

Office of the Special Representative and Co-ordinator
for Combating Trafficking in Human Beings



Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings

ISBN: 978-3-903128-64-4

Published by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Wallnerstr. 6, 1010 Vienna, Austria

Tel: + 43 1 51436 6664

Fax: + 43 1 51436 6299

email: info-cthb@osce.org

© 2020 OSCE/Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Copyright: "All rights reserved. The contents of this publication may be freely used and copied for educational and other non-commercial purposes, provided that any such reproduction is accompanied by an acknowledgement of the OSCE/Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings as the source."

Design: Tina Feiertag, Vienna

Photos: shutterstock

Cite as: OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings: Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings

The Organization for Security and Co-operation in Europe (OSCE) is a pan-European security body whose 57 participating States span the geographical area from Vancouver to Vladivostok. Recognized as a regional arrangement under Chapter VIII of the United Nations Charter, the OSCE is a primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in its area. Its approach to security is unique in being both comprehensive and co-operative: comprehensive in that it deals with three dimensions of security – the human, the politico-military and the economic/environmental. It therefore addresses a wide range of security-related concerns, including human rights, arms control, confidence- and security-building measures, national minorities, democratization, policing strategies, counter-terrorism and economic and environmental activities.

PARTICIPATING STATES: Albania | Andorra | Armenia | Austria | Azerbaijan | Belarus | Belgium | Bosnia and Herzegovina | Bulgaria | Canada | Croatia | Cyprus | Czech Republic | Denmark | Estonia | Finland | France | Georgia | Germany | Greece | Holy See | Hungary | Iceland | Ireland | Italy | Kazakhstan | Kyrgyzstan | Latvia | Liechtenstein | Lithuania | Luxembourg | Malta | Moldova | Monaco | Mongolia | Montenegro | Netherlands | North Macedonia | Norway | Poland | Portugal | Romania | Russian Federation | San Marino | Serbia | Slovakia | Slovenia | Spain | Sweden | Switzerland | Tajikistan | Turkey | Turkmenistan | Ukraine | United Kingdom | United States of America | Uzbekistan
ASIAN PARTNERS FOR CO-OPERATION: Afghanistan | Australia | Japan | Republic of Korea | Thailand
MEDITERRANEAN PARTNERS FOR CO-OPERATION: Algeria | Egypt | Israel | Jordan | Morocco | Tunisia

The materials in this publication are for general information purposes only, provided on an "as is" basis, without warranties of any kind, including fitness for any particular purpose. The OSCE, specifically, does not make any warranties with respect to the accuracy or completeness of the information in this publication. The views, findings, interpretations and conclusions expressed herein are those of the author(s) and do not necessarily represent the official position of the OSCE and/or its participating States. To the extent permitted by law, the OSCE does not accept any liability for any loss, damage, liability or expense incurred or suffered, which may arise as a result of, or in connection with, the use of information contained in this publication.

Office of the Special Representative and Co-ordinator
for Combating Trafficking in Human Beings

Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings

Table of Contents

List of Acronyms and Abbreviations
page 6

Glossary
page 7

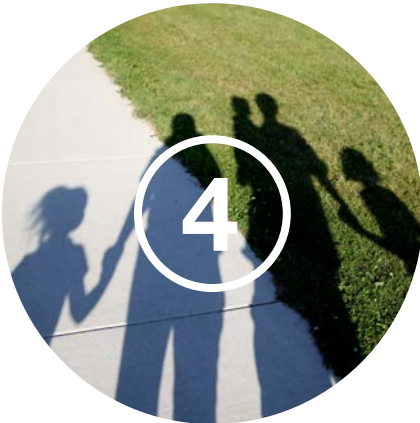
Foreword
page 14

Acknowledgements
page 15



Introduction
page 16

Key Responsibilities for National Focal Points
page 18



Establishing National Focal Points
page 22

Specific Procedures that Require Involvement of National Focal Points
page 28



Concluding Recommendations
page 44

Annexes
page 46

List of Acronyms and Abbreviations

BIA	Best interests assessment
BID	Best interests determination
CRC	UN Convention on the Rights of the Child (1989)
EU	European Union
FRA	European Union's Fundamental Rights Agency
GRETA	Council of Europe Group of Experts on Action against Trafficking in Human Beings (treaty-monitoring body)
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organization (and International Labour Office)
IOM	International Organization for Migration
NFP	National Focal Point
NGO	Non-governmental organization
NRM	National Referral Mechanism
ODIHR	OSCE's Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
OSR/CTHB	Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings
RCM	Regional Conference on Migration
SOP	Standard Operating Procedures
THB	Trafficking in human beings
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime

Glossary

Terms	Meaning
Adolescent	A person between the ages of 10 and 19. ¹
Age assessment	Process by which authorities seek to establish the chronological age, or age range, of a person in order to determine whether an individual is a child or not.
Alternative care	Care provided for children by caregivers who are not their biological parents. This may take the form of informal or formal care. Alternative care may be kinship care; foster care; other forms of family-based or family-like care placements; residential care; or supervised independent living arrangements for older children ² .
Assessment	The process of collecting information and making sense of it (notably in order to develop a plan to ensure that a child's needs are met). The number of successive assessments should be minimized, but an initial assessment is unlikely to be comprehensive. A care and protection assessment involves the systematic evaluation of a child's situation. See "best interests assessment" below.
Asylum seeker	A general term for any person who is seeking international protection. In some countries, it is used as a legal term referring to a person who has applied for refugee status or a complementary international protection status and has not yet received a final decision on their claim. It can also refer to a person who has not yet submitted an application but may be in need of international protection. Not every asylum seeker will ultimately be recognized as a refugee. However, an asylum seeker may not be sent back to their country of origin until their asylum claim has been examined and resolved in a fair procedure.
Best interests assessment (BIA)	A best interests assessment is an assessment of an individual child, designed to ensure that the child's best interests are the foremost consideration. A BIA must be conducted by staff with adequate training and with participation of the child in the process, but is not a formal procedure (whereas a "best interests determination" or BID is). A BIA should take place as soon as a child at risk is identified. A BIA should be carried out, for example, before family tracing occurs or a child is provided temporary care. An initial assessment should be reviewed and updated regularly until a comprehensive, long-term solution is implemented. A BIA should be seen as an essential element of case management and general child protection. ³
Best interests determination (BID)	A best interests determination is a formal process with strict procedural safeguards. It determines a child's best interests on the occasion of particularly important decisions affecting that child. A BID should permit the child to participate, should be conducted by decision makers with relevant expertise, and should balance all relevant factors to determine the best options for the child. ⁴
Caregiver	The person responsible for caring for a child, conventionally one or both birth parents, or a birth parent and a step-parent, or a guardian. In the case of an unaccompanied or separated child placed in care, the caregiver is the person with prime responsibility for that child's care in the household or place where the child lives, rather than the child's case manager.

1 UNICEF, Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe (2006). Available at: <https://www.refworld.org/docid/49997af7d.html> (accessed 12 October 2020)

2 Guidelines for Alternative Care for Children (2010). Available at: <https://digitallibrary.un.org/record/673583> (accessed 12 October 2020).

3 UNHCR Emergency Handbook, "Best Interests Procedure". Available at: <https://emergency.unhcr.org/entry/44308/best-interests-procedure-for-children> (accessed 18 December 2019).

4 Ibid.

Terms	Meaning
Case management	“Case management” is a generic term, with no single definition. It is a system for managing assistance to individuals (such as child victims of trafficking or unaccompanied children) that systematically arranges such assistance to them (whether adults or children) from the beginning to the end of the assistance being provided, including monitoring the individual concerned. The starting point is a needs assessment and the appointment of a case manager, following which the child (or adult) concerned is referred to the range of services which he or she might need or be entitled to access.
Child	Any person under 18 years of age (UN Convention on the Rights of the Child, 1989). The word “children” therefore refers to boys, girls, adolescents and young people under the age of 18.
Children at risk	<p>Children who are at heightened risk of violence, exploitation, abuse or neglect as a result of exposure to risks in the wider protection environment and/or risks resulting from individual circumstances.</p> <p>Children at risk can include, but are not limited to: unaccompanied and separated children, particularly those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; child parents; child victims of trafficking and sexual exploitation (e.g. those earning money or accepting favours in return for participation in a sexual act) or abuse; survivors of torture; survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation; child spouses, particularly those under the age specified in national laws and/or children in forced marriages; internally displaced children, asylum seekers and refugee children; children who are or have been associated with armed forces or groups; children in detention; children who suffer from social discrimination; children with mental or physical disabilities; children living or working on the streets; children living with or affected by HIV and AIDS and children suffering from other serious diseases; and children out of school.⁵</p> <p>Children at a heightened risk of “neglect” include children whose parent(s) or guardian fails to care for them.</p>
Children without parental care	All children not in the overnight care of at least one of their parents or a legal guardian, for whatever reason and under whatever circumstances. Children without parental care who are outside their country of habitual residence or are victims of emergency situations are generally referred to as “unaccompanied” or “separated”.
Child protection	Child protection is commonly understood to refer to the protection of children from all forms of violence, exploitation, abuse, and neglect, in the home, in institutions, and in the context of formal or informal procedures, in line with Article 19 of the UN Convention on the Rights of the Child. More broadly, it refers to all activities aimed at obtaining full respect for the rights of the child in accordance with national and international law. Some countries use a different terminology to refer to this concept, such as “child safeguarding” or “child welfare”, or consider child protection to be an integral part of “social welfare” or “social affairs”. ⁶
Child protection system	UNICEF defines a “child protection system” as “certain formal and informal structures, functions and capacities that have been assembled to prevent and respond to violence, abuse, neglect and exploitation of children. A child protection system is generally agreed to be comprised of the following components: human resources, finance, laws and policies, governance, monitoring and data collection as well as protection and response services and care management. It also includes different actors – children, families, communities, those working at sub-national or national level and those working internationally. Most important are the relationships and interactions between and among these components and these actors within the system. It is the outcomes of these interactions that comprise the system”. ⁷

5 UNHCR, Guidelines on Assessing and Determining the Best Interests of the Child (2018 Provisional Release). Available at: <https://www.refworld.org/docid/5c18d7254.html> (accessed 18 December 2019).

6 CBSS Secretariat, Transnational Child Protection: Practical Guide for Caseworkers and Case Officers (2015). Available at: https://childhub.org/en/system/tdf/library/attachments/practical_guide_to_publish.pdf?file=1&type=node&id=20591 (accessed 13 October 2020).

