



HUMAN TRAFFICKING

Presentation on Child Trafficking



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What is human trafficking?

According to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, trafficking can be defined as

the recruitment, transportation or transfer of persons through the use or threat of force or other forms of coercion, for the purpose of exploitation, which can include, at a minimum, sexual exploitation, forced labour or services, slavery or similar practices, servitude or the removal of organs.

The expression 'modern slavery' is often used to refer also to trafficking= umbrella term that covers a wide array of practices, like sexual exploitation, forced labour or servitude, both committed through trafficking and as separate crimes

Why is human trafficking relevant to unaccompanied minors?

1. During migration, unaccompanied minors may face long, dangerous journeys through unsafe areas, where traffickers prey on them.
2. Many minors are fleeing conflict, poverty, or violence, which can increase desperation and risk-taking behaviors.
3. Unaccompanied minors often lack parental protection and support, making them prime targets for traffickers.
4. Trafficking of minors is harder to detect due to their invisibility in systems and lack of legal awareness.
5. Many are afraid to seek help because of distrust in authorities and trafficking of children is harder to detect due to their limited visibility in the system and lack of legal awareness.

International legal framework

UN Protocol to Prevent, Suppress and Punish Trafficking in Women and Children



ONLY universal treaty addressing human trafficking



It was adopted in 2000 and entered into force in 2003



It supplements the UN Convention against Transnational Organised Crime



Purpose of the treaty:

- to prosecute trafficking, which is considered a crime
- to take preventive measures
- to protect and assist the victims, paying particular attention to women and children.

Definition of human trafficking

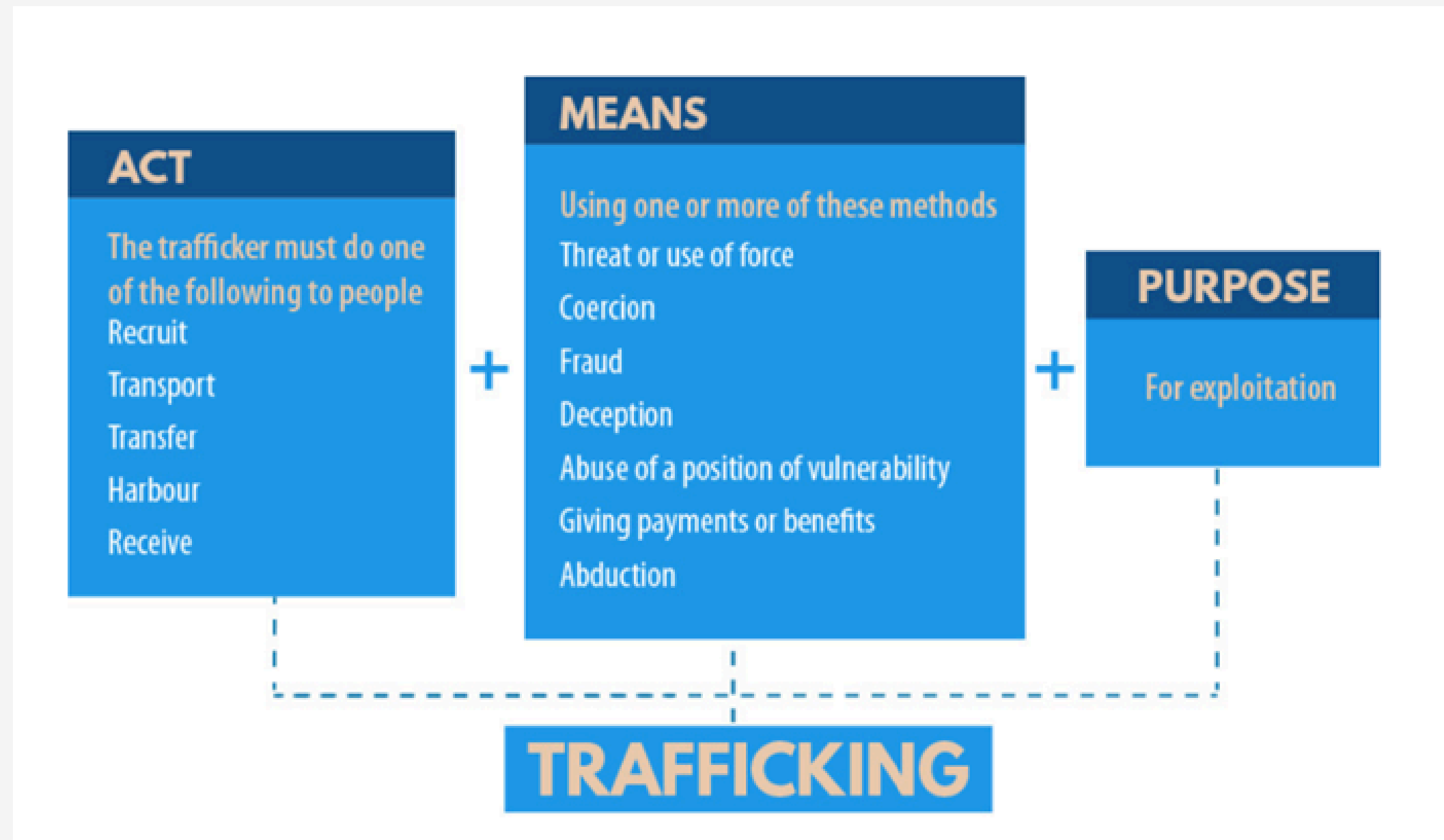
UN Protocol to Prevent, Suppress and Punish Trafficking in Women and Children

