ensure that it is beneficial to the realisation of children's rights
- Recognise that vocational and other accredited professional training should not "replace" the opportunity for trafficked children and youth to continue their education
- Encourage trafficked children and youth to further their education, especially secondary school or higher education, to increase their opportunities to advance up the job ladder
- Ensure that professional and vocational trainings include educational components to provide trafficked children and youth with basic literacy and numeracy training
- Mediate with families to ensure that trafficked youth have the support of their families to allow them to succeed in professional training and/or practice the skills they are developing
- Economic strengthening should be focused on the family as well as on youth
- Market analysis should be incorporated into each stage of vocational training programming, to improve decisions, and, ultimately, increase employment and self-employment opportunities for youth graduates
- Skills training should be accompanied by an educational component to further a youth's education and potentially allow for entry into higher-level positions
- Address the underlying reasons that youth may opt out of a professional training programme, for example, by providing childcare for their children, facilitating treatment, and counselling individuals about short-term vs. long-term gain
- The choice for training avenues must be accompanied by sufficient information and resources to enable youth to make informed decisions
- Education and training for youth should expand to include the changing nature of the work world and perspectives on what sort of education is most appropriate regardless of a learner's starting point
- Economic strengthening programmes for children should incorporate greater attention to the concept of "social capital": the intentional development of positive social networks
- Programmes should provide ways to allow trafficked youth to "relapse" – to come back and try a professional training programme again
- Programmes should ensure that any rules around participation in training programmes are not overly strict in order that they not lead to children/youth leaving the programmes or declining assistance
- Business communities should be encouraged (and co-funded) by the state to support employment of trafficked youth
- Work with families and communities to combat stigmatisation and discrimination against victims of trafficking and other marginalised individuals
- Develop schemes to facilitate the part-time employment of trafficking victims (of legal employment age) and other encouragement programmes that help youth victims of trafficking to retain jobs
- Assess security risks over time and update and inform the youth's re/integration plan to work toward increased freedom of movement
- Avoid gender biases in the offering of vocational training
- Advocate for state support to economic empowerment programmes and encourage the development of supported training programmes that are flexible and meet the needs of trafficked youth
- Secure identity and registration documents so that trafficked youth who are of legal employment age can secure jobs or undertake professional training
- Develop childcare, transportation and other options to assist trafficked youth in overcoming practical barriers to being able to accept and continue with a job

10. WORKING WITH FAMILIES

Working with family and community; the needs of trafficked children and youth

Family and community support are essential to the successful re/integration of trafficked children and youth. The family environment provides children with experiences for social and cultural development and the ability to attain economic self-sufficiency as the child becomes an adult. Families model a range of social/cultural values and skills the child will need in adulthood, including in terms of social and interpersonal skills and how to negotiate cultural aspects of life. A secure family relationship is also critical to the healthy social and emotional development of a child.¹²⁹

Family dynamics and relationships have the potential to either support or undermine the re/integration process. In supportive settings, the family can do a great deal to smooth the trafficked person's re/integration. When relations are more difficult, the family can, at times, be a barrier to re/integration success. The family environment to which a trafficked child or youth returns will be an important variable in terms of successful re/integration.

Case studies. Trafficked children faced problems within the family

"Nina", a 17-year-old girl, was living with her family in a rural village. She ran away after being raped by her brother. She was then trafficked by her "boyfriend" and forced into prostitution. When the police rescued her, she was taken to a shelter to live where she stayed and received various forms of assistance. She struggled a great deal to come to terms with her family and her feelings of anger toward them for what had happened to her and also her lack of trust that they would protect her. Her parents also struggled as they felt guilt and responsibility for all that she had suffered, especially because part of her abuse was at the hands of their son and her brother. They also faced problems in the community because their honour was damaged both by what their son had done to her and her sexual exploitation.

Different models of working with family

Working with family and community is an important aspect of re/integration and should be considered and addressed at the outset and in the design of any re/integration plan.

There is an immediate need to trace and re-establish contacts between the child and his/her family prior to re/integration, unless it is contrary to the

¹²⁹ Oswald, Elizabeth (2009) *Because We Care: Programming Guidance for Children Deprived of Parental Care, California: World Vision*, pp. 10-11.

child's best interests. This should then be followed by an assessment of the family's suitability and willingness to take the child back. Working with the family is generally needed when the child returns to live with the family. It is also an important component of support when children are placed in alternative care options. What specifically this work entails will need to be assessed on a case-by-case basis.

There exist different models to work with families to support the re/integration process for trafficked children and youth, including those outlined below.

Family mediation. In beginning the re/integration process for a trafficked child/youth, a family assessment should be conducted. If the assessment determines that a child should be reunified with his/her family, this process will often involve family mediation, which is critical in supporting a child or youth's re/integration into his/her family. This process usually starts immediately, as part of the critical services in the re/integration plan of the child. The focus of family mediation is to address any barriers or risks to the child's return to his/her family (including stigma and discrimination and tensions/problems in family relationships) and also to help families develop effective, healthy communication and relationships that can increase the likelihood of re/integration success.

Supporting parent skills. This type of service offers parents the tools to interact effectively and in a healthy way with their children. Some parents need guidance in terms of supporting their children who are exhibiting negative and destructive behaviours linked to their exploitation. In other cases, parents may not have basic parenting skills, which led to (or may in the future lead to) the child being trafficked. Key skills for parenting include:

- accepting parental responsibility for the child's care;
- developing effective communication with children;
- better understanding children's reactions;
- positive discipline and non-violent ways of solving problems;
- conflict resolution;
- equal treatment of all children in a family;
- non-accusatory attitudes toward child victims of trafficking;
- redirecting misbehaviour;
- developing confidence and self-esteem;
- appropriate expression of emotions;
- taking care of children with more attention;
- risk reducing;
- creating healthy boundaries and stable family relationships;
- preparedness for change (such as moving to another place without placing the blame on the child);
- encouraging a child to accept different kinds of support (psychological, peer).

Supporting the family as a whole. Assisting the family as a whole is an effective way to support the sustainable re/integration of trafficked children and youth. This might include livelihood support to parents, supporting siblings to attend school, civil registration of the whole family, access to medical care for the family and so on. It will, in the long-term, translate into a more stable and healthy family environment, which will offer a fertile environment for successful re/integration of the child.