7 UNICEF, Strengthening Child Protection Systems: Evaluation of UNICEF Strategies and Programme Performance (2019). Available at: https://www.unicef.org/evaldatabase/files/2018-UNICEF_CPSS_Summary.pdf (accessed 12 October 2020).

Terms	Meaning
Child victim of trafficking	Unless otherwise specified, all references in this publication to a “child victim of trafficking” refer both to children whose status as a victim of crime or a victim of trafficking has been formally recognized by a competent authority, and to children who are “presumed victims of trafficking”. See also “trafficking in human beings” below.
Comprehensive solution (for a child)	See “solution” below.
Continuity of care	Continuity of care means that the care and protection provided to a child (or an adult) before he or she is returned (repatriated) or transferred are continued in the next place without interruption after he or she has been returned or transferred.
Country of habitual residence	See “habitual residence” below.
Country of transit	A country through which a child travels alone or with others, possibly involving temporary settlement, with the intention to continue to another destination.
Documentation	The recording of all the information needed to identify a child’s care and protection needs and to carry out family tracing. This starts with an examination of the child’s identity documents (e.g., birth certificates, passports, residence permits) if he or she possesses any. However, unaccompanied and stateless children are often found to have no formal identity documents. Documentation also refers to collecting information from parents/caregivers of missing children.
Durable solution	See “solution” below.
Family reunification	The process of reintroducing an unaccompanied or separated child in a supervised manner to the family unit in which he or she lived before leaving it or being trafficked.
Family tracing	Investigating – known as tracing – the whereabouts of other members of a family when they have become separated. In the case of unaccompanied or separated children, this involves trying to find out where one or both parents or their usual caregiver is located, as a first step towards reunifying the family.
Guardian	In many countries, guardianship is a form of oversight and support for unaccompanied and separated children. Temporary and long-term guardians are appointed by a court or other legal authority. It is the guardian’s responsibility to ensure that the rights, entitlements and best interests of the child (for whom he or she is responsible) are met. <i>The Guidelines for the Alternative Care of Children</i> ⁸ state that “no child should be without the support and protection of a legal guardian or other recognized responsible adult or competent public body at any time.” The role of a guardian is distinct from that of a child’s legal representative.
Habitual residence	A child’s “habitual residence” must be established on the basis of all the circumstances specific to the individual child’s case. In the case of a child victim of trafficking who was recruited while living with his or her family, the child’s habitual residence is usually clear. In cases where months or even years have passed since the child stopped living with his or her family, or left the country where his or her family resides, a social assessment should establish where the child last enjoyed a stable and family-like environment prior to being trafficked. See “social assessment” below.
Identification	The process of differentiating a child who has been (or may have been) trafficked from other adults and children and initiating protection procedures, including investigation of possible offences against that child. Trafficked children may be identified at different points in the trafficking process: when accompanied by traffickers away from their usual place of residence; when leaving their own country or crossing a border into a foreign country; or while being exploited. Different institutions, both governmental and non-governmental, have a role to play in identifying children at these different phases of the trafficking process. Identifying trafficked children is often a challenge. ⁹

8 Guidelines for Alternative Care for Children (2010).

Available at: <https://digitallibrary.un.org/record/673583> (accessed 12 October 2020).

9 UNICEF, Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe (2006). Available at: <https://www.refworld.org/docid/49997af7d.html> (accessed 12 October 2020).

Terms	Meaning
Internally displaced person (IDP)	A person or group of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.
International protection	Actions taken by the international community that, on the basis of international law, aim to protect the fundamental rights of a specific category of persons located outside their countries of origin who lack the national protection of their own countries. ¹⁰
Legal representative	A lawyer or similarly qualified person who provides legal advice to and represents a child or adult in legal or administrative proceedings. Such proceedings can include asylum claims, a request to be recognized as a victim of trafficking (or a challenge against an administrative decision not to identify an individual as a trafficking victim), or a best interests determination.
Migrant	A term to refer to any child or adult who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) that person's legal status, (2) whether the movement is voluntary or involuntary, (3) what the causes for the movement are, or (4) what the length of the stay is. The two Global Compacts adopted by the United Nations in 2018 distinguish between “refugees” and “migrants”. ¹¹ Unlike refugees, migrant children who are found in a country other than their own continue to enjoy the protection of their own government.
Minor	<p>A legal term for referring to a person who has not yet reached the age of majority specified in a country's laws (in many countries it is set at 18 years). This is the legally defined age at which a person becomes an adult, with all the attendant rights and responsibilities of adulthood. It should not be confused with other age markers such as the age of consent to marriage, the age of sexual consent, the minimum age for entering full-time employment or the minimum age of criminal responsibility, all of which may be different.</p> <p>Law enforcement officials routinely use this term, or the term “underage”, to refer to children. However, in a context where migrants and refugees are routinely subjected to dehumanizing conditions, referring to children as “minors” or “underage” rather than as “children” has potentially negative connotations and risks their exclusion from child rights or child protection frameworks.</p>
Missing children	Migrant or refugee children are considered missing when they are registered with state authorities and go missing from the reception/accommodation centres provided for them. A report by Missing Children Europe notes that “children disengage from these services for numerous reasons (including inadequate and ill-adapted reception, inefficient procedures, fear of deportation, desire to join family or friends in another country etc.).” ¹² It also reports that “an increasing number ends up victim of (re)trafficking.”
Multi-agency approach	Refers to deliberate collaboration among various stakeholder groups, such as government law enforcement officials and NGO child protection specialists, and professionals in various sectors, such as child protection, health and immigration, to jointly achieve a particular result.
National Referral Mechanism	A co-operative framework within which state actors fulfil their obligations to protect and promote the human rights of trafficked persons by co-ordinating their efforts in a strategic partnership with civil society. ¹³

10 OSCE/ODIHR, Guiding Principles on Human Rights in the Return of Trafficked Persons (2014). Available at: <https://www.osce.org/odihr/124268> (accessed 12 October 2020).

11 The Global Compact for Safe, Orderly and Regular Migration (<http://undocs.org/en/A/CONF.231/3>) and the Global Compact on Refugees (https://www.unhcr.org/gcr/GCR_English.pdf) were adopted by the UN General Assembly at the end of 2018. The Global Compact for Safe, Orderly and Regular Migration explains (paragraph 4) that “refugees and migrants are entitled to the same universal human rights and fundamental freedoms, which must be respected, protected and fulfilled at all times. However, migrants and refugees are distinct groups governed by separate legal frameworks. Only refugees are entitled to the specific international protection defined by international refugee law.”

12 Missing Children Europe, Lost in Migration: Working Together in Protecting Children from Disappearance. Conference Conclusions (2017). Available at: http://lostinmigration.eu/Conclusions_Lost_in_Migration_Conference.pdf (accessed 16 November 2020).

13 OSCE/ODIHR, National Referral Mechanisms – Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook (2004). Available at: <https://www.osce.org/odihr/13967> (accessed 12 October 2020).

Terms	Meaning
Presumed victim of trafficking ¹⁴	A person for whom there are reasonable grounds to believe that he or she has been trafficked, but who has not (yet) been formally identified as such by the authorities, or who has declined to be formally identified as such. Because victims of trafficking are often reluctant to identify themselves as victims and formal identification takes time, the term “presumed trafficked persons” is used to describe adults or children who are likely to be victims of trafficking and who should therefore come under the general scope of anti-trafficking programmes and services.
Principle of non-refoulement	Under the terms of the non-refoulement principle (originally a concept under international refugee law), it is illegal for States to expel or return (“refouler”) refugees who have a well-founded fear of persecution upon their return. In addition, under the terms of international human rights law, it is illegal to expel or return any person if they have a well-founded fear of being subjected to torture. This principle is part of customary international law and is considered to be binding on all States whether or not they are parties to the UN Refugee Convention (1951) or relevant human rights treaties. ¹⁵
Referral	The process of formally requesting services from another agency, such as health care, accommodation or cash assistance, or access to asylum procedures, through an established procedure, sometimes using a form designed for this purpose. Despite a referral to another specialist agency, the same case manager should maintain overall responsibility for the case (see “case management” above).
Refugee	A refugee is a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his or her nationality and is unable to or, owing to such fear, unwilling to avail himself or herself of the protection of that country (Article 1 A 1951 Refugee Convention).
Registration	Noting personal details about a child who is unaccompanied or separated by a government agency or an intergovernmental organization, either for the purpose of evaluating the refugee status of the child or for the purpose of family tracing.
Risk assessment	Method to determine the nature and extent of the risks facing an individual, by taking into account potential hazards that could harm that individual or, for those accompanied by others, other members of their family or close associates. Risk assessments for trafficked children who are identified in a country other than their own explore the circumstances of the home, community and country to which the child might return, in order to assess whether it is in the child’s best interests to return there. A risk assessment is thus distinct from (and complementary to) a security assessment, which is usually carried out by the police. ¹⁶
Separated child	Children without parental care who are outside their country of habitual residence or are victims of emergency situations who have become separated from both parents, or from their previous legal or customary primary care-giver. This does not necessarily mean they have been separated from other relatives. It is thus possible that a separated child is accompanied by adult family members who are not his or her parents or legal or customary primary caregivers. ¹⁷
Social assessment	This is an assessment of the recent social history of an unaccompanied or separated child before that child has come into alternative care. It is made with the child in the place where he or she has arrived. The assessment includes the child’s social needs, problems, advantages and general situation, as well as his/her perception of his/her family situation. This is quite distinct from a “social inquiry” (see below), which is usually carried out in the home area of a trafficked child. ¹⁸

¹⁴ Ibid.

¹⁵ UNHCR, Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Available at: <https://www.unhcr.org/4d9486929.pdf> (accessed 12 October 2020).

¹⁶ Committee on the Rights of the Child, General Comment No. 6 (2005) on the Treatment of Unaccompanied and Separated Children outside their Country of Origin (2005). Available at: <https://www.unhr.org/protection/migration/4bf687729/convention-rights-child-general-comment-6-2005-treatment-unaccompanied.html>

¹⁷ Ibid.

¹⁸ J. Frederick, Guidelines for the Operation of Care Facilities for Victims of Trafficking and Violence against Women and Girls. Rationale, Basic Procedures and Requirements for Capacity Building (2005). Available at: <http://lastradainternational.org/doc-center/1805/guidelines-for-the-operation-of-care-facilities-for-victims-of-trafficking-and-violence-against-women-and-girls-rationale-basic-procedures-and-requirements-for-capacity-building> (accessed 28 September 2020).