Peculiarity: this is the first treaty to give a definition of human trafficking--> Art. 3(a):

“Trafficking in persons” shall mean the **recruitment, transportation, transfer, harbouring or receipt of persons**, by means of the **threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person**, for the **purpose of exploitation**.

Exploitation shall include, at a minimum, the exploitation of the **prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs**”

3 non-exhaustive key elements to identify human trafficking:



Source: United Nations Office on Drugs and Crime, 'Human Trafficking' <<https://www.unodc.org/unodc/en/human-trafficking/crime.html>> accessed 7 April 2024.

- **Movement** through recruitment, transportation, transfer, harbouring or receipt of persons
- **Coercion**, that can be either physical, like an abduction, or psychological, by means of fraud, deception or abuse of power.
- The **purpose** of the behaviour must be exploitation (mens rea), which includes, as a minimum, sexual exploitation, forced labour, slavery, servitude or removal of organs.

Can there be consent to being trafficked?

Article 3(b) clarifies the notion of consent --> depending on the age of the victim:

Victims 18 years old or over (=adults)

Consent is irrelevant if at least one of the coercive methods outlined in Article 3(a) are met -->

threat, use of force, coercion, abduction, fraud, deception, abuse of power, abuse of a position of vulnerability, or giving or receiving payments or benefits to achieve consent, control over another person

Victims under 18 years old (=children)

Children are not eligible to give legally recognized consent irrespective of the circumstances

The crime towards minors is perpetrated regardless of the consent that the minor might have expressed


European legal framework

the European Union



Directive of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims (2011/36/EU)

- sets minimum standards for both **prosecution and assistance**. States can choose to increase their regulation and adopt stricter measures
- focus on **preventive measures and the protection of victims** > rules on criminal proceedings, medical, physical and psychological care, legal assistance and the possibility of appointing a representative if victims have not reached the age of majority



In June 2024 also **online exploitation, the exploitation of surrogacy, forced marriage and illegal adoption** were added and are now covered under the EU anti-trafficking Directive

European legal framework

the Council of Europe

2 instruments:



the Convention on Action against Trafficking in Human Beings

> focus on all forms of trafficking



the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse

> focus on sexual violence on children, which can also be a mean of coercion or the purpose of exploitation within trafficking in human beings

European legal framework

the Council of Europe

the Convention on Action against Trafficking in Human Beings



It was adopted in 2005 and entered into force in 2008



It stems from the Palermo Protocol and shares its goals



However it is **wider in scope than the Palermo Protocol:**

First treaty to define the notion of victim in art.4 (b): *“any natural person who is subject to trafficking in human beings as defined in this article”*

Very wide definition of trafficking, encompassing all forms of trafficking and all forms of exploitation, with a non-exclusive definition.