Box #12. Good practice in family mediation

After escaping her trafficking experience “Alina” continued to have very good relationship with her mother, but her relationship with her stepfather was very negative and critical. He blamed her for what had happened to her and did not want her to return home to live with the family. It was only after on-going family mediation (in addition to other re/integration services) that her stepfather began to treat her properly and invited her to return to live at home with the family. Alina is now successfully re/integrated.

Overall challenges faced by trafficked children/youths and their families

- **Stigmatisation of trafficked children and youth by family.** Some families blame the child for his/her exploitation, particularly in the case of prostitution. In some cases, this family blame is due to a family's concerns about community stigma being levied against the child/family.
- **Child/youth and families face community stigma and discrimination.** Some families are discriminated against because of the child's exploitation, which can cause interpersonal tensions in the community including the child (and/or family) not being able to attend school, receive services, participate in community events and so on. It can also have economic implications with the child/youth or their family being unable to find work or succeed in business due to this stigma/discrimination. In extreme cases, discrimination may lead to the family needing to relocate. For example, one girl from a small town was severely discriminated against after her trafficking, as was her family. The discrimination was so severe that it led to her father losing his job, her brother having to change schools and her family having to move houses.
- **Violence and instability in families.** Some children and youth originate from violent or dysfunctional family settings, which poses challenges for their safe return home. Some trafficked children and youth are returned to violent families even when it is not in their best interests (either because a BIA was not conducted to assess the family setting or because the assessment is somehow disregarded). The risk of future abuse or family problems need to be factored into any re/integration plan as it can impede or prevent the child's re/integration and potentially lead to further re-victimisation, including re-trafficking.
- **Families lack resources to support the child.** Some trafficked children and youth originate from poor families, which means returning to the same vulnerable economic situation they left. Some families lack the basic resources to support the child during his/her recovery and re/integration. Many families are very vulnerable which means that not only the child, but all family members may be at risk of victimisation and even further exploitation.
- **Lack of resources to provide for the assistance needs of family members.** Re/integration organisations often have funds only for the assistance needs of trafficked persons and yet support to other family members is often key to the child's long-term, sustainable re/integration. Accessing support for the family as a whole – from the government or other NGOs/IOs – can be challenging and labour intensive.
- **Intensive work with families requires time and resources.** Re/integration work requires on-going case management, which is labour intensive. Even more labour is required when supporting and working with

multiple members of a family. This needs to be built into an organisation or institution's work plans and budgets.

- **Lack of provision of family therapy.** The family members of a trafficked child or youth often suffer mental and emotional harm due to the trafficking of their family member. In addition to family mediation, families (primarily parents) of trafficked children may also require psychological support or therapy. Without professional psychological support, the trafficked child's family members may continue to experience anxiety, stress, trauma and so on resulting from the child's trafficking experience.

Recommendations for working with trafficked children/youth and their families

- Conduct a family assessment as part of the best interests assessment to assess the family situation for each trafficked child
- Work with families from the outset to support the child's re/integration
- Engage in family mediation to address any barriers or risks to the child's return to his/her family (including stigma and discrimination and tensions/problems in family relationships) and also to help families develop effective, healthy communication and relationships that can increase the likelihood of re/integration success
- Assess whether family/community visits will have any negative implications including identifying the child and leading to stigma within the community
- Work with communities to raise awareness about trafficking and to address stigmatisation and discrimination against trafficking victims and other marginalised individuals
- Support the development of parenting skills, to provide guidance in terms of supporting children who are exhibiting negative and destructive behaviours linked to their exploitation and to provide parenting skills
- Where feasible and appropriate offer livelihood support to parents
- Offer support to a trafficked child's siblings to attend school and/or receive training or some form of economic empowerment
- Facilitate civil registration for a trafficked child's whole family if necessary
- Provide job opportunities and microbusiness programmes for parents and family members of trafficked children
- Provide the family with information about the services offered by different service providers in their communities
- Facilitate access to medical care for a trafficked child's whole family
- Strengthen the role of the State Social Service and other competent organisations in assessing family needs and providing employment alternatives for family members
- Work with the state to promote the employment of trafficked youth or their family members, such as through subsidies for private businesses or other state-sponsored programmes
- Include family support in the organisation or institution's work plans and budgets for re/integration work
- Offer family therapy and psychological support to the trafficked child's family members

11. CASE MANAGEMENT AND MONITORING

Case management and monitoring; the needs of trafficked children and youth

Case management refers to the coordination of services on behalf of a trafficked child and his/her family. Case management ideally involves multi-disciplinary teamwork, composed, for example, of a social worker, lawyer, health professional and a case manager, although in the case of a child the social worker is generally responsible overall for the case. Case management involves various tasks including working with the child (and his/her family) to develop and implement an individual re/integration plan, which is assessed to be in the child's best interests, and to monitor (and adjust) that plan over time, in cooperation with the child/youth and parent.

Re/integration is a long-term and complex process. It generally will take years before sustainable re/integration is achieved and along the way, trafficked children and youth may face "setbacks" and "failures", which risk undermining their efforts to recover and move on from trafficking. Case management, including on-going monitoring work, plays an important role in anticipating and addressing issues and problems faced by trafficked children and youth over the course of the re/integration process by backstopping re/integration services, leading to referrals for trafficked children and youth as needed, and contributing to a better understanding of their re/integration needs. The long-term management of cases and on-going contact with trafficked children and youth is necessary for successful re/integration, but is also a challenge with heavy caseloads and on-going needs over time.

The child's right to on-going care and support (case management and monitoring)

Children in re/integration programmes have the right to case management and monitoring as established by Article 25 of the CRC:

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.¹³⁰

Important to case management is the right of a child to be fully informed of the re/integration programme, including the opportunities it offers as well as any risks or limitations, and to give or withhold informed consent (and on-going consent) to participation in the programme. Child victims of trafficking have the right to inform their case management and express their views about the design and monitoring of the re/integration services they receive,

¹³⁰ Article 25 CRC.

relative to their age and maturity. Indeed an underpinning of all case management work with trafficked children and youth is that they be actively engaged in the design, implementation and revision of their re/integration plan. As has been established, the Convention on the Rights of the Child imposes legal obligations on states to ensure that a child who is capable of forming his or her views has the right to express those views in all matters affecting him or her, and that these views be given due weight in accordance with the age and maturity of the child.¹³¹

Different models of case management and monitoring

There are different models to effectively monitor and manage cases over time. These include:

Individualised plans and case files. This case management model consists of the compilation and implementation of an individual plan for the beneficiary, where a multidisciplinary team (such as consisting of a social worker, psychologist, doctor, lawyer, and teacher) works for the re/integration of the individual beneficiary based on the objectives and activities determined in the individual plan. In carrying out this plan, the beneficiary and/or his/her family (or alternative caregivers), accept and are part of this plan. The social worker who is part of the multidisciplinary team is also case manager. Given that the re/integration process is a long-term one, besides the services provided by a service provider, the case manager also coordinates mediation for other services necessary to the case, which are not provided by the service provider, but by other institutions (e.g. state social services, public health organisations, legal institutions, schools, vocational training centres, employment services, and so on). The case manager also advocates on behalf of the child to access other services.