Terms	Meaning
Social inquiry	Part of a “risk assessment” concerning a trafficked child. This is a report compiled by a child protection or other social worker about the circumstances of a particular family (e.g., a child’s parents, guardian or customary caregiver) or other residential unit (such as a care home) to assess whether it would be appropriate and safe for a child to return or live there. The investigation should also review relations between the family with which a child might be reunited and the wider community, to assess risks such as stigma or discrimination.
Solution (for a trafficked child)	<p>A comprehensive, secure and sustainable solution for a child who has been trafficked is one that, to the greatest extent possible, caters to the long-term best interests and welfare of the child and is sustainable and secure from that perspective. This includes solutions for unaccompanied children who have been trafficked, for whom there is no prospect of family reunification. The outcome should aim to ensure that the child is able to develop into adulthood in an environment that will meet his or her needs and fulfil his or her rights as defined by the Convention on the Rights of the Child.</p> <p>Between 2003 and 2017 the term “durable solution” was routinely used to refer to such solutions for trafficked children. This term was initially developed in the context of solutions for unaccompanied child refugees. It is now only used in reference to refugee children.</p> <p>A range of options are available for trafficked children, whether accompanied or unaccompanied. A fundamental principle is that they should be tailored to suit the individual child, and that the child, unless too young, should have a say in deciding which option is chosen. For some, the options are limited by international law (which prohibits, for example, refoulement).</p>
Standard Operating Procedures (SOPs)	These are a set of step-by-step instructions or “procedures” agreed for general use in a particular place by all relevant organizations working there, or by a group of relevant organizations working together in different places. With respect to unaccompanied children, they might specify the sequence in which certain activities concerning the child take place, or the responsibilities of each organization in a referral system.
Stateless person	A person who is not considered as a national by any State under the operation of its law.
Statutory agency	Any organization or agency set up and run by a State (including law enforcement agencies).
Tracing	See “family tracing” above.
Trafficking in human beings	Throughout this publication, the definition of trafficking in human beings is fully compliant with Article 3 of the United Nations <i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</i> ¹⁹ , i.e., “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.”
Transnational referral mechanism	The concept of a co-operative agreement for the cross-border comprehensive assistance and/or transfer of formally identified or presumed trafficking victims (children or adults), through which state actors of different States fulfil their obligations to promote and protect the human rights of people who have been trafficked. ²⁰

19 Available at: <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx> (accessed 16 November 2020).

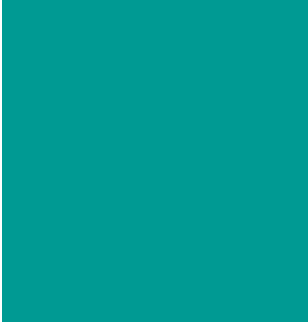
20 ICMPD, Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe (2009). Available at: https://www.icmpd.org/fileadmin/ICMPD-Website/ICMPD-Website_2011/Capacity_building/THB/Publications/TRM_EU_guidelines.pdf (accessed 12 October 2020).

Terms	Meaning
Unaccompanied child	Unaccompanied children (still referred to in some countries as unaccompanied “minors”) are children without parental care who are outside their country of habitual residence, or child victims of emergency situations who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. ²¹ Children who are internally displaced within their own country and have lost contact with their own families are also referred to as “unaccompanied children”.
Underage (children)	See “minor”.
Youth	For statistical purposes, the UN—without prejudice to any other definitions made by Member States—defines ‘youth’ as those persons between the ages of 15 and 24 years. ²²
Victim of trafficking in human beings	Any person who is subject to trafficking in human beings as defined in Article 3 of Protocol to <i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</i> . ²³

21 Committee on the Rights of the Child, General Comment No. 6 (2005) on the Treatment of Unaccompanied and Separated Children outside their Country of Origin (2005). Available at: <https://www.unhr.org/protection/migration/4bf687729/convention-rights-child-general-comment-6-2005-treatment-unaccompanied.html>

22 <https://www.un.org/en/sections/issues-depth/youth-0/#:~:text=There%20is%20no%20universally%20agreed,of%2015%20and%2024%20years.>

23 Available at: <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx> (accessed 16 November 2020).



OSCE/Blanca Tapia

Foreword

An effective response to child trafficking has always been a special focus of the OSCE's anti-trafficking efforts.

The 2005 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings, which highlights the special protection needs of child victims of trafficking, calls on participating States to develop national co-ordinating and referral mechanisms to specifically address protection and assistance measures for children. It urges the States to make every effort to find a durable solution for every trafficked child that is in the child's best interests.

The principle of "best interests of the child" was also at the centre of the discussions at the 17th Alliance against Trafficking in Persons Conference organized by our Office in 2017. One of the key takeaways of the conference was the conclusion that child trafficking and child protection should not be considered separately. Child trafficking cannot be adequately addressed without functional and effective protection systems being in place.

In 2018, the OSCE Ministerial Council in Milan maintained the attention to combating child trafficking with the adoption of a Decision on Preventing and Combating Child Trafficking, Including of Unaccompanied Minors.

A special feature of the Milan Decision is its recommendation to establish National Focal Points for child victims of trafficking to improve communication between States and to reduce the occurrence and impact of trafficking of children. This

function is, in my view, urgently needed. Many practitioners continue to face immense barriers if cross-border information exchange on human trafficking cases is unreasonably slow, over-bureaucratic, difficult to undertake, or challenging to follow up, be it with regard to social assistance or as part of a criminal investigation. Such lack of effective communication may have particularly devastating consequences for children, especially when it comes to developing comprehensive and sustainable solutions, solutions that will have an important impact on the course of their lives.

This publication is the product of almost one year's work of our Office. It involved consultations with a wide range of anti-trafficking and child protection specialists representing state agencies, civil society, and international organizations. It is an attempt to design a viable State-led function of National Focal Point for child victims of trafficking that can be integrated into a countrywide anti-trafficking response. The report provides an overview of prerequisites and essential conditions for such focal points to be effective, and an inventory of the tools and procedures they will need to co-ordinate. In simple terms, it is a job description blueprint for a job we hope will be created and multiplied across the whole of the OSCE region, a job that is much needed for the well-being of our children.

I wish you an informative reading and look forward to your concrete follow-up. Our Office, as ever, stands ready to support you in turning what you read into practice. Thousands of children wait for this initiative to prove a success.

Valiant Richey
OSCE Special Representative and Co-ordinator
for Combating Trafficking in Human Beings

Acknowledgements

First, I would like to recognize the commitment of the OSCE participating States to combating trafficking in human beings, and the adoption of the MC Decision 6/18 on *Strengthening Efforts to Prevent and Combat Child Trafficking, including of Unaccompanied Minors* that led to this publication. I would also like to acknowledge the support provided by Albania's 2020 OSCE Chair and former Deputy Minister and Albania's National Anti-Trafficking Co-ordinator Ms. Rovena Voda during the work on this publication and in the framework of the OSCE's overall efforts in combating trafficking in children.

Let me convey my very special thanks to Mike Dottridge who not only developed the initial draft but also comprehensively captured the expert feedback in the text that you have in front of you.

From the OSR/CTHB, I would also like to thank my colleagues Oleksandr Kyrylenko for leading the project, and Tetiana Rudenko and Katharina Thon for their able support and input. From the OSCE at large, I thank Francesca Bocchino, Tatiana Kotlyarenko and Juliana Rexha for sharing their useful comments during the review stage. My appreciation is heartily extended to Cynthia Peck-Kubaczek for her diligent proof-reading of the text.

Last, but not least, it is my immense pleasure to acknowledge a group of experts from national authorities, international organizations and NGOs, who provided feedback during the drafting of the publication. In this regard, my gratitude goes to Igor Chisca (Ministry of Health, Labour and Social Protection/Moldova); Heracles Moskoff (National Rapporteur on Combating Trafficking in Human Beings/Greece); Theodora Gianni and her colleagues (E.K.K.A. – National Centre for Social Solidarity/Greece); Robbert Hoving and Selma de Groot (Office of the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children); Niall Muldoon and Nuala Ward (Office of Ombudsperson for Children/Ireland); Venla Roth (National Anti-Trafficking Co-ordinator/Finland); Sacha Chan Kam (IOM); Andrea Bruhn Bové (UNHCR); Phenny Kakama (UNICEF); Stana Buchowska (ECPAT); Pierre Cazenave (Terre des Hommes); Marc Van den Reeck and his colleagues (The Smile of the Child); and Federica Toscano (Missing Children Europe).*

Valiant Richey

OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

*The contents of this publication do not necessarily reflect the views or policies of the above-mentioned organizations, nor does the publication assume their endorsement.



1

Introduction

Each year, thousands of children are trafficked between countries in the OSCE region. Many of these children are recruited and exploited while unaccompanied. Others simply vanish and are reported missing.

The continued exploitation of children in migration flows has yet again exposed the urgency to address trafficking in children in a co-ordinated and coherent manner through strengthening cross-border co-operation between relevant agencies and officials. One of the ways to achieve this is to ensure that regular and substantive communication is a fundamental component in measures to prevent child trafficking and in assistance to trafficked children and children at risk of being trafficked. In short, a more formal mechanism of such communication should be established.

In 2018, the OSCE Ministerial Council adopted a Decision on *Strengthening Efforts to Prevent and Combat Child Trafficking, including of Unaccompanied Minors*.²⁴ It includes the recognition that “collaboration among States, first line responders and civil society, can further help safeguard children, including those who are unaccompanied, from being subjected to human trafficking”.

In particular, as a practical measure to enhance such collaboration among States, the 2018 MC Decision calls on participating States to “strengthen national, regional and international co-operation for preventing and combating child trafficking, particularly with regard to reporting and sharing information, about child victims of trafficking, including those unaccompanied, in accordance with their respective domestic laws, including concerning the protection of personal data,” and to “consider the appointment of a national focal point to whom enquiries can be addressed by officials from other countries regarding child victims of trafficking, including those who went missing and/or whom they plan to return to in their respective country of origin”.

The same Decision calls on participating States to “address the situation of child victims of trafficking, including those unaccompanied, within a child protection framework”.

²⁴ Decision No. 6/18 (MC.DEC/6/18).



UNODC

25% of THB victims detected in Western and Southern Europe are children.

20% of THB victims detected in Eastern Europe and South Caucasus are children.