European legal framework

the Council of Europe

the Convention on Action against Trafficking in Human Beings

- Contains obligations to prevent trafficking and ensure investigation and prosecution
- Pays **particular attention to measures to ensure the protection and assistance** to victims -> the right to be identified as a victim, to be assisted, to be given a reflection period to decide whether to apply for residence in the host country or return to the country of origin, receive compensation for damages .
- This is the **first legal instrument to establish a monitoring mechanism** made of 2 bodies:
 1. Committee of the Parties
 2. Group of Experts on Action against Trafficking in Human Beings (GRETA)
- they conduct annual evaluations of Member States and give recommendations

European legal framework

the Council of Europe

Convention on Protection of Children against Sexual Exploitation and Sexual Abuse



It was adopted in 2005 and entered into force in 2010



Its goal is to **protect children under 18 from any kind of sexual offence, violence, exploitation and abuse** so even if narrower in scope, it still encompasses many practices, including trafficking in persons



It sets out that States in Europe shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.



It establishes the Committee of the Parties, an **ad hoc body that monitors** whether Parties effectively implement the Lanzarote Convention and identifies good practices

Trafficking and smuggling : differences

Trafficking in human beings

Can occur both between States and within national borders (national trafficking)

Involves ongoing abuse that generates a benefit, financial or otherwise, for traffickers,

The purpose of the crime is exploitation

There is no consent, or, if it was given, it's not valid under the conditions set by Art.3a of the Palermo Protocol

Smuggling of migrants

Requires crossing of an international border

The relationship between smuggler and migrant is a commercial transaction, which does not necessarily include any form of force

The purpose of the crime is to take the migrant from a place to another

The migrant has given a valid consent to be smuggled

Trafficking and smuggling : similarities

- Frequent involvement of organized crime.
- Trafficking and smuggling can occur along the same routes
- The crime can start off as smuggling and then become trafficking, if exploitation is involved
- Like trafficked persons, often smuggled migrants are victims of other crimes, like ill-treatment, violence or other human rights violations.

Trafficking in persons and smuggling of migrants are different crimes that require different responses in law, both with regard to the rights of a person who has been the object of one of these crimes and to the penalty for perpetrators

Types of trafficking

Sex trafficking: occurs when one engages in a commercial sex act as a result of force, fraud, or coercion. If the individual is under the age of 18, any commercial sex act is considered trafficking even if there is no force, fraud or coercion.

Sexual exploitation can occur in various settings, such as brothels, strip clubs, massage parlors, on the street or in private homes.

Women and children are the most common victims found to be trafficked for sex, but men and boys are also trafficked for sex.

Forced labour: work or service that individuals are forced to do against their will, usually under threat of punishment. Types of forced labour include debt bondage, domestic servitude, forced commercial sexual exploitation, forced child labour and recruitment and use of child soldiers.

- Debt bondage: involves a debt that must be paid off through work. Work is at minimum wage and the debt continues to increase because of added expenses and can never be paid off.
- Domestic servitude: domestic worker exploited in a domestic setting.

Types of trafficking

- Forced begging: individuals are obliged to beg for long hours and then hand over all or most of their earnings to the person who is forcing them to beg.

Organ removal: a body part is often sold as an illegal trade. Organs can be taken in trade (agreement to sell body part resulting in breach of agreement or lack of payment), ailments (an individual is treated for an ailment, which may or may not exist and the organs are removed without consent) or extortion.

Forced marriage: a marriage in which at least one of the parties is not free to put an end to the marriage or to leave his or her spouse.

It may be a means of escaping poverty, especially following armed conflicts. It can also take the form of exchange or trade-off marriages, alliances agreed between families in order to guarantee property rights or for immigration purposes, forcing a victim of rape to marry the perpetrator, levirate marriage or servile marriage, the aim of which is exploitation.