Monitoring the family. In the case of children, case management also involves case management of their family. Case managers use methods of establishing working relationships with beneficiaries and families to empower, enhance their well-being and problem-solving capacities, resolve outstanding issues, provide information on how to obtain services and resources in their communities, and work towards the protection of beneficiaries and their families, who sometimes are not in a position to do so themselves.

Case conferences. Another means by which re/integration service providers monitor cases is to organise case conferences with all the relevant participants. If the trafficking victim is a minor, the case conference is generally organised and held by state social services. During the conference, participants observe the capacities of the family and the individual plan is made according to children's needs and possibilities. All participants are involved in finding the best solution with the family and develop a plan accordingly. All information shared in a case conference must be treated confidentiality by all within the team. Young people should be given the opportunity to attend these case conferences; such case conferences should be conducted in a sensitive manner.

Overall challenges in case management and monitoring of trafficked children and youth

- **Lack of state engagement in case management.** The role of state social services is central in such cases, as well as in terms of accessing the full range of services needed by the trafficked child or youth and his/her family to support sustainable re/integration. On-going monitoring of the child and family is also the role of local social services. However, state social workers are not always active in working on individual cases and many NGOs find that they must assume responsibility for this work.

¹³¹ Article 12 CRC.

- **No central case manager is established for a child.** Trafficked children and youth often interact with multiple systems and their representatives, such as law enforcement, prosecutors, attorneys, medical professionals, mental health professionals, shelter/housing providers, child care providers, public benefits personnel, and so on. This can be overwhelming for children, especially when they are dealing with the trauma of their trafficking experience. In addition to serving as a single point of contact and a trusted person, a central case manager can assess a client's need for services and support; identify, obtain, and coordinate those services for the client; coordinate and manage communications across systems; and serve as a liaison for the client. Without a central case manager, trafficked children and youth may be 'lost' in the system or choose to disengage.¹³²
- **Lack of resources to conduct long-term case management in the framework of re/integration programmes.** A case management system should ensure that a trafficked child receives the right care and support. Long-term case management¹³³ is needed to follow up with a child over time to conduct various assessments and reviews to establish how the child is progressing and to determine whether the responses and services in place are benefitting the child. Without the resources to support long-term case management, trafficked children and youth will not receive the care and support they need. Organisations may find it difficult to retain qualified case managers or provide long-term management because the compensation is low and the demands of the job are high, including issues of stress, secondary trauma and burn out.
- **Lack of consistency or sharing of information.** Trafficked children and youth may be moved from one location to another (particularly when they are returned to their home country or state) and it is important that their case file accompanies them. When children leave the care of one organisation and are moved to the care of another agency or individual, it is critical that those caring for the child are informed of any issues and problems as well as progress made. Some of the people who are cases may lose contact with service providers through changing phone numbers and so on. Without a sharing of information, children will not be provided with the consistency they need during their recovery and they risk being burdened with unnecessary re-interviews. Those working with trafficked children and youth need to know what information they can and should include in any case files that are shared with practitioners in different organisations and countries.
- **Lack of consistency within an organisation.** Re/integration work is labour intensive and also emotionally and psychologically taxing. Service providers report high levels of work stress and staff burnout, which also results in high staff turnover. This can mean that beneficiaries work with more than one case manager over time, which may be disruptive to their recovery process.
- **Lack of access to services over time.** Regardless of the type of service sought, the role of the case manager in helping victims access services is viewed as essential for both foreign and domestic victims. Unfortunately, accessing certain services can be a challenge in many communities. Specifically, service providers in the region reported limited availability of emergency and permanent housing (in particular for young boys), mental health services, and dental services. When services were available, there were often long waitlists or significant costs associated with accessing them. Additionally, access to culturally-appropriate services, including providers who could communicate with trafficking victims in their own languages,

¹³² See Clawson, Heather and Dutch, Nicole (2008) *Case Management and the Victim of Human Trafficking: A Critical Service for Client Success*, U.S. Department of Health and Human Services.

¹³³ Within the framework of the TVRP, re/integration may take up to 36 months (3 years). That being said, some organisations have found it necessary to monitor cases for even longer, particularly in the case of trafficked children.

remained limited. While case managers themselves did not report problems communicating with clients, either directly through multi-lingual staff or indirectly through the use of translation services, other benefit or service agencies that clients were referred to often lacked these capabilities.

- **Lack of access to information.** Another significant challenge identified by case managers in the region was the limitation to information sharing among service providers and with other agencies. Specifically, issues of confidentiality were often identified as barriers to keeping clients informed (such as about the status of the penal proceedings for their legal case, regarding medical diagnoses or results, and so on). As the liaison for the client, some case managers reported finding themselves in difficult positions when the trafficked person expected them to have the information they needed and when they were unable to provide answers. This may create issues of distrust, which ultimately can cause setbacks in the client's progress toward self-sufficiency.

Recommendations for policy makers and practitioners in conducting case monitoring of trafficked children and youth

- Ensure that case management and monitoring is long-term and appropriately resourced
- Ensure that trafficked children and youth are fully informed about all aspects of the re/integration programme, including the opportunities it offers as well as any risks or limitations, and allow trafficked children to give or withhold informed consent to participation in the programme
- Ensure that trafficked children and youth are fully informed about all services provided by different services providers
- Include the family as a whole in the case management of child trafficking victims, but recognising and addressing different attitudes and behaviours of different family members
- Provide assistance to family members and the family as a whole to support sustainable re/integration
- Engage and cooperate with local state social services to support long-term case monitoring and management
- Promote and strengthen the role of the state social services and child protection units as case managers and ensure that others are aware of the quality of their performance
- Backstop the role of state social services by providing monitoring and support when state actors fail to act as case managers
- Strengthen the role of the state social services and child protection units as case managers
- Ensure adequate resources are available to state social services for long-term monitoring of cases
- Improve national and local level referral systems to ensure that child trafficking victims and their families have access to long-term support and case management and inclusion in the local child protection system

12. CONCLUSION

Re/integration is one of the most important and complex aspects of the anti-trafficking response. And meeting the re/integration needs of trafficked children and youth is especially critical given their acute and unique vulnerabilities. Children are particularly vulnerable and additional attention and safeguards are needed to ensure their recovery and re/integration after a trafficking experience.