8% of THB victims detected in Central Asia are children.²⁵



EUROPEAN COMMISSION

Children accounted for nearly one quarter (23%) of registered victims of trafficking in human beings in the EU during 2015-2016 (25% in 2015 and 21% in 2016).²⁶



EUROPOL

Traffickers active in the EU target underage victims mainly for sexual exploitation but also labour exploitation, to beg and to commit criminal acts, such as pick-pocketing and shoplifting. Children are also trafficked for illegal adoption and sham marriages.²⁷



MISSING CHILDREN EUROPE

In 2018, 91,655 calls related to missing children were answered by hotlines across Europe. In practice, these hotlines worked on 8,845 cases in 2018 including 6,221 new cases and 2,624 open cases from previous years.²⁸

The following publication contains Terms of Reference that may be regarded as a practical tool to assist OSCE participating States in implementing the 2018 MC Decision. Developed by the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB), they concern the role and responsibilities of a National Focal Point (NFP) in one State when liaising and co-ordinating with the authorities in another State about presumed or formally identified child victims of trafficking, including trafficked children who have gone missing and those whom the authorities plan to return to their respective country of origin or habitual residence. They are also applicable to cases of non-national children entitled to protection that do not fall under the mandate of the United Nations High Commissioner for Refugees (UNHCR), i.e., do not involve a refugee, a young person applying for asylum, or a stateless person.²⁹

These Terms of Reference do not extend to internal cases of child trafficking, in which a child who is a resident of a given State is trafficked within the territory of that State. Such cases should be addressed by a National Referral Mechanism (NRM) or an equivalent framework of the State concerned.

Asylum seeking and refugee children

While these Terms of Reference do not apply to refugee children and children seeking asylum unless such children have been trafficked, it is important for National Focal Points to be aware that some child victims of trafficking may have the right to international protection as refugees, so they may wish to seek asylum in a country in which they have recently arrived. International protection requirements may or may not be related to the child's experience of being trafficked.

If a child indicates an interest in seeking asylum or a fear of returning to their country of nationality, or if it becomes apparent that the child has already been recognized as a refugee in another country, this will influence the steps that NFPs should take. First and foremost, in such cases it is important that the NFP does not contact the authorities in the child's country of nationality, as this could place the child at further risk.

Further guidance regarding such children can be found in chapter 4 below.

25 UNODC, Global Report on Trafficking in Persons (2018). Available at: https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTIP_2018_BOOK_web_small.pdf (accessed 28 April 2020).

26 European Commission, Data Collection on Trafficking in Human Beings in the EU (2018). Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_data-collection-study.pdf (accessed 28 April 2020).

27 Europol, Criminal Networks Involved in the Trafficking and Exploitation of Underage Victims in the EU (2018). Available at: <https://www.europol.europa.eu/publications-documents/criminal-networks-involved-in-trafficking-and-exploitation-of-underage-victims-in-eu> (accessed 28 April 2020).

28 Missing Children Europe, Figures and Trends 2018. Available at: <https://missingchildreneurope.eu/Portals/0/Figures%20and%20Trends%202018.pdf> (accessed 28 April 2020).

29 It should be noted that the procedure of identification and assistance for victims of trafficking in human beings can occur parallel to an asylum application procedure. Moreover, a person can be identified as a presumed victim of human trafficking during an asylum application procedure. See, for example, OSCE, Uniform Guidelines for the Identification and Referral of Victims of Human Trafficking within the Migrant and Refugee Reception Framework in the OSCE Region. Available at: <https://www.osce.org/secretariat/413123> (accessed 26 February 2020).



2

Key Responsibilities

for National Focal Points

National Focal Points can help to significantly reduce the incidence of exploited children by sharing information with their counterparts in other countries in a prompt and effective manner. Their mandate to co-ordinate the procedures related to all cases of non-national trafficked children or to respond to enquiries about national child victims identified abroad vests them with a central role in the development of a sustainable decision in the child's best interests. However, successfully achieving this requires a clearly designated set of professional duties and responsibilities, as well as an understanding of how these responsibilities should interact with or complement those of other actors in the field.

In this regard, it is recommended that the range of actions requiring liaison and co-ordination by a National Focal Point should at minimum include:

1. Verifying that an appropriate case manager within a national referral mechanism or an equivalent framework has been appointed for the child, that necessary protection procedures are being followed,³⁰ and ensuring that the case is appropriate to refer to the NFP in the child's country of habitual residence (i.e., having confirmed that the child is indeed a habitual resident of another State and is not either fleeing persecution in that State or intending to seek asylum in the country they have reached³¹);
2. In co-operation with the appointed case manager(s), ensuring that all necessary procedures are in place before a comprehensive decision in the child's best interests is made (for detailed information regarding such procedures, see chapter 4 below);
3. Entering into communication with the NFP in the child's habitual country of residence to initiate an exchange of all necessary information regarding the child in an agreed format and in accordance with a bilaterally agreed timetable;
4. Communicating the information received to the case manager and other relevant organizations in the NFP's own country;
5. Notifying consular authorities of the State of the child's nationality of the fact that the NFP in their country is being contacted and the appointment of a guardian for the child must be initiated³²;
6. Obtaining clear information from law enforcement officials in the NFP's own country on the status of any legal proceedings involving the child, including possible offences against the child (or offences in which the child is suspected of having been involved), prior to contacting the NFP in the child's habitual country of residence (and being aware that a child who has been subjected to certain forms of exploitation may not want any details of this revealed to either the NFP or others in his or her habitual country of residence);
7. Convening a panel of relevant authorities, supported by the child's legal guardian and legal representative, to develop a comprehensive decision ("sustainable solution") in the child's best interests (for which various options may be available, including the child staying in the country where currently located, returning to his or her country of habitual residence or nationality, or resettlement in a third country);
8. Specifying subsequent steps and assigning tasks to implement that decision;
9. Communicating the decision to the NFP of the child's country of habitual residence, and once it is clear that the authorities in the child's country of habitual residence agree to his or her return, organizing a meeting or meetings with the authorities of that country (or another to which a child is to be moved) in order to arrange his or her safe transfer and reception, including, if needed, travel documents and the issuing of personal ID documents;

³⁰ The appropriate procedures to follow are specified in various OSCE publications, including the OSR/CTHB Occasional Paper "Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking" (2018). Available at: <https://www.osce.org/secretariat/405095> (accessed 13 October 2020).

³¹ In the case of asylum-seeking children, officials in the child's country of nationality (or, if she or he is stateless, the country of habitual residence) or in any other country where they child has resided and has a fear of persecution should not be informed about her/his application for asylum.

³² Article 37(b) of the Vienna Convention on Consular Relations requires authorities to inform the consular post of a child's country of nationality of the intention to appoint a guardian to a child. Once again, this should not be done if there are any protection concerns (i.e., if the child is seeking asylum).

10. Ensuring that the child is accompanied at all times and that the NFP in the child's country of habitual residence or a third country is informed of the identity of the adult accompanying the child;
11. Ensuring that appropriate information about the child's needs and the services already provided to the child (including any medical treatment, whether completed or ongoing) is made available to the authorities of the country to which the child is being moved in order to guarantee continuity of care;
12. Requesting follow-up information about the child's welfare on several occasions (e.g., three and nine months following the child's return) from the relevant authority in the country to which a child has been returned, while requesting that monitoring is organized in such a way that it does not infringe the child's rights (to privacy and to having information about his or her welfare kept confidential);
13. Assessing such follow-up³³ reports in order to learn whether any aspects of the return process need modifying, including confirmation that:
 - an individual re/integration plan is in place for the child;
 - the plan is being implemented and making progress in addressing the child's needs and protecting the child's rights;
 - the child has not faced reprisals from criminals or undue stigmatization from others; and
 - the local social services and police do not consider the young person to be at risk of being trafficked again.
14. Working closely with the Ministry of Foreign Affairs in negotiating and drafting bilateral or multilateral agreements related to cross-border arrangements for child victims of trafficking and their protection, with the NFP acknowledged as the lead in relation to matters concerning the protection of trafficked children;
15. Collating data available about cases referred to the NFP and those referred by the NFP to NFPs in other countries and sharing anonymized data with the country's National Anti-trafficking Co-ordinator or equivalent mechanism, or National Rapporteur on Trafficking in Human Beings, as appropriate.

³³ In addition, it is essential at the follow-up stage that the NFPs in both the country of identification and the country of return be informed of any further criminal investigation or legal proceedings in which the child may be involved, as well as about the outcome of such legal proceedings, including any application for payment of damages or compensation.

Additional responsibilities specific to the National Focal Point in a child's country of habitual residence include:

16. Pro-actively seeking assistance in searching for or protecting presumed child victims of trafficking by contacting NFPs in the countries where such children may be exploited, or liaising with National Anti-trafficking Co-ordinators or equivalent mechanisms in countries where NFPs have not yet been established;³⁴
17. Reacting promptly (and within agreed timelines) to requests from NFPs in other countries;
18. Ensuring that an appropriate case manager has been appointed prior to a child's return from abroad;
19. Overseeing arrangements for the reception of a child returned from abroad;
20. Overseeing family reunification or alternative care arrangements;
21. Overseeing the preparation and implementation of a child's reintegration plan;
22. Monitoring children who have been returned and providing follow-up information to the authorities in the country from which a child has been returned.³⁵

Detailed guidance on specific procedures overseen by National Focal Points is contained in chapter 4 of this publication.

³⁴ In some cases special bilateral arrangements may already be in place to allow rapid communication between relevant officials in the child's country of habitual residence and relevant officials in a country to which other children from a similar background have already been trafficked. When such agreements have been or are made, officials should agree at what point NFPs should be informed.

³⁵ Monitoring of this sort (i.e., of the cases of individuals) is distinct from other, more general monitoring of patterns of human- and child trafficking and responses to these patterns. It thus may involve different officials.

Non-Punishment Provision

Each Party shall, 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.

Article 26, Council of Europe Convention on Action against Trafficking in Human Beings

Confidentiality and Right to Privacy

To protect a trafficked child effectively, it is necessary to gather personal information from the child herself/himself and other sources. While it is often necessary to share such information with a range of relevant stakeholders in order to protect the child and provide the most suitable care, the confidential nature of the shared information and children's right to privacy should be respected at all times.

Case Management

Case Management is relevant for all child victims of trafficking, and unaccompanied and separated children, including those who are in transit or have reached a country in which they intend to remain. Staff members of a statutory organization or a non-governmental organization may be appointed as case managers (in both cases they require appropriate levels of qualification and experience and are accountable to the statutory organizations responsible for child protection).

Case management consists of a series of actions and procedures that should help:

Case Management



Support the participation of children in decision-making and the planning of care and support;



Accurately assess and identify each individual child's needs, circumstances and wishes;



Make sure a child's best interests are a primary consideration in all decisions and actions affecting him or her;



Systematically monitor each child's circumstances and make adjustments as necessary.