Child soldiers: recruitment or use of children is a result of forced, fraud or coercion. Children are recruited as combatants in armed conflicts and in support roles.

Tactics used for trafficking

According to GRETA's Report 2022 child trafficking is an increasing phenomenon, with the use of technology and social media as notable techniques for grooming, recruitment and exploitation

Common tactics used to groom children include:

- False identities and fake profiles, fake job offers or employment
- Exploiting vulnerabilities, such as low self-esteem, emotional distress or need for attention. A popular tactic is the “lover boy tactic”, lying and twisting facts or gaslighting.
- Online coercion, threats and intimidation: threatening to harm the child, their families or their reputation.
- Absence of control from caregivers or lack of knowledge: absence of monitoring online activity increases the potential risks of exploitation.
- Online peer pressure: through pressure in groups or online communities where exploitation is normalised, using manipulation or desire to fit in.

Risk factors and vulnerabilities: *Modus operandi* of criminal organizations

Criminal organisations often develop typical elements in their *modus operandi*:

1- the contact of the organisation through a known and trusted personality of the community, such as the pastor of the community or a friend of a friend

2- the usage of means to frighten the victims and to gain control over them

3- the presence of a person who organises and supports the journey from the departure country to the destination country financially, but then demands payment

4- finally, the discovery of the work that the victims should only do once they are alone and away from an environment they know

Risk factors and vulnerabilities:

Cultural norms

Culture informs a victim's perception of their situation during and after trafficking as well as their decisions about identification.

Cultural and social norms influence perception of what constitutes exploitation and abuse and what constitutes a "normal" work environment. In some cases, cultural norms such as the feeling of responsibility to family and community, may mean that exploitation is accepted as it allows them to fulfil obligations to children or parents.

Culture also informs behavioural norms (for males and females, adults and children) that directly impact on the possibility or ability to discuss sensitive topics (for example, sexual violence, tolerance of violence), all of which may inhibit disclosure of trafficking experiences to practitioners

Facts and figures

Trafficking in the European Union

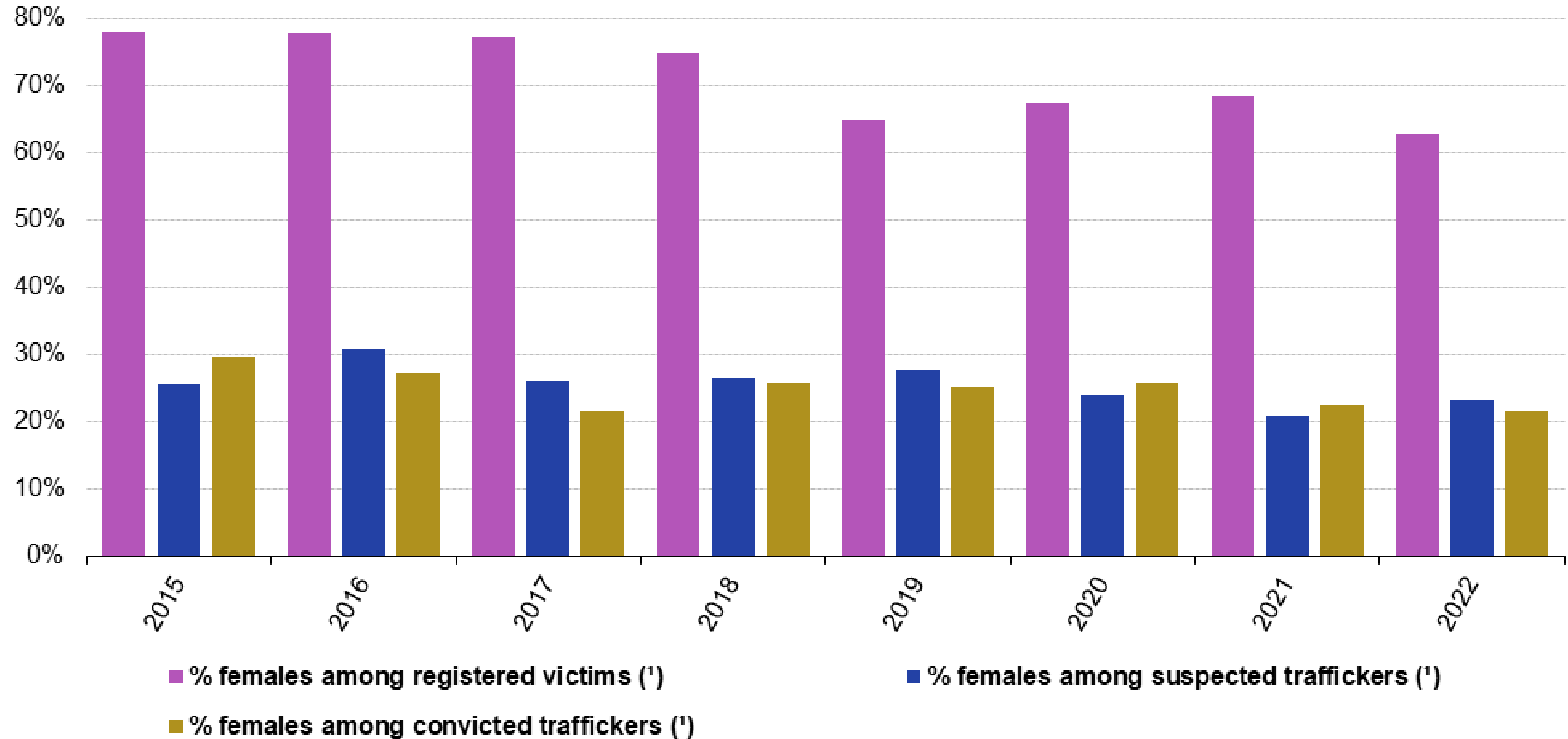
According to Eurostat:

10.093 victims of human trafficking were identified in 2022 = 41% increase compared to 2021.

Of these, **63% being women or girls and 15% being children**

Prevalence of females involved in trafficking of human beings

(% by legal status, EU, 2015-2022)



(¹) Calculated on responding countries and on known values. Victims of trafficking in human beings. Persons suspected of the crime of trafficking in human beings. Persons convicted of the crime of trafficking in human beings.

Source: Eurostat (crim_thb_sex)

eurostat 

source: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Trafficking_in_human_beings_statistics and https://home-affairs.ec.europa.eu/news/newly-released-data-show-increase-trafficking-human-beings-2024-02-28_en

Facts and figures

Trafficking in the European Union

The number of registered victims increased in 2022 in 18 out of 27 Member States.

The largest increase occurred in

- Germany, where there was an important case in the field of forced labour exploitation
- Italy, where the source of victims' data changed to the protection system rather than to police data, thus also including victims who were not intercepted by the police.

Facts and figures

Trafficking in the European Union

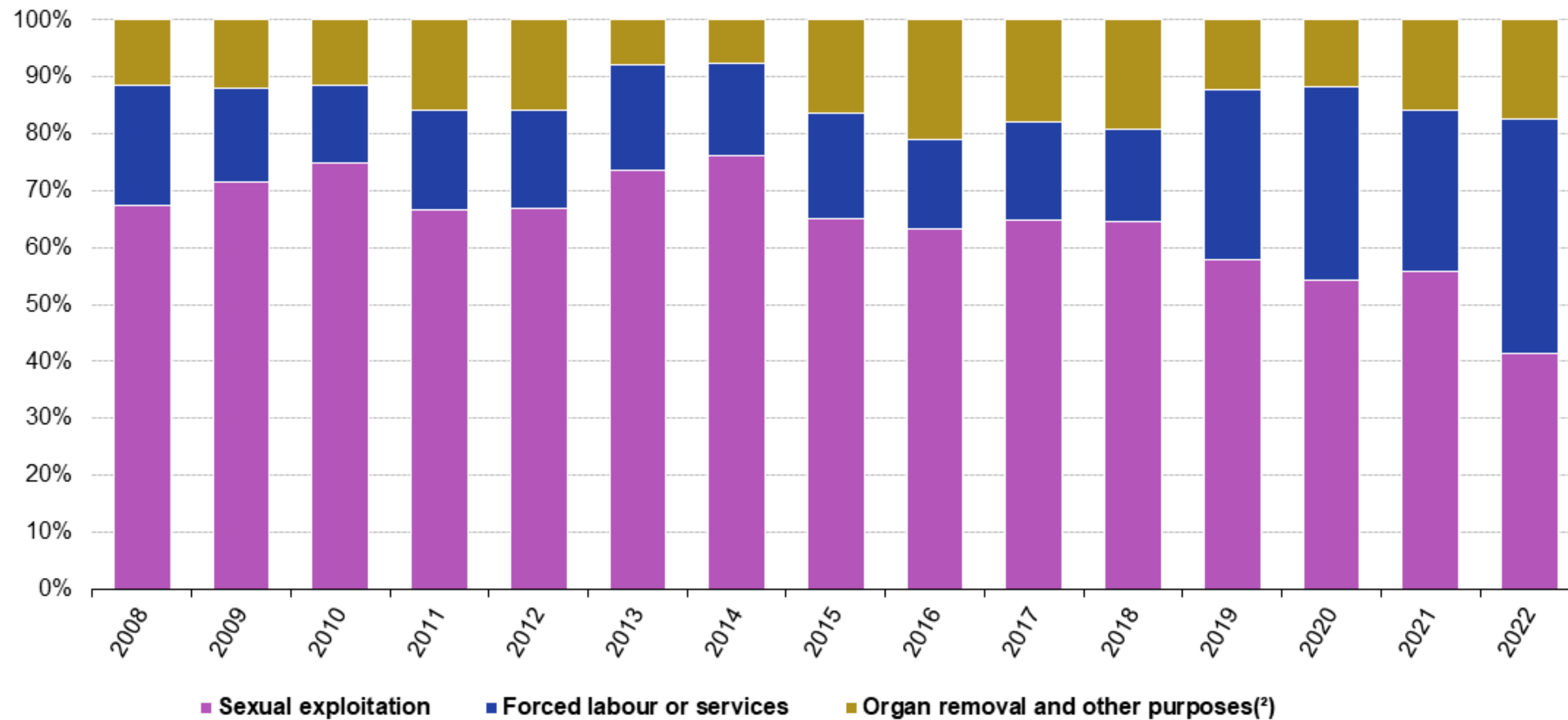
The **most common form of exploitation is sexual exploitation**, but in 2022 exploitation by **forced labour and services** became almost equal to sexual exploitation

8064 suspected traffickers in 2022 = decrease of 16.4 %
compared to 2021

2097 trafficker convicted in 2022 = decrease of 16.7 %.
compared to 2021

Forms of exploitation for registered victims of trafficking in human beings⁽¹⁾

(%, EU, 2008-2022)



(¹) Calculated on responding countries and on known values. No adjustments were made.

More than one form of exploitation can be recorded for a victim.

(²) Organ removal and other purposes including use for benefit fraud, criminal activities and forced begging.

Source: Eurostat (crim_thb_vexp)