This paper has examined the various vulnerabilities and assistance needs of trafficked children and youth. States have an obligation under both national and international law to protect trafficked children and support their sustainable re/integration. This paper has outlined state obligations under both national and international law to protect trafficked children and support their sustainable re/integration, as well as the practical realities and challenges on the ground in terms of realising trafficked children's rights. It has also identified some key recommendations in each area of work, which, if realised, can have a direct and positive impact in the lives of trafficked children.

The re/integration process for a trafficked child must always begin with a best interests assessment (BIA) to ensure that the re/integration plan for each child meets and protects that child's best interests. The BIA must be a careful assessment conducted by trained professionals according to a multidisciplinary approach, taking into account all relevant elements. The resulting re/integration plan should work with and within the broader framework of child protection systems in a country to develop re/integration options that best respond to each individual child.

This paper is intended as a starting point for discussion based on the work and experiences of those working directly on the re/integration of trafficked children and youth. Many useful lessons can be drawn from the experiences of service providers within the TVRP – both the successes and also the challenges. It is hoped that by sharing these experiences widely – including both those that are positive and also the difficulties faced – that this can be helpful to policy makers and practitioners in enhancing the re/integration policies and programmes for trafficked children and youth.

13. A SELECTION OF RESOURCES FOR SUPPORTING THE RE/INTEGRATION OF TRAFFICKED CHILDREN AND YOUTH

Below is a selection of resources and research on the issue of re/integration of trafficked children and youth. However, this is not exhaustive. More resources and research as well as practical experiences from practitioners can be found on Home: **The Child Recovery and Reintegration Network**, hosted by the UHI Centre for Rural Childhood and the Oak Foundation.

Resources, handbooks, manuals

APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers (2012) *Report from the joint inquiry into children who go missing from care*, June 2012. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175563/Report_-_children_who_go_missing_from_care.pdf

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Dottridge, Mike (2012) *What Can You Do To Protect Children On The Move? A handbook to enable organisations to review how they prevent child trafficking and exploitation, and whether they ensure that the best interests of the child guide their activities*. Lausanne: Terre des Hommes.

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Surtees, Rebecca (2013) *Ethical principles in the re/integration of trafficked persons. Experiences from the Balkans*. KBF, GIZ & NEXUS Institute. Available at: <http://www.nexusinstitute.net/publications/pdfs/Ethical%20Principles%20for%20the%20reintegration%20of%20trafficked%20persons.pdf>

Surtees, Rebecca (2010) *Monitoring anti-trafficking re/integration programmes. A manual*. Brussels: KBF & Washington, DC: NEXUS Institute. Available at: http://www.nexusinstitute.net/publications/pdfs/Monitoring%20AT%20reintegration%20programmes_manual_NEXUS.pdf

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Zegarac, Nevenka (2014) *In the Labyrinth of Social Protection: Lessons learnt from research on children in care*. European Union, Serbian Government Ministry of Labour and Social Policy & UNICEF.

Zegarac, Nevenka (2014) *The child's right to quality care. Review of the implementation of the United Nations Guidelines for the alternative care of children in western Balkan countries*. Sarajevo: Save the Children International.

Zimmerman, Cathy et al. (2009) *Caring for Trafficked Persons: Guidance for Health Providers*. Geneva: IOM. Available at: http://publications.iom.int/bookstore/free/CT_Handbook.pdf

Research on (re)integration and assistance to trafficked children

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Cody, Claire (2013) *What do we know about safe accommodation and alternative care for children affected by sexual exploitation and related trafficking?* Working Paper. The Child Recovery and Reintegration Network. Available at: <http://www.childrecovery.info/Our-working-papers.175.0.html>

Cody, Claire (2013) *What do we know about reintegrating into a new community or setting: one option for children affected by sexual exploitation and related trafficking?* Working Paper. The Child Recovery and Reintegration Network. Available at: <http://www.childrecovery.info/Our-working-papers.175.0.html>

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APPENDIX 1

Individuals who participated in the Re/integration of Trafficked Children in the Western Balkans Regional Workshop - Becici, Montenegro, 3-4 October 2012

Name	Organisation
Teuta Abrashi	CPVPT - Center to Protect Victims and Prevent Trafficking in Human Beings - Kosovo*
Katrin Adams	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) - Macedonia
Selma Advic	PI Cantonal Centre for Social Work Sarajevo
Valbona Afdullaj	Vatra - Psycho-Social Centre - Albania
Vlatko Aleksovski	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) - Macedonia
Mirsada Bajramovic	Zemlja Djece - Bosnia and Herzegovina
Aida Bekic	Save the Children International - Bosnia and Herzegovina
Suzana Berisha	Hope and Homes for Children - Kosovo*
Arula Bojan	Center for Social Work Banja Luka - Bosnia and Herzegovina
Irena Bozda	Regional Office of Social Service - Albania
Sanija Burageva	Equal Access - Macedonia
Sladana Cabric	Centre for Social Work Kruševac - Serbia
Arian Cala	Tjeter Vizion – Albania
Valbona Citaku	Hope and Homes for Children – Kosovo*
Claire Cody	UHI Centre for Rural Childhood - United Kingdom
Svetlana Cvetkovska	Ministry of Labor and Social Policy - Macedonia
Fabrice de Kerchove	King Baudouin Foundation - Belgium
Hamijet (Keti) Dedolli	CPVPT - Center to Protect Victims and Prevent Trafficking in Human Beings - Kosovo*
Antonia Di Maio	Independent Consultant - Italy
Jasmina Dimshkovska Rajkovska	Open Gate - La Strada - Macedonia
Milica Dordevic	Centre for Youth Integration - Serbia
Mike Dottridge	Independent Consultant - United Kingdom
Jelena Hrnjak	ATINA - Serbia
Mersiha Hubic	Medica Zenica - Bosnia and Herzegovina
Sabiha Husic	Medica Zenica - Bosnia and Herzegovina
Marsida Ismailaja	Municipality Unit Nr 4 - Tirana - Albania