3

Establishing

National Focal Points

Agency or department to perform the function of a National Focal Point

NFPs should be located in an agency that has the mandate to deal with child protection issues, as well as resources and expertise to fulfil the essential functions outlined in the previous chapter.

International organizations, including treaty-monitoring bodies, have made recommendations about which specialists within statutory organizations are best placed to supervise the protection of children and to ensure that the best interests of the child are a primary consideration in actions affecting them. These complement similar discussions of the OSCE's 17th Alliance against Trafficking in Persons Conference,³⁶ and the 2018 OSCE Ministerial Decision³⁷ that calls on OSCE participating States to “address the situation of child victims of trafficking, including those unaccompanied, within a child protection framework”.

The need to establish a network of focal points within State child protection agencies was also the subject of comment in the OSR/CTHB Occasional Paper Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking (December 2018). The Paper *inter alia* looks into the implementation of sustainable solutions for identified child victims of trafficking, including medium- and long-term assistance to ensure a child's satisfactory recovery and (re)integration. In particular, the Occasional Paper recommends ensuring that “there is a focal point in a central government agency to whom inquiries can be addressed by officials in other countries about trafficked children (as well as other unaccompanied or separated children) and who can receive and rapidly pass on requests for a social inquiry about an individual child” (Recommendation 13 out of a total of 14).

The role of NFP could potentially be taken by the Office of an Ombudsperson for Children (if there is one). Some countries already have specialized agencies that could perform the role, such as Nidos, the Netherlands' national guardianship institution for unaccompanied and separated children. When choosing who (or which office) should perform the NFP role, a key criterion is that it should involve building upon existing child protection systems, rather than creating a new one. Apart from budgetary and other resource-specific considerations, this would allow further strengthening of the capacity of child protection frameworks by:

- extending such systems' expertise into the anti-trafficking area; and
- building closer ties with other state agencies as well as civil society organizations as part of a multi-agency approach towards the provision of assistance to child victims of trafficking.

Particularly detailed aspects to take into account when taking a decision on the NFP placement were made in two Joint General Comments issued in 2017 by two separate treaty-monitoring bodies: the Committee on the Rights of the Child, and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.³⁸

³⁶ OSCE, Highlights of the 17th Alliance against Trafficking in Persons Conference. Available at: <https://www.osce.org/secretariat/313421> (accessed 13 October 2020).

³⁷ Decision No. 6/18 (MC.DEC/6/18).

³⁸ Joint General Comment No. 3 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration; and Joint General Comment No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return.

Among these comments are the following:

→ “The Committees encourage States parties to ensure that the **authorities responsible for children’s rights have a leading role, with clear decision-making power, on policies, practices and decisions that affect the rights of children** in the context of international migration. Comprehensive child protection systems at the national and local levels should mainstream into their programmes the situation of all children in the context of international migration, including in countries of origin, transit, destination and return.”³⁹

→ “The **best-interests assessment** should be carried out by actors independent of the migration authorities in a multidisciplinary way, including a **meaningful participation of authorities responsible for child protection and welfare** and other relevant actors, such as parents, guardians and legal representatives, as well as the child.”⁴⁰

→ “In the view of the Committees, **child protection and welfare actors should take primary responsibility for children in the context of international migration**. When a migrant child is first detected by immigration authorities, child protection or welfare officials should immediately be informed and be in charge of screening the child for protection, shelter and other needs. Unaccompanied and separated children should be placed in the national/local alternative care system, preferably in family-type care with their own family when available, or otherwise in community care when family is not available. These **decisions have to be taken within a child-sensitive due process framework**, including the child’s rights to be heard, to have access to justice and to challenge before a judge any decision that could deprive him or her of liberty, and should take into account the vulnerabilities and needs of the child, including those based on their gender, disability, age, mental health, pregnancy or other conditions.”⁴¹

→ “In order to ensure that this comprehensive and balanced approach is consistent with the best interests of children, **child protection/welfare agencies should have a key role in the development of any international, regional or bilateral agreements that affect the rights and treatment of children in the context of international migration**. Bilateral, regional and international initiatives should be encouraged in

order to facilitate family reunification, implement best interest assessment and determination, and guarantee children’s right to be heard and due process safeguards. Such initiatives should ensure access to justice in cross-border situations where children whose rights are affected in the country of transit or destination need it after they have returned to the country of origin or gone to a third country.”⁴²

Because child protection agencies are consistently recognized as a key player in protecting children and children’s rights, and because their mandate would allow conducting essential NFP functions, the most suitable statutory agency or department to act as National Focal Point should, in most cases, be the one with a primary responsibility for the protection and welfare of children in a given State.

Essential conditions for the effective functioning of a National Focal Point

The appointment of a National Focal Point is to be encouraged in all participating States, but is a special priority when the authorities at the national level are aware that their country is affected by a pattern of trafficking involving children under 18 years of age and that the country’s response would benefit from operational-level co-ordination between two or more States. This applies even if the other country concerned is not an OSCE participating State.

While there are distinct advantages to appointing a statutory organization responsible for child protection as NFP, it is important that the Ministry of Foreign Affairs should also play a major role during the stage of developing formal relations between its country’s NFP and NFPs in other countries. The Ministry of Foreign Affairs should be kept routinely informed of the state of co-operation and bilateral communications with NFPs in other States.

The appointment of a National Focal Point should be initiated and supported by the main authority at the national level responsible for initiating anti-trafficking actions, such as a **National Task Force** for Combating Trafficking in Human Beings. The appointed agency should become a member of and report to such a Task Force.

39 Joint General Comment on the General Principles Regarding the Human Rights of Children in the Context of International Migration, Article 14.

40 Joint General Comment on the General Principles Regarding the Human Rights of Children in the Context of International Migration, Article 32.c.

41 Joint General Comment on State Obligations Regarding the Human Rights of Children in the Context of International Migration in Countries of Origin, Transit, Destination and Return, Article 13.

42 Joint General Comment on State Obligations Regarding the Human Rights of children in the Context of International Migration in Countries of Origin, Transit, Destination and Return, Article 65.

43 Such preliminary identification may be done by a law enforcement official or other first responder, by a staff member of a statutory agency, or by a non-governmental organization with specialist knowledge of human trafficking.

44 For ways of identifying victims of trafficking and referral modalities within the migrant reception framework, see also OSCE, Uniform Guidelines for the Identification and Referral of Victims of Human Trafficking within the Migrant and Refugee Reception Framework in the OSCE Region. Available at: <https://www.osce.org/secretariat/413123> (accessed 27 April 2020).

The **prompt and mandatory referral** of a child to the NFP should be regarded as a critical feature of the framework. Regardless of which agency or stakeholder identifies a non-national child as a presumed child victim of trafficking,⁴³ or an unaccompanied or separated child from another country who is considered at risk of being trafficked and therefore requires protection, it is **the responsibility of this authority or stakeholder to inform** the NFP.⁴⁴

The NFP verifies that an appropriate **case manager is appointed to be responsible for each individual child** identified as a presumed victim. A case manager should be a social worker from a relevant government-run agency or a specialized anti-trafficking non-governmental organization (NGO) **qualified to manage cases of child victims of trafficking** within the NRM or an equivalent framework. The appointed case manager should conduct all necessary assessments and be in **regular communication** with the NFP, since the results of these assessments will inform any decision that needs implementing in the best interests of the child.

Once the role of an NFP has been agreed upon with one or more other States, **guidance**⁴⁵ should be prepared for all relevant agencies and actors in the NFP's country to follow, including NGOs, since these may play a major role at the operational level in protecting and assisting child victims of trafficking.⁴⁶

Co-operation between NFPs should be based on formal procedures and strategic planning of relevant activities, rather than depend on the motivation and willingness of the professionals involved. It is essential to establish a clear definition of the roles of the agencies involved, as well as ways in which communication is to be organized.

45 Such guidance may be developed in the form of a referral flow chart, a handbook, or a Standard Operating Procedure.

46 For example, the Government of Moldova decided in 2013 that its Ministry of Labour, Social Protection and Family (MLSPF) was to be the main ministry to deal with all cases of unaccompanied Moldovan children identified outside the country. The MLSPF, together with the Moldova office of the NGO Terre des Hommes, then published a handbook on the case management of unaccompanied or separated Moldovan children identified outside Moldova, entitled Case management for children identified without legal representatives on the territory of other States. Guidance for Professionals. The handbook includes a flow diagram ("Case Management for children who are identified without legal representatives on the territories of other states") that presents a referral system to be followed by the Moldovan authorities, notably also for children who may have been trafficked. See MLSPF and Terre des Hommes (Chişinău: 2014). Also published in Moldovan (Ghidul pentru profesionişti. Managementul Cazului pentru copii identificaţi fără însoţitori legali pe teritoriile altor state: http://tdh-moldova.md/media/files/files/ghid_profesionisti_ro_8146391.pdf) and Russian (Профессиональное Руководство: http://childhub.org/sites/default/files/library/attachments/ghid_profesionisti_ru.pdf).

47 A suitable international or regional organization can be asked to maintain and up-date such a list of contacts.

A **suggested procedure for appointing a National Focal Point** and establishing effective communication and co-operation between NFPs is given in the following diagram:

The National Task Force for Combating Trafficking in Human Beings takes the initiative to have an NFP appointed, usually based on the knowledge that contacts are already occurring with colleagues in another country concerning children who are or may be victims of trafficking (i.e., "presumed victims");



The National Task Force consults with the Ministry having the specific responsibility for children or child protection, to secure agreement on the appointment of an NFP with agreed terms of reference;



A suitably qualified government department is appointed as NFP (i.e., a statutory organization with primary responsibility for child protection that can be contacted from other countries during the working day in the NFP's country, as well as outside official working hours);



The NFP becomes a member of the National Task Force and regularly reports to the Task Force (if it is operational) or NRM on all cases of child trafficking within the NFP's terms of reference;



The NFP, advised by the National Task Force, identifies which States are considered a priority for the NFP to co-ordinate with on cases of individual child victims of trafficking;



With the support of the Ministry of Foreign Affairs, the NFP develops protocols or other agreements with each of the other States concerned, including timelines for delivering responses to requests, endeavouring to keep the procedures agreed with each other State as similar as possible;



Together with the National Task Force, the NFP takes a lead in commissioning the preparation and dissemination of suitable materials to ensure standardized responses from all actors in the referral system, sharing these with NFPs in other States as appropriate;



The NFP shares information materials about these standardized responses with NFPs in other countries and sets up a register or database containing the details of all NFPs in other countries with which communication might be required⁴⁷;



The NFP verifies the appointment of case managers for the relevant cases of individual children or groups of children who have been trafficked together, and co-operates with case managers to ensure that all necessary procedures concerning such children are in place.