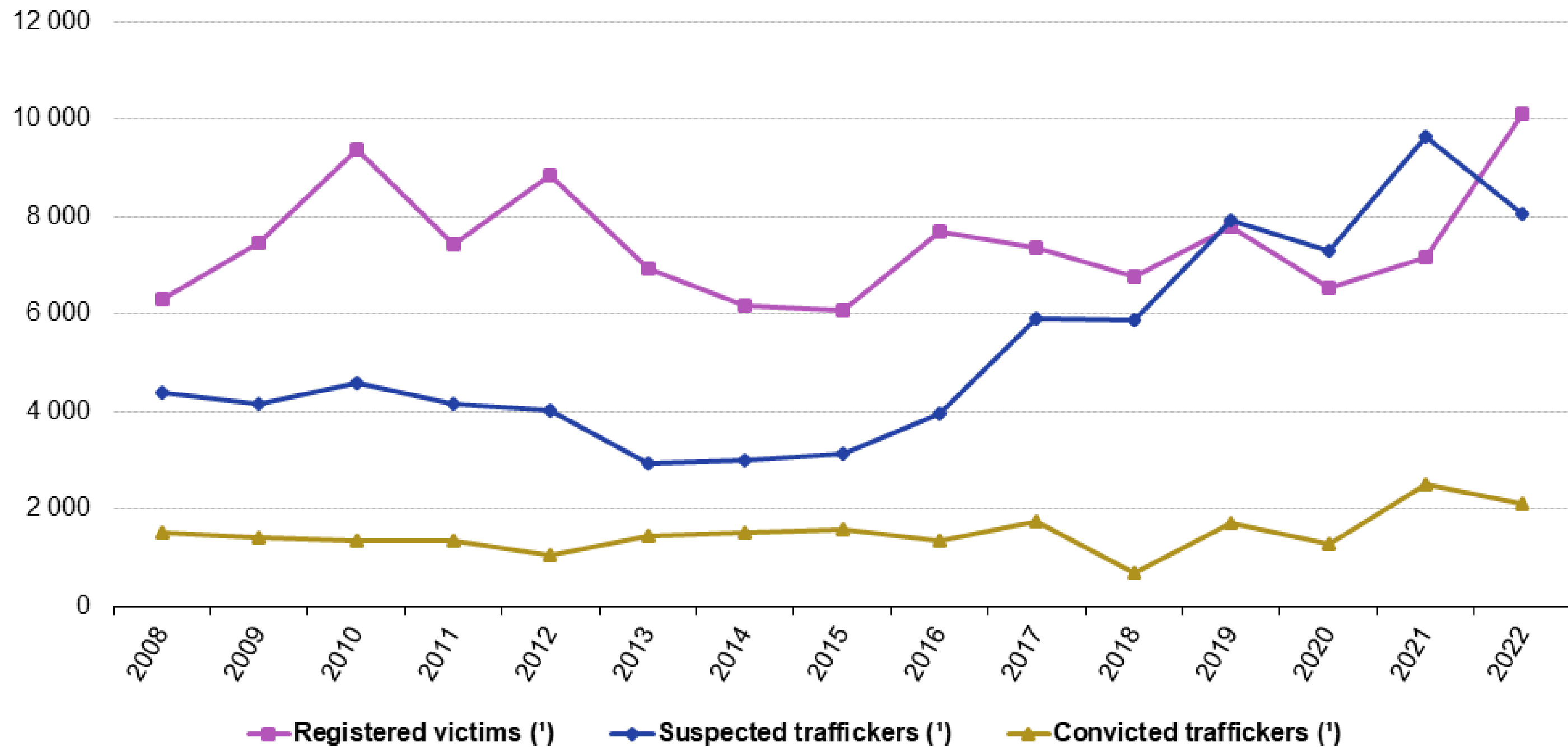
eurostat 

Source: [https://ec.europa.eu/eurostat/statistics-explained/index.php?](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:F5_Forms_of_exploitation_for_registered_victims_of_trafficking_in_human_beings.png)

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Persons involved in trafficking in human beings by legal status⁽¹⁾

(number of persons, EU, 2008-2022)



(¹) Totals for responding countries. No adjustments were made.

Source: Eurostat (crim_thb_sex)

eurostat 

source: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Trafficking_in_human_beings_statistics

Cypriot legislation



Law 60(I)/2014 on Prevention and Combating of Trafficking and Exploitation of Persons and the Protection of Victims

It was ratified in 2014 and subsequently amended in 2019 to harshen the penalties for the offences

It revises the legal framework regarding the fight against trafficking, the exploitation of persons and the protection of victims.