Momcilo Janjic	Centre for Youth Integration - Serbia
Rezarta Jashari	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) - Kosovo*
Wolfgang Jessen	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Macedonia
Tatjana Junuzagic	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) - Bosnia and Herzegovina
Ardiana Kasa	Tjeter Vizion - Albania
Sanja Kljajic	Center for protection of victims of trafficking - Serbia
Artur Marku	Terre des hommes – child relief - Kosovo*
Dubravka Milovanovic	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) - Serbia
Al Moscowitz	Former US prosecutor - USA; Legal expert/advisor - Moldova
Mariana Muslia-Meshi	Different & Equal - Albania
Reta Pinderi	Different & Equal - Albania
Lulëjete Prekazi	CPVPT - Center to Protect Victims and Prevent Trafficking in Human Beings - Kosovo*
Brikena Puka	Vatra - Psycho-Social Centre - Albania
Gerrit Rauws	King Baudouin Foundation - Belgium
Marijana Savic	ATINA – Serbia
Natalija Spasovska	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) - Macedonia
Sahiba Srna	Zemlja Djece - Bosnia and Herzegovina
Rebecca Surtees	NEXUS Institute – Washington
Maja Varoslija	Open Gate - La Strada - Macedonia
Nevenka Zegarac	Faculty of Political Science, Department of Social Work and Social Policy, University of Belgrade – Serbia

* This designation is without prejudice to positions on status, and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence

Organisations working on re/integration through KBF/GIZ's Trafficking Victims Re/integration Programme (TVRP) in the Balkans

About the Trafficking Victims Re/integration Programme (TVRP), 2006-2014

Within the framework of its project Assisting the Victims of Human Trafficking (Avot), the King Baudouin Foundation launched the Trafficking Victims Re/integration Programme (TVRP) in order to enhance the scope and capacity of re/integration programmes for trafficking victims in the Balkan region. The TVRP aims to support programmes that result in sustainable re/integration of victims, to build NGO capacity in this sector, to encourage cooperation and synergies with government agencies, to identify effect models for re/integration and, very importantly, to promote sustainable re/integration programmes.

From 2007 to 2011, the TVRP, funded by KBF, was implemented in Albania, Bosnia-Herzegovina, Bulgaria, Macedonia, Romania, Serbia and Kosovo,¹³⁴ with grants totalling 875,000 Euros were awarded to nine NGOs. From 2012 to 2014, the TVRP has been funded by KBF and GIZ, with grants to 11 NGOs in Albania, Bosnia-Herzegovina, Macedonia, Serbia and Kosovo.¹³⁵ Grants totalled 370,000 Euros.

Different and Equal (D&E), Albania (2007-2014)

Different & Equal (D&E) D&E is a non-profit organization dedicated to providing high quality services for the protection and re/integration of victims of abuse, exploitation and traffickin, and to changing the legal, institutional and social context to counter these abuses. The main activities of the organisation include: residential and community services; activities to facilitate and increase access of victims in public services; community awareness about the consequences of trafficking and the rights of victims of trafficking and prevention activities through supporting vulnerable groups, especially vulnerable youth groups; activities for the evaluation of the formal labour market and increasing the access of victims to it; technical and financial support for income generation and self-employment; training for NGO service providers, state institutions, businesses, religious institutions, media, students within Albania and outside of Albania; studies and evaluations of the process of reintegration of victims of trafficking; participation in the process of identifying victims of trafficking; information and technical advice on drafting laws and legislation to protect victims of trafficking. For more details, see www.differentandequal.org or contact Different and Equal (D&E) at: different&equal@icc-al.org

¹³⁴ This designation is without prejudice to positions on status and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

¹³⁵ This designation is without prejudice to positions on status and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Tjeter Vision (Another Vision), Albania (2007-2014)

"Tjeter Vizion" (Another Vision), with its headquarters in Elbasan, offers services for women, children and youth. For nearly six years, Tjeter Vizion have been offering social care services for the vulnerable categories of the population: children, youngsters and women, in the prefecture of Elbasan, through: 1) residential and non-residential centres. Tjeter Vizion is a member of the National Reference Mechanism for the Victims of Trafficking (NRMVT). Tjeter Vizion is also a member of the various coalitions and international networks. Services for trafficking victims are both residentially based and non-residential and are designed for the individual needs of victims toward an independent system of living. For more details, contact Tjeter Vision at: tjetervizion@gmail.com

Vatra, Albania (2012-2014)

Psycho – Social Centre "Vatra" was created in 1999 in southern Albania. Vatra Centre aims the support persons in need, particularly women and children. This includes work in the areas of prevention and awareness raising of human trafficking (and domestic violence), advocacy and assistance and re/integration of victims of human trafficking, domestic violence and their children. In 2001, Vatra established the first shelter in Albania for the treatment of Albanian victims of human trafficking. Vatra is a signatory member of the National Referral Mechanism Agreement (since 2005) and recipient of the Appraisal Awards delivered by Higher National and International institutions. For more information contact the Psycho-Social Centre "Vatra", www.qendravatra.org.al, info@qendravatra.org.al, qvatra@icc-al.org

Medica Zenica, Bosnia-Herzegovina (2012-2014)

Medica Zenica is a non-governmental organisation, established in 1993, to work with victims/survivors of trauma and violence. This has included working with women and child victims of war rape and torture as well as victims of sexual violence, domestic violence and human trafficking. Medica provides a wide range of services to its beneficiaries (including shelter, psychological counseling, medical care, legal assistance, educational opportunities, vocational training, small business opportunities and job placement) and operates an SOS helpline. Medica also runs a drop in center and shelter for children at risk and street children. Medica has developed a comprehensive, multidisciplinary model of care, working closely with government and NGO partners in the provision of services. Medica has also established referral mechanisms for addressing domestic violence and violence in Zenica Dobož Canton. In addition to providing services to victims of violence and human trafficking, "Medica" Zenica implements a variety of other educational, research and advocacy initiatives aimed at preventing violence and promoting gender equality and human rights. For more information, please see: www.medicazenica.org or contact the organisation at: medica1@bih.net.ba

Zemlja Djece, Bosnia-Herzegovina (2012-2014)