Bilateral agreements and bilateral Standard Operating Procedures

To operationalize the concept that NFPs should play a co-ordinating role in cases of child victims of trafficking identified in a country other than their country of habitual residence, formal bilateral agreements are needed between individual States. These can take the form of a bilateral treaty⁴⁸ or a less formal Memorandum of Understanding. To the extent necessary, bilateral agreements should be supplemented by the bilateral development and adoption of Standard Operating Procedures (SOPs) concerning the protection and possible return of child victims of trafficking.

Key questions to answer in a bilateral agreement include:

- The identity of each NFP and ways of communicating with it (including sharing confidential information in a secure way), either 7 days a week and 24 hours a day or at agreed times;
- The timetable for NFP responses at different stages of the protection process, including for social inquiries to be carried out in a child's country of habitual residence and their conclusions communicated to the NFP in the country where a child victim is located. For the system to function (and not to be regarded as "over-bureaucratic" and therefore difficult to use), responses are needed as promptly as possible. However, it is also important to set realistic expectations (and deadlines) and to ensure these are respected;
- The contents of social inquiries and other risk assessments concerning individual children, to ensure that child protection specialists in both countries will be satisfied with the quality of the information provided by specialists in the other country;
- The personnel or departments having access to confidential information about an individual child. It is important that, in all the countries concerned, only the personnel who take part in decisions or actions concerning the protection of a child have access to personal information about an individual child victim of trafficking (see "Confidentiality and protection of a child's right to privacy" in Annex 1 below). At the same time, it is also the responsibility of the NFP to ensure that adherence to rules on respecting privacy and data protection by individual agencies or departments in their country do not prevent them from sharing relevant personal data that are likely to contribute to the effective protection of a particular child. The overall responsibility for ensuring that such access safeguards are in place should lie with the NFP.

Standard Operating Procedures agreed by two or more countries can potentially relate to issues other than those within the NFPs' terms of reference, e.g., the identification of victims of trafficking (both the preliminary identification of presumed victims, and those formally recognized by a State's competent authority as victims of trafficking). As in the case of a National Referral Mechanism, SOPs may also allocate particular responsibilities to NGOs, such as those managing dedicated telephone hotlines (when these act as a de facto hub for child protection referrals) and those providing specialist assistance to child victims of trafficking.

As mentioned above, the Ministry of Foreign Affairs should play a major role in facilitating the co-operation between NFPs from two or more countries, and in supporting the NFPs in developing the necessary agreements, protocols and SOPs.

⁴⁸ An example of a bilateral agreement is included in Annex 4.

Other important considerations

Appropriate languages for communication

A key issue on which bilateral agreement is needed concerns the language(s) in which requests for information and answers to requests will be sent. When the NFPs involved do not have a staff member who is sufficiently fluent in the language spoken in the other country, it may be appropriate to agree to use a common language spoken by staff in both NFPs. In view of advances in information technology and its capacity to translate from one language to another, in principle it should be possible for each NFP to communicate with another in its preferred language. However, experience has shown that NFPs able to communicate in the language used by the NFP in another country receive responses more rapidly and are more likely to have their expectations met.

The NFP should periodically review its own capacity to communicate adequately with colleagues in other countries, and request additional resources to do so if needed.

Resources and mode of communication

The National Task Force has the responsibility to review the resources made available to the NFP and to supplement these when necessary, particularly when large numbers of children from another country are identified as presumed victims, or are assessed as being at risk of being trafficked. As patterns of both migration and trafficking may change rapidly, such reviews must occur when there is a need, rather than according to the rhythm of a government's annual budgeting system.

Lessons from bilateral contacts in various parts of the world⁴⁹ emphasize the need for:

- Consistency in staffing in the NFP;
- Periodic face-to-face contacts with NFPs in other countries;
- Sufficient resources to be allocated in government budgets for the NFP and the procedures it supervises to function effectively.

It is essential that the staff in NFP departments not be changed too often, since they need to develop the knowledge and skills necessary to perform their role. As issues of trust are crucial, being known personally to their colleagues in other countries has proved important. Sufficient trust is often only established after colleagues from different countries have met more than once. If staff is rotated too frequently, trust is difficult to establish. Since civil services rules in some countries require relatively frequent staff rotation, it may be appropriate to confirm in a bilateral agreement the need for some NFP staff to remain in the same post for longer than normal.

NFPs and other stakeholders closely involved in procedures coordinated by the NFP in two or more countries should meet regularly, as for example in bilateral meetings, study visits or exchange programmes. Such meetings enable colleagues from different countries to agree on procedures needing amendments, to identify good practices, and to discuss and find solutions to common problems.

It is also important to recognize the time and resources required to carry out the responsibilities of an NFP, such as social inquiries and supervising the practical arrangements involved in the return of child victims of trafficking (and not to add this role to an individual or team already fully occupied with other responsibilities).

49 E.g., the experience of Regional Conference on Migration (RCM) (see Regional Guidelines for the Preliminary Identification and Referral Mechanisms for Migrant Populations in Vulnerable Situations (2013) (available at: <https://www.refworld.org/docid/595c98394.html> (accessed 13 October 2020)); and of the States in South-Eastern Europe which took part in pilots for a Transnational Referral Mechanism (see ICMPD, The Way Forward in Establishing Effective Transnational Referral Mechanisms A Report Based on Experiences in Cases of Human Trafficking in South-Eastern Europe (2012) (available at: https://www.icmpd.org/fileadmin/ICMPD-Website/ICMPD-Website_2011/ICMPD_General/News/Transnational_Referral_Mechanisms_in_Trafficking_Cases.pdf (accessed 13 October 2020)).



4

Specific Procedures

that Require Involvement

of National Focal Points

It is important to bear in mind that whatever procedures the NFP initiates or is mandated to co-ordinate, these procedures should ultimately lead to a sustainable decision in the child's best interests, in particular regarding the child's:

- stay in the country where he or she is currently located;
- return to his or her country of origin or habitual residence;
- or resettlement in a third country.

This chapter presents an overview of the tools and procedures that the NFPs should co-ordinate and, therefore, be knowledgeable about to ensure that the best possible sustainable decision is implemented for every single child concerned. The child himself/herself and their temporary guardian and legal representative should be an integral part of this process.

Initial needs-based assessments



Assessments are an essential part of case management. In practice, presumed child victims of trafficking and children considered at high risk of being trafficked require a series of assessments to ensure they are provided with appropriate protection and assistance; such an assessment is usually not possible to carry out all at once. As far as all unaccompanied or separated children outside their country of habitual residence are concerned, the Guidelines for the Alternative Care of Children (2010) require the authorities in the country where the child is located "to procure documentation and information" in order to "assist in planning the future of an unaccompanied or separated child".⁵⁰ This means systematically gathering all information necessary to evaluate the child's individual circumstances and wishes, including their vulnerabilities, the risks they face, and their alternative care needs, i.e., a comprehensive care and protection assessment.

Important



While the procedures described in this publication are based on the premise that bilateral agreements or protocols between the relevant countries have been concluded and National Focal Points have been appointed to facilitate the child's return home or his/her resettlement to a third country, often this may not be the case.

In the absence of the above-mentioned arrangements, including an established National Focal Point with which to liaise, the NFP in the country where a trafficked child has been identified and FROM which the child might be returned or resettled should establish contact with the most relevant office or person in the national referral system in the country TO which the child might be returned or resettled. Unless informed of a more appropriate mechanism responsible for referrals of child victims, this is likely to be the National Anti-Trafficking Co-ordinator.

If it is decided that it is in the child's best interests to stay in the country where he or she is currently located, the child should continue to receive assistance within this country's national referral mechanism or an equivalent framework.

⁵⁰ Guidelines for Alternative Care for Children (2010). Available at: <https://digitallibrary.un.org/record/673583> (accessed 12 October 2020). Article 147 of the Guidelines states that "in order to assist in planning the future of an unaccompanied or separated child in a manner that best protects his/her rights, relevant State and social service authorities should make all reasonable efforts to procure documentation and information in order to conduct an assessment of the child's risk and social and family conditions in his/her country of habitual residence".

Supplementary information about assessments in the country where a child victim of trafficking is identified



Risk assessment

An initial assessment by any individual or organization providing alternative care to a child victim of trafficking (even overnight, temporary care) should include a risk assessment to identify any immediate risks facing a child (such as the risk that a child will be summoned to re-join a trafficker or will run away from alternative care). Sound risk assessment helps care providers to explore more explicitly what must be done to keep children safe and healthy. It makes it possible for care providers to know what is expected of them, and it enables professionals to identify more precisely the help and services needed to support the required changes and fulfil these expectations.⁵³



Social assessment

This is an assessment of the child's recent social history prior to the harm situation from which he/she came to care. The assessment includes his/her social needs, problems, advantages and general situation, as well as his/her perception of his/her family situation. Unless the child is very young, information for the social assessment is taken from the child, not from caregivers.

As in the case of law enforcement procedures concerning child victims of crime or child witnesses to trafficking, it is important to keep the number of separate interviews with a child to a minimum.⁵¹ However, the issues requiring assessment are likely to include:

- a. Protection needs (including a short-term risk assessment);
- b. Medical issues (physical health needs and mental health needs);
- c. Needs for legal services;
- d. Social needs;
- e. Education-related needs (literacy and other skills);
- f. Material needs (e.g., for warm clothing);
- g. Other needs related to the child's plans for the future, including identifying what further information is needed, e.g., about the child's family.

The UN High Commissioner for Refugees (UNHCR) refers to these assessments as a “best interests assessment” (BIA), i.e., “an assessment of an individual child, designed to ensure that the child's best interests are the foremost consideration” in decisions taken about the child's care and future. The UNHCR specifies that “a BIA should take place as soon as a child is found to be at risk; it can be reviewed and updated regularly until a durable solution is implemented. A BIA should be carried out, for example, before tracing occurs or a child is found temporary care. A BIA should be seen as an essential element of case management and general child protection.” The UNHCR also points out that “a BIA must be conducted by staff with adequate training and with participation of the child in the process.”⁵²

On the basis of initial assessments, a care plan should be formulated with the full participation of the child concerned. It should include plans for the child's medium- and long-term future. The Guidelines for the Alternative Care of Children stipulate (in Article 6) that, in the course of an assessment, the child concerned must be consulted, and his or her views taken into account (see also Annex 1, below):

All decisions, initiatives and approaches falling within the scope of the present Guidelines should be made on a case-by-case basis, with a view, notably, to ensuring the child's safety and security, and must be grounded in the best interests and rights of the child concerned, in conformity with the principle of non-discrimination and taking due account of the gender perspective. They should respect fully the child's right to be consulted and to have his/her views duly taken into account in accordance with his/her evolving capacities, and on the basis of his/her access to all necessary information. Every effort should be made to enable such consultation and information provision to be carried out in the child's preferred language.⁵⁴

51 See Section “The ‘one stop’ model: making decisions in one place” in the OSR/CTHB Occasional Paper “Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking” (2018). Available at: <https://www.osce.org/secretariat/405095> (accessed 13 October 2020).