It also provides for the criminalisation of the use of services, if there is reasonable suspicion that the service is provided by a victim of trafficking in human beings

in 2007 a National Coordinator for combating trafficking in human beings was established. The role is now maintained by the Minister of Interior

Cypriot legislation

The National Coordinator chairs the Multidisciplinary Coordinating Group, which is tasked to take all the necessary measures to combat human trafficking and protect its victims, such as:

- To review or amend the National Action Plan for the Coordination of Actions to combat Trafficking in Human Beings → the last one was drafted in 2019 for the period 2019-2021;
- To cooperate with countries of origin, transit or other destination countries of victims, providing protection to victims and developing mechanisms for combating the offences described in the Law;
- To monitor and analyse international developments and Law on human trafficking.

Law 60(I)/2014 affirms that an independent external evaluator should be appointed, however the Republic of Cyprus has not yet appointed one and its competencies are exercised by the Multidisciplinary Coordinating Group.

Cypriot legislation

Law 60(I)/2014 contains some **provisions** that regard specifically **trafficking in children**:

Art.10 on child trafficking states:

*“Any person who recruits, transports, transfers, harbours, or receives a child, exchanges or transfers the control over that child for the purpose of exploitation, shall be guilty of a felony and shall be liable on conviction to **life imprisonment**”*

It also **criminalizes the use of sexual services**, stipulating that any person who asks for or receives the services of a child victim of sexual exploitation, is guilty of this offence

Facts and figures

Trafficking in Cyprus

In 2020:

- **172** individuals interviewed as **potential victims**
- **25 identified as victims**, of which (some fall into more than one category):
 - 8 victims trafficked for sexual exploitation
 - 2 victims trafficked for labour exploitation
 - 3 victims were trafficked for both labour and sexual exploitation
 - 1 victim was trafficked for forced marriages
 - 1 victim was trafficked for forced begging

Traffickers subject women - primarily from Eastern Europe, South and Southeast Asia, and sub-Saharan Africa - to sex trafficking.


Foreign migrant workers – primarily from North Africa but also from South and Southeast Asia – to forced labor in agriculture.

Unaccompanied children, children of migrants, Roma, and **asylum-seekers are especially vulnerable to sex trafficking and forced labor.**


Reccommendations for practitioners



Implement special measures in identification and referral such as child-friendly interviewing and the presumption of minority age until proven otherwise.



Engage all relevant practitioners from different fields and sectors in the identification process (preliminary screening, formal identification and referral for assistance and protection). For children this must include child protection agencies tasked with ensuring the best interests of the child.



Learn about the impact of trafficking and trauma on victims including how it interferes with memory, comprehension and decision-making. Be conscious of trafficking victims' fears and concerns and the threats and violence they have suffered at the hands of traffickers and, in some cases, authorities.

Reccommendations for practitioners



Be sensitive to victims' negative past experiences and reassure them that they are safe, protected and supported and that by no means they are at fault.



Be conscious of victims' fear of discrimination and stigmatization by their family and community. Recognize that disclosure often takes time and victims may only disclose their trafficking experiences to you after some time and once trust has been built.



Ensure that you are sensitive and caring in interacting with trafficking victims, including by creating an environment where victims feel comfortable to be interviewed.

Reccommendations for practitioners



Take steps to avoid revictimizing and retraumatizing victims including controlling who comes into contact with trafficking victims at identification and avoiding multiple and repeat interviewing.



Identify cultural barriers to identification and address these in identification tools, practice and procedures. Engage cultural mediators trained in trauma-informed interviewing with trafficking victims trained in trauma-informed interviewing with trafficking victims.



Provide victims with clear and comprehensible information in a language and format they can understand.

Reccommendations for practitioners



Ensure that trafficking victims are not penalized for crimes committed as a direct consequence of being trafficked. Anticipate the potential for mis-identification.



Regularly review and revise screening procedures and protocols for victim identification so that they keep pace with how trafficking takes place in the country. Adjust tools and procedures for victim identification in less usual contexts such as crisis or conflict settings.



Ensure that practitioners are held to account for failure to identify trafficking victims or to refer them (or other types of victims) for assistance. Investigate reports of wrongdoing, including by supervisors, subordinates and colleagues.

**Thank you for your attention!
please give feedback by clicking
the heart!**



Sources

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