Association "Zemlja djece" was established in Tuzla, BiH, in 1995 with the mission of protecting and promoting the rights of children. It's programme focuses on psycho-social support to youth and advocacy on child protection and children's rights. In 1999, Zemlja Djece began its work with street children, offering, through its day centre, educational and counselling activities and assistance in enrolling children in the formal school system. Today, assistance to street children is offered through the association's Daily Centre for Street Children in Tuzla, where children are provided with basic needs (e.g. food, clean clothes, laundry service) and assistance with any urgent needs. The association also continues its work in education and psycho-social support and has, since 2012, been working on the identification and re/integration of trafficked children identified through

the Daily Centre and community outreach. The Daily Centre also works on the prevention of child trafficking. For more details, see <http://www.zemljadjece.org> or contact "Zemlja djece" at: hug.zemd@bih.net.ba

Animus Association, Bulgaria (2007-2011)

Animus Association Foundation was founded in 1994 with the aim of providing space where women and children victims of violence can receive professional help and non-victimising attitude. Animus has been working against trafficking and in support to victims since 1997. In 1998 Animus Association became part of La Strada International programme for prevention of trafficking in women in Central and Eastern Europe. For the past eight years, Animus has worked against violence and trafficking of women and children in Bulgaria. Its policy centres on the protection of their human rights. The activities of Animus Association Foundation against trafficking are organized in 3 main areas of work: 1) Rehabilitation Centre, 2) Work in the Community including Lobby and Prevention activities and 3) Training Centre through which the organisation transfers its experience and model of work. For more details, see <http://www.animusassociation.org> or contact Animus Association at: animus@animusassociation.org

Nadja Centre, Bulgaria (2007-2011)

Nadja Centre was established in 1995 to respond to the lack of services for victims of violence, as a project of the Bulgarian Women's Union, with the financial support by Novib, the Netherlands. It is a psychosocial care centre for women and children who are victims of violence and the centre provides a variety of services including a telephone help-line; psychological, medical, legal, and social counselling, psychotherapy; and referral services. The Nadja team has experience in the implementation of projects related to psychological, medical and juridical consultations provided to women and children victims of domestic violence and trafficking and has branches in Russe, Sandanski, Turgovishte and Kjustendil. Nadja Centre implements projects related to prevention of violence, giving priority to child sexual abuse and re-integration programmes for victims of trafficking, both women and children. For more details, see <http://www.centrenadja.hit.bg/index.html> or contact Nadja centre at: nadja@cablebg.net

Center for Protection of Victims and Prevention of Trafficking in Human Beings (PVPT), Kosovo¹³⁶ (2009-2014)

PVPT is a non-governmental organisation that works to address the causes and consequences of violence through a multi-sectoral approach (e.g. socio-economic long-term services, awareness raising, advocacy, and research) and facilitates empowerment of its target population. PVPT staff has been working in the field of anti-trafficking since 2000, both on direct assistance and on trafficking prevention and awareness-raising. Since 2005, PVPT has been working on the long-term re/integration of victims of the worst forms of child labour, including trafficking, and, in July 2008, opened the Kosovo Rehabilitation Centre, which is an open-type shelter for trafficked women and children. This Centre provides survivors of trafficking with long-term re integration services, including shelter, medical care, psychological assistance, legal counselling, educational and professional opportunities and empowerment sessions. The PVPT Centre operates in close cooperation and partnership with various government ministries (e.g. Ministry of Internal Affairs, Ministry of Justice, Ministry of Labour and Social Welfare, Ministry of Education Science and Technology) as well as international and national organisations. For more details, see www.pvptcenter.net or contact PVPT at: pvpt_ngo@gmail.com.

¹³⁶ This designation is without prejudice to positions on status and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Hope and Homes, Kosovo¹³⁷ (2012-2014)

Hope and Homes is a non-governmental organisations which focuses on the protection and re/integration of children who are victims of human trafficking or at risk of trafficking, as well as child victims of other forms of violence and abuse. The organisation was established in 2001 in Pristine and Prizren. Hope and Homes provides a range of assistance and re/integration services to child victims of trafficking including shelter, medical and psychological assistance, education opportunities, life skills, vocational training legal assistance and family counselling and mediation. The organisation also works with children who have returned to live with their families, providing various off-site services and referrals and monitors the families over the course of the full re/integration process. Assistance is individually tailored to each child's age, needs and capacity. For more details, please contact Hope and home at: sdsf_ks@yahoo.com

Equal Access, Macedonia (2012-2014)

Association for Equal Opportunities Equal Access is a non-profit organization founded in 2007 with the aim of providing equal opportunities for all persons, regardless of sex, ethnicity, sexual orientation, age, disability and so on. Trafficking of human beings is a priority issue for Equal Access. The organisation's main activity is in the identification of trafficking victims in their local communities, through mobile teams and in cooperation with Centres for Social Work and various local NGOs. Once trafficking victims are identified, Equal Access provides support and services toward their re/integration. Equal access assists all victims of human trafficking including women, men and children and victims of all forms of exploitation. For more information, see: www.ednakvimoznosti.mk or contact Equal Access at: ednakov_pristap@yahoo.com

Open Gate, Macedonia (2007-2014)

Open Gate – La Strada Macedonia is a non-government, non-profitable organisation registered in September 2000; it works on the prevention and psychological and social support rendered to potential and victims of trafficking in persons. As a part of the Social Assistance long-term program functions Shelter for Victims of Human Trafficking, or the "Residence". This facility offers specialized services to beneficiaries, such as safe haven and accommodation, food, clothing, psycho-social support, medical treatment, legal aid, vocational training, on-job training or help with opening a small business. A team of trained professionals, which includes skilled social workers and psychologists, is available 24 hours-a-day. All beneficiaries are enrolled in the Residence program solely on voluntary basis. For more details, see www.lastrada.org.mk or contact Open Gate at: lastrada@on.net.mk

Adpare, Romania (2007-2011)

Established in 2003, as a non-governmental, non-profit organization, ADPARE's mission is the promotion of human rights through the development and implementation of integrative, complex and long-term assistance programmes that increases social inclusion of victims of trafficking in human beings and their families as well as young people from vulnerable groups. Assistance is carried out in cooperation with state institutions, other non-governmental organizations and international organizations with relevant experience in the field of protection and assistance for this category of beneficiaries. ADPARE is a Romanian NGO working exclusively in the area of trafficking in human beings. The main activity of ADPARE is re/integration assistance for victims

¹³⁷ This designation is without prejudice to positions on status and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

of trafficking. ADPARE offer equal services for victims of external and internal trafficking; victims of different kind of exploitation in the trafficking period; women and men. For more details, see <http://www.adpare.eu/> or contact ADPARE at adpare@adpare.eu