52 UNHCR, Emergency Handbook, Best Interests Procedure. Available at: <https://emergency.unhcr.org/entry/44308/best-interests-procedure-for-children> (accessed 18 December 2019).

53 The EU's Fundamental Rights Agency (FRA), has published a check list of the “key elements of the risk assessment”. See FRA, Children deprived of parental care found in an EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking, 2019, p. 20. An earlier list is available as a form focusing on health and safety-related issues for use with adults or children in: Department for Equal Opportunities (Italy) and ICMPD, Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU, 2010, p. 43.

54 For further information on appropriate alternative care, see CELCIS, Moving Forward: Implementing the ‘Guidelines for the Alternative Care of Children. Available at: <https://www.alternativecareguidelines.org/Portals/46/Moving-forward/Moving-Forward-implementing-the-guidelines-for-web1.pdf> (accessed 13 October 2020).

Some aspects of care plans relate to immediate questions in the country where the child is located, such as providing safe and appropriate accommodation, clothing, and food, appointing a legal guardian (if the person with parental responsibility for the child is in another country), or securing a legal residence permit for a child who does not have any legal entitlement to be in the country concerned.

Other assessments require information to be obtained from the child's country of origin or habitual residence. Consequently, some of the next steps involve international organizations and/or the authorities of other countries.

If the child is not a refugee or an asylum-seeker, the NFP in the country where the child is located may refer the case to the NFP in the child's country of habitual residence (or in the absence of an NFP, the National Anti-trafficking Co-ordinator or an equivalent). No information about a refugee or asylum-seeking child should be communicated to the NFP or any other official in a country where the child fears persecution or mistreatment.

Alternative care

The Guidelines for the Alternative Care of Children are intended to provide further guidance regarding the protection and well-being of children who are deprived of parental care or who are at risk of being deprived thereof. They stress the importance of observing the two basic principles of "necessity" and "suitability", which help to determine first and foremost whether an alternative care placement is necessary and, if so, what placement would be the most appropriate and suitable. The Guidelines outline a range of suitable alternative care options and advise that an assessment should be "carried out expeditiously, thoroughly and carefully. It should take into account the child's immediate safety and well-being, as well as his/her longer-term care and development, and should cover the child's personal and developmental characteristics".

Since unaccompanied or separated children who are presumed or confirmed to have been trafficked are routinely in need of alternative care as soon as they are withdrawn from the control of a trafficker or exploiter, the Guidelines also apply to their situation. In the case of children who are (or appear to be) unaccompanied when identified as presumed victims of trafficking, the "necessity principle" set out in the Guidelines for the Alternative Care of Children means that the child must be provided with alternative care straight away. In such cases the authority responsible for making the decision must assess the risks facing the child and how these affect his or her placement, keep a record of the factors taken into consideration in deciding where to accommodate the child, and determine what measures are needed to protect the child from any identified risks.

A general study in 2013 on recognized practices of safe accommodation and alternative care for children affected by sexual exploitation and trafficking summarized a series of conclusions from more detailed studies⁵⁵:

- "Young people involved in sexual exploitation across Europe have [...] reported that having a safe and secure place to stay was important for them in breaking free from their abusers and rebuilding relationships with their parents."
- "A central consideration relates to where the family is located. If children are unable to return home, for whatever reason, children have the right – and it may still be in the child's best interests – to be close to family members. Such contact with parents and family members should be encouraged and facilitated."
- "Although hard to measure, research points to the importance of the relationship between the young person and their carer. [...] A trusting, consistent relationship between the carer and child is likely to be the most important protective measure that can be put in place – this relationship may be with a guardian, social worker, carer or other adult."
- "Individual safety plans for every child should be in place, reviewed and updated. Security and safety measures should be constantly reviewed, based on the risk at the time."
- "Where children have experienced extreme control and power by exploiters, carers should be careful not to replicate those power and control structures; they should ensure children are given choices and are involved in decision-making in order that they develop independence for the future. Any restrictions that are made should be fully explained to every child – guided by a clear rationale and with clear guidelines for use – to ensure that such rules are appropriate for each individual and do not violate other rights."

⁵⁵ C. Cody, What do we know about ... safe accommodation and alternative care for children affected by sexual exploitation and related trafficking? (The Child Recovery and Reintegration Network: 2013).

Family tracing

Under no circumstances should a child victim of trafficking “be detained in police custody nor (be) subjected to penalties for their involvement under compulsion in unlawful activities”. The assessment of suitable accommodation for child victims of trafficking in the medium- and long-term should be made on a case-by case basis, with a view to ensuring the child’s safety and security, and must be grounded in the best interests and rights of the child concerned. Children should be consulted in the course of such assessments and their views should be taken into account when making a final decision.

Unfortunately the abuse of children, including violence against them, is not automatically absent in shelters and residential care institutions: children staying in residential care facilities are especially vulnerable to violence and abuse by staff members and/or by other children. This is particularly devastating at a time when it is essential that they are protected and feel safe and have the opportunity to recover from any harm or trauma incurred while being trafficked. The Guidelines for the Alternative Care of Children outline the role of statutory organizations in ensuring the supervision, safety, well-being and development of children placed in alternative care. A systematic procedure (known as “gatekeeping”) and regular review of the situation of each child is therefore crucial to ensure the safety of child victims of trafficking and compliance with the principles of necessity and suitability.



Children may have become separated from other family members deliberately or involuntarily. Unless it is not in the child’s best interests (for example, if there are reasons to suspect that members of the family have been involved in abusing or trafficking the child), information should be sought about the whereabouts and situation of the child’s parent(s) or legal guardian. This process is known as “family tracing”. For possible family reunification purposes, it should be a routine part of the case management process.

If the child has lost contact with his/her family and wishes to establish contact with them again, and there are reasons to believe that the family itself has moved away from its habitual residence, one of the international organizations with a specialist mandate for tracing can be asked to trace the child’s family members, such as the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM), or the International Social Service (ISS).⁵⁶

There are different approaches to family tracing and different actors involved among OSCE participating States. Family tracing can be initiated upon the request of the child or upon the initiative of the authorities. Family tracing should be done with the informed consent of the child, and the child’s views about family tracing should be heard prior to initiating the process. If the child does not want his or her family traced or contacted, further information should be sought from the child to understand the child’s reasons.

Using whatever information about the child’s family or place of origin is provided by authorities (including the NFP) in the country seeking to trace a child’s family, the NFP in the child’s country of habitual residence is responsible for asking the relevant local authority to identify the child’s family and address, for explaining that the inquiry is confidential, for setting a timetable for such information to be forthcoming, and for responding to the relevant NFP or authority where the child is located.

⁵⁶ For further information about family tracing in the context of humanitarian emergencies see Save the Children, *A Practice Handbook: For family tracing and reunification in emergencies* (2017). Available at: <https://resourcecentre.savethechildren.net/library/practice-handbook-family-tracing-and-reunification-emergencies> (accessed 13 October 2020).

Requesting a social inquiry and other assessments in the child's country of habitual residence



Unless a child is a refugee or likely to request asylum, the authorities in whichever country a trafficked or unaccompanied child has been identified should request an inquiry into the individual and family circumstances of the child in his or her habitual place of residence, in particular if the child's return is an option to be considered.

Carrying out such a social inquiry (also known in some regions as a "family and community assessment") is conventional practice for social workers and child protection professionals in many countries.⁵⁷ A suitably qualified social worker or representative of a specialized non-governmental organization should visit the family (unless such a visit is deemed not to be in the child's best interests) and assess the family members and their immediate community, using formal assessment tools.

The NFP in the child's country of habitual residence, when contacted by an NFP in the country where the child is currently located, is responsible for asking the relevant local social services (social workers or child protection workers) to carry out such a social inquiry, for setting a timetable for the required information to be available, for providing extra resources if these are likely to be required, and for forwarding the conclusions of the inquiry to the relevant authority in the country where the child is located. The NFP is also responsible for contacting law enforcement specialists to ask them to provide an assessment about possible threats to the child.

Note: A social inquiry is conducted in the community where the child was a habitual resident and, if appropriate, with his or her family there, not with the child who is located abroad. It is an assessment of the child's family and community by persons trained in social work methodologies, as for example Social Service Workforce professionals. There should normally be two parts to the inquiry, the first centred on the child's own family or household (e.g., if a child formerly lived in a residential institution) and the second on the wider community where the child used to live and might potentially return to live.

If it is an option for the child to be returned and integrated into his/her family/community, it is essential that an assessment first confirms that the child is not likely to be re-victimized, abused or re-trafficked.

⁵⁷ For example, Romania's National Authority for Child Protection and Adoption issued Order No. 107 of 4 March 2005 approving a model social inquiry concerning the socio-familial situation of unaccompanied Romanian children located in other countries. This model includes details on plans for the social reintegration (in Romania) of such children. Section VIII summarizes the conclusions and recommendations of the social worker who carries out the inquiry. Order No. 107 was issued in Romanian. at: www.dgaspcgorj.ro/legi/copii/doc26.doc (accessed 13 October 2020).

a) Social inquiry - Part 1: Family Assessment

A family assessment, conducted where the child lived prior to being trafficked, describes the child's home living situation and the ability of the family to provide for the child's basic needs, making reference as appropriate to potential resources in the wider community. It also clarifies the family's willingness to accept the child back and identifies possible risks from family members or close associates.

A family assessment is conducted in order to determine:

- whether it would be appropriate for the child to return to the family or other arrangements in which the child was living before being trafficked, or whether other, preferably family-based or community-based arrangements, need to be identified⁵⁸;
- if the family is a suitable, willing and safe environment for the child to return to;
- how best to prepare the child to return to his/her family;
- what support (if any) the child and family will need after the child's return;
- which organizations (state-run or a civil society organization) can provide support to the child and the family after the child's return.