Young Generation, Romania (2007-2011)

Association "Generatie Tanara" (Unga Liv) Romania was created in 2001 and legalised by the Justice Department of the Court of Justice from Timisoara in January 2001, nr.146, in the register of the Associations and Foundations. "Generatie Tanara" (Unga Liv) Romania is a non-governmental, democratic, non profit, independent, non-religious and non-political association which promotes children's rights in Romania according to the United Nations Convention on the Rights of the child, adopted by the United Nations on 20 November 1989 and also the Family's Rights according to the international Treaties and Conventions to which Romania is taking part and also according to the civil legislation of Romania. Other main activities are: prevention and combating of the Trafficking in Human Beings phenomenon; assistance for familial and social re/integration of THB victims; assistance for asylum-seekers, refugees and refugee children. For more details, see www.generatietanara.ro or contact Young Generation at: office@generatietanara.ro

Atina, Serbia (2007-2013)

Founded in 2004, NGO ATINA works toward the equality of all members of society in public and private spheres, through identification of and struggle against gender-based marginalization, discrimination and violence and provision of direct assistance and support in re/integration to women and children, victims of trafficking, labour and sexual exploitation. Beneficiaries of ATINA's programmes are women, girls and children, Serbian citizens and foreigner nationals holding temporary residence permits, victims of trafficking in human beings and labour and sexual exploitation. Assistance and support in re/integration are provided to beneficiaries within three separate programmes: 1) the transition house (a semi-independent residential programme), 2) the open club (a non-residential programme) and 3) the field support team. The key objective of the ATINA programme is the establishment and improvement of mechanisms for provision of direct assistance and support to victims of trafficking in human beings in order to provide for their psycho-physical recovery, empowerment and thus sustainable re/integration. Each individual programme of assistance and support in re/integration is based on the unconditional respect for beneficiary's human rights, mutual cooperation, respect and tolerance. Individual programmes are planned and defined in agreement with each beneficiary to be able to fully meet their individual needs and help them regain control over their lives. For more details, see www.atina.org.rs or contact ATINA at: atinango@eunet.yu

Centre for Youth Integration (2012-2013)

The Centre for Youth Integration (CYI) was founded in 2004 with the aim of supporting the integration of socially excluded children and youth in Serbia. The organisation works on the protection of the rights of the child, with due attention to the best interests of children and youth in all of its work. More specifically, CYI works with children and young people who are involved in living or working on the streets of Belgrade as well as the families of these children, wherever possible. CYI provides a range of services, supporting approximately 250 street involved children each month. In March 2012, CYI began its work in the field of anti-trafficking re/integration, working in select communities on the identification of child victims of trafficking and their referral for assistance and re/integration support. The programme focuses on child victims of both trafficking for labour and sexual exploitation. Identification is undertaken through CYI's on-going work with street involved children as well as through the establishment of local task forces in communities, which work

to identify child trafficking victims. Re/integration support involves meeting the range of assistance needs of trafficked children, either through direct service provision or through referrals to state and NGO partners. CYI has also been involved in supporting the foster care system as an alternative option for trafficked children unable to return to their families/communities and in developing minimum of standards of care for child VoTs in shelters. For more details, please see: www.cim.org.rs or contact CYI at: office@cim.org.rs

NEXUS Institute, Washington

NEXUS is a multi-disciplinary human rights policy and research centre dedicated to developing more effective counter-trafficking laws, policies and practices. NEXUS has produced a number of trafficking studies, including on victim assistance and re/integration work in SEE and other regions. NEXUS provides technical assistance to KBF as part of the TVRP programme. For more details, see www.nexusinstitute.net or contact Stephen Warnath, Chair and founder at swarnath@nexusinstitute.net

APPENDIX 3. WORKING TERMS AND DEFINITIONS

Anti-trafficking actors. Persons from GOs, NGOs or IOs who are involved in efforts to combat trafficking in persons.

Assistance and protection. Measures, programmes and services aimed at the recovery of trafficked persons as outlined in Article 6 of the Palermo Protocol. These may be offered by non-governmental, governmental or international organisations in countries of destination, transit and origin. These might include but are not limited to accommodation/housing, medical care, psychological assistance, education, vocational training, employment, legal assistance and transportation. Assistance may involve one or multiple services.¹³⁸

Beneficiaries. The individuals, groups, or organizations, whether targeted or not, that benefit, directly or indirectly, from the intervention.

Child. Anyone under the age of 18 years.¹³⁹

Efficacy. The capacity to help the beneficiary achieve, in a reasonable time period, the goals of a given intervention.¹⁴⁰

Empowerment. The process by which trafficked persons are equipped with the skills and ability to lead an autonomous life.

Foster family. The UN Guidelines on Alternative Care define foster care as "situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children's own family that has been selected, qualified, approved and supervised for providing such care".¹⁴¹ A foster family is a family where children are placed by the competent authority that is selected, trained, approved or licensed and supervised in caring for children with which it has no biological or other ties.¹⁴²

Guardianship. A special arrangement intended for children without parental care and children who, under certain circumstances, need legal representation that the parents are unable to provide. Guardianship is usually granted to spouses, relatives, or foster parents of a child in need of guardianship, unless this is contrary to his/her best interests.¹⁴³

¹³⁸ Surtees, Rebecca (2007) *Listening to victims: experiences of identification, return and assistance in SEE*. USAID, ICMPD & NEXUS Institute.

¹³⁹ Art. 3d Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime and Art. 1 CRC.

¹⁴⁰ See Ontario College of Social Workers and Social Service Workers (2008) *Code of Ethics and Standards of Practice*, p. 40. Available at: http://www.ocswssw.org/en/code_of_ethics.htm

¹⁴¹ United Nations (2010) *Guidelines for the Alternative Care of Children*, A/RES/64/142, 29(c)(2).

¹⁴² Žegarac, Nevenka (2014) *The child's right to quality care. Review of the implementation of the United Nations Guidelines for the alternative care of children in western Balkan countries*. Sarajevo: Save the Children International, p. 13.

¹⁴³ Žegarac, Nevenka (2014) *The child's right to quality care. Review of the implementation of the United Nations Guidelines for the alternative care of children in western Balkan countries*. Sarajevo: Save the Children International, p. 17.

Intervention. In social work, the term is analogous to the physician's term "treatment". Many social workers prefer using "intervention" because it includes "treatment" and also encompasses the other activities social work members use to solve or prevent problems or achieve goals for social betterment. These could include psychotherapy, advocacy, mediation, social planning, community organisation, finding and developing resources.¹⁴⁴

Kinship care. A formal, approved and supervised type of family care, including living with and caring for the child by a person related to him/her or by a close friend of the family that the child is familiar with. In a wider sense, kinship care includes situations where the child lives with a relative who is also a legal guardian, without a formal foster care arrangement, which is designated as guardianship placement.¹⁴⁵

Re/integration. Re/integration refers to the process of recovery and economic and social inclusion following a trafficking experience. This inclusion is multifaceted and must take place in social and economic arenas. It includes settlement in a safe and secure environment, access to a reasonable standard of living, mental and physical well-being, opportunities for personal and economic development and access to social and emotional support. In many cases, re/integration will involve the return to the victim's family and/or community of origin. However, it may also involve integration in a new community and even in a new country, depending on the needs and interests of the victim. A central aspect of successful re/integration is that of empowerment, supporting victims to develop skills toward independence and self-sufficiency and to be actively involved in their recovery and re/integration.¹⁴⁶

Recovery. The process by which persons who have experienced abuse and/or exploitation achieve physical and mental well-being.

Residential care. Care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short- and long-term residential care facilities, including group homes.¹⁴⁷

Separated children. Children without parental care who are outside their country of habitual residence who are separated from a previous legal or customary primary caregiver, but who may nevertheless be accompanied by another relative.¹⁴⁸

Service providers. Organisations and individuals that provide one or more of the range of services and assistance provided to trafficking victims. These may include social workers, psychologists, shelter staff, medical personnel or legal professionals from NGOs, IOs and GOs.

144 See Ontario College of Social Workers and Social Service Workers (2008) *Code of Ethics and Standards of Practice*, p. 41. Available at: http://www.ocswssw.org/en/code_of_ethics.htm

145 Žegarac, Nevenka (2014) *The child's right to quality care. Review of the implementation of the United Nations Guidelines for the alternative care of children in western Balkan countries*. Sarajevo: Save the Children International, p. 14.

146 Surtees, Rebecca (2008) *Re/integration of trafficked persons – how can our work be more effective*, Brussels: KBF & Vienna: NEXUS Institute; Surtees, Rebecca (2008) *Re/integration of trafficked persons – handling "difficult" cases*, Brussels: KBF & Vienna: NEXUS Institute; and Surtees, Rebecca (2006) *Reintegration programmes in SE Europe—a background paper for the King Baudouin Foundation*, Brussels: KBF & Vienna: NEXUS Institute.

147 United Nations (2010) *Guidelines for the Alternative Care of Children*, A/RES/64/142, 29(c)(4).

148 United Nations (2010) *Guidelines for the Alternative Care of Children*, A/RES/64/142, 29(a)(2).

Sustainability. The continuation of benefits from a development intervention after major development assistance has been completed. The probability of continued long-term benefits. The resilience to risk of the net benefit flows over time.

Trafficking victim/trafficked person. For many people, the term “victim” implies powerlessness and constructs identity around the individual’s victimisation. At the same time, from a human rights framework, the term “victim” is important as it designates the violation experienced and the responsibility for redress. It is for this reason that the term “victim” is used in this report. The term “trafficked person” is also used because it too acknowledges that person’s trafficking experience as central and in need of redress. Both terms designate persons who qualify as victims of trafficking in accordance with Article 3 of the UN trafficking Protocol and/or according to relevant national legislation.¹⁴⁹

Unaccompanied children. Children without parental care who are outside their country of habitual residence who are not cared for by another relative or an adult who by law or custom is responsible for doing so.¹⁵⁰

Youth. As this paper is focused only on children (i.e. anyone under the age of 18) the term “youth” is used to refer to older children or those between the ages of 15 and 18. That being said, UN standards define “youth” as males and females between the ages of 15 and 24.¹⁵¹

¹⁴⁹ See Brunovskis, Anette and Rebecca Surtees (2007) *Leaving the past behind? When victims of trafficking decline assistance*, Washington, DC: NEXUS & Oslo: Fafo and Surtees, Rebecca (2007) *Listening to victims: experiences of identification, return and assistance in SEE, USAID, ICMPD & NEXUS Institute*.

¹⁵⁰ United Nations (2010) *Guidelines for the Alternative Care of Children*, A/RES/64/142, 29(a)(1).

¹⁵¹ See, e.g., United Nations General Assembly (2001) *Implementation of the World Programme of Action for Youth to the Year 2000 and Beyond*, Report of the Secretary-General, A/56/180.



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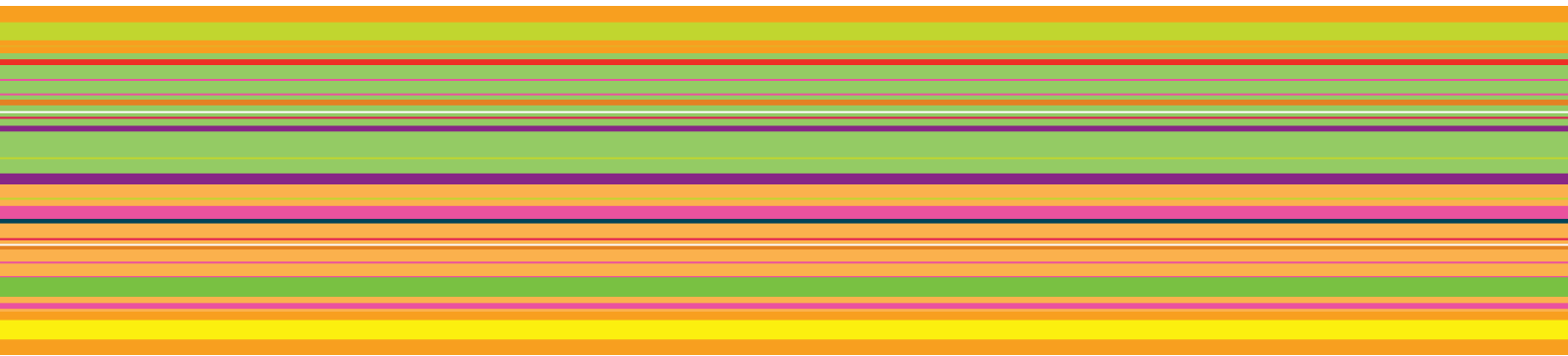
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