A standard information form (e.g., a "Family Assessment Form" or a "Community Assessment Form") should be prepared and completed. Copies should be transmitted confidentially to the NFP in the country concerned. Thereafter they require translating and forwarding to the NFP in the country where the child is located, to share as appropriate with others. The assessment should also be shared with whichever organization is likely to be responsible for providing support to the child upon return, if it is clear that the organization has the capacity to respect the confidentiality of the information in the assessment. While issues such as the frequency of trafficking, school drop-out rates, or other general risks in the family and/or the community should be mentioned in such forms, it is intended that they be completed by social workers rather than police officers or other law enforcement officials. While comments may be made regarding the possible presence of criminals such as traffickers, this is actually the subject of a separate security assessment.

⁵⁸ States are encouraged to explore alternative care arrangement in line with the Guidelines on the Alternative Care of Children. Returning a child to institutional care, even if he or she was living there before, should only be considered as a measure of last resort while family tracing is carried out or while a family-based care arrangement is being identified. This measure should be implemented for the shortest period of time and at all times be accompanied by appropriate and targeted (re)integration measures.

Note: In some cases, members of the child’s family may be reluctant to participate in an assessment or have one done at all. This may be due to reasons of privacy (in particular if the child has been part of commercial sexual exploitation), suspicion of the authorities, or for reasons of personal protection (such as if the family or community members were complicit in the trafficking, previously abused the child, or fear reprisals from traffickers or others). Some families may not want their child to return and may refuse to be visited by a social worker for an assessment. In such cases, information can be gathered about the family’s situation at community level (from relevant professionals).

A primary activity of a social worker (or child protection worker) is to address issues related to the protection of a child in his/her family. The social worker must be informed and realistic about the family situation. Protection concerns for a child within the family can involve one or more of the following aspects (the list is not exhaustive, and other issues may be relevant):

- Neglect, denying the child food, health care or other needs;
- Evicting or abandoning the child;
- Stigma and discrimination against the child for his/her past activities or suspected illness (such as suspected HIV/AIDS);
- Blaming and psychological harassment;
- Emotional abuse;
- Sexual abuse;
- Physical abuse;
- Bullying;
- Re-trafficking the child;
- Forcing the child to do excessive work in the home;
- Failing to ensure that a child of compulsory school age attends school;
- Sending the child to another residence (unless the child agrees to this and it is in his or her best interests);
- Obliging the child to work or earn money instead of attending school, e.g. on a family farm or by begging;
- Placing the child in a harsh working situation;
- Forced marriage
- Sale of children;
- The child being influenced by alcohol abuse, drug-taking, commercial sexual exploitation, violence, begging, or criminal or other anti-social activities by family members.

b) Social Inquiry – Part 2: Community assessment

A community assessment, also conducted where the child lived prior to being trafficked, describes the community where the child is known to have lived in the recent past, including the

school attended by the child (if he or she is still of compulsory school age or wishes to continue with schooling), or the availability of vocational training, apprenticeships or suitable employment in the case of children who are (or soon will be) old enough to work. It reports on the availability of services that initial assessments indicate the child requires in the short-, medium- or long-term. It also identifies any possible risks from the community, such as stigma.

A community assessment is conducted in order to determine:

- whether it would be appropriate for the child to return to the family and community;
- if there are any protection concerns for the child in the community;
- how best to prepare the child to return to his or her family and community;
- which organizations (state-run or a civil society organization) can provide support to the child after return.

c) Security-related risk assessment (in child’s country of habitual residence or country of origin)

Law enforcement specialists in the country where the child habitually resides should be asked to assess the risk that a child victim of trafficking may be re-trafficked, otherwise caught up in crime, or subjected to violence.

A security assessment⁵⁹ focuses primarily on possible threats to the child or his/her relatives from traffickers and their associates. As such, it considers security threats that are specific to a trafficked child in that child’s country of origin.

A security assessment is conducted in order to determine:

- if there are any security or protection concerns with regard to the child in the country, and specifically in the community where he or she might reasonably be expected to live, either from the criminals who were previously involved in trafficking the child, or from others;
- if there are any other security or protection concerns with regard to a child returning from abroad, such as criminality or violence in the community.

The conclusions of the security assessment should be transmitted confidentially to the NFP and, once translated, to appropriate authorities in the country where the child is located, as an essential part of the documentation to be taken into account when making a comprehensive decision about the child’s future.

Implications of information obtained about possible risks facing a child

The Council of Europe Convention on Action against Trafficking in Human Beings (2005) states that “child victims [of

59 UNICEF, Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe, Geneva, 2006.

trafficking] shall not be returned to a State, if there is indication, following a risk and security assessment, that such return would not be in the best interests of the child” (article 16.7). The Explanatory Report accompanying the Convention refers to Article 3 of the Convention on the Rights of the Child, pointing out that “according to this provision, the authorities must undertake an assessment of the risks which could be generated by the return of the child to a State as well as on its security, before implementing any repatriation measure.”⁶⁰

If a social inquiry concludes that it would not be in the child’s best interests to be reunited in their country of habitual residence with their parent(s), long-term guardian or family, alternative options should be considered. However, other appropriate caregivers in this country should be identified only if the child agrees and the child’s safety and welfare will be guaranteed (in which case the relevant provisions of the Guidelines for the Alternative Care of Children should be observed).

Other required information so that a comprehensive decision can be made in a child’s best interests

Once the NFP in the country where the child is currently located has received the assessments mentioned above from the child’s country of habitual residence, it is essential for this NFP to engage relevant experts in his/her country to analyse the assessments and add any extra information concerning general security issues and possible risks to the child in the country of habitual residence. UNICEF has pointed out that:

It is critical to take special measures in situations where children have been involved in armed violence against their own community. Preparations for the reunification of these children must take into account the need to shield them against discrimination, targeted attacks, further recruitment or re-trafficking. Similar measures shall be taken where children have been involved in activities with a high risk of stigma, such as prostitution and sexual exploitation as a result of trafficking.⁶¹

Article 12 of the UN Convention on the Rights of the Child⁶² imposes a clear legal obligation on the State to recognize the right of the child to be heard, to participate and to freely express its view in all matters affecting her or his life. Additionally, it establishes the subsequent right for those views and wishes to be given due weight. As with other assessments, the case manager of the concerned child must have the necessary training, knowledge and understanding of relevant procedures in order to advise and support the child effectively.

Best interests determination



A best interests determination (BID) is a formal process with strict procedural safeguards. It determines the child’s best interests when particularly important decisions that affect the child are made. The procedure that is followed should permit the child to participate, should be conducted by decision-makers with relevant expertise, and should balance all relevant factors to determine the best option.⁶³ In addition, it should be:⁶⁴

- a procedure that facilitates adequate child participation without discrimination;
- a procedure where the views of the child are given due weight (taking the child’s age and maturity into consideration);
- a procedure where decision-making is done with the involvement of persons with relevant expertise;
- a procedure where the best interests of the child principle is applied in a manner that seeks to ensure the full and effective enjoyment of all the rights recognized in the UN Convention on the Rights of the Child (UNCRC) (see Annex 1 for details).

The BID process designed by the UNHCR specifies that the importance given to each of the following factors may vary according to the individual child and their circumstances:

- The safety of the child, including exposure or likely exposure to severe harm, which might outweigh other factors;
- The child’s relationships with family members and others close to him or her, both before a child first moved away from home or out of their country and, if relevant, while the child has been in alternative care subsequently;
- The needs of the child concerning his or her personal development and identity.

⁶⁰ Council of Europe Convention on action against trafficking in human beings. Explanatory report. Council of Europe doc. CM(2005)32 Addendum 2 final (3 May 2005), para. 207.

⁶¹ UNICEF, Guidelines on the Protection of Child Victims of Trafficking (2006) Available at: <https://www.refworld.org/docid/49997af727.html> (accessed 13 October 2020).

⁶² Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (accessed 13 October 2020).

⁶³ UNICEF, Guidelines on the Protection of Child Victims of Trafficking (2006).

⁶⁴ UNHCR, Guidelines on Assessing and Determining the Best Interests of the Child (2018 Provisional Release). Available at: <https://www.refworld.org/docid/5c18d7254.html> (accessed 18 December 2019).

Responding to the specific needs of children who are refugees or are seeking asylum

It is important for National Focal Points to be aware that some child victims of trafficking may have the right to international protection as refugees, and thus may wish to seek asylum in the country where they are located. Their international protection needs may or may not be related to the child's experience of being trafficked.

A person who has been trafficked to another country may be at risk in their country of origin or residence, or in whichever other country they were recruited by a trafficker, should they be compelled to return there. They may also be at risk in the country to which they were trafficked (and thus, they may wish to apply for asylum in a third country where they would feel safer). Indeed, they may be at risk in the country where they have been helped to leave a situation of exploitation and where they may have submitted a first application for asylum. The risk they face could be that of re-trafficking, retribution by the traffickers (for example, if the person has escaped from the traffickers and/or assisted the authorities in prosecuting the traffickers), lack of assistance or adequate care, or ostracism by the trafficked person's family or community to such an extent that their ability to re-integrate is fatally compromised.⁶⁵

It is the right of any person to seek asylum, regardless of their country of nationality. It is not the role of the National Focal Point or other non-specialist officials to determine whether or not a child qualifies as a refugee.

Rather, the NFP's responsibility is to ensure the child is aware of his/her right to seek asylum and the procedures for doing so, and has access to relevant legal representation to support his/her presentation of an asylum claim. If a child indicates an interest in seeking asylum, it is the responsibility of the NFP to refer the child to the appropriate national asylum procedures.

If a child indicates an interest in seeking asylum, a fear of returning to their country of nationality or another country where they had habitual residence, or if it becomes apparent that the child has already been recognized as a refugee in another country, this must influence the measures the NFP takes. First and foremost, it is important that the NFP does not contact the authorities in the child's country of nationality, as this could place the child at further risk.

While a child's potential protection needs as a refugee are assessed with reference to his/her country of nationality (or, if a child is stateless, his/her country of habitual residence), the country in which or from where the child has been trafficked, or where she/he may have family members, may be a quite different country. As such, in some cases it may still be relevant for the NFP to reach out to authorities in that country, if this is in accordance with the child's wishes.

To cite examples of several different scenarios:

- A child who is a national of country A and has been trafficked from country A to country B indicates a wish to apply for asylum in country B (fearing return to country A). In that case, the NFP should refer the child to national asylum procedures and not take any steps to contact the NFP or other authorities in country A.
- A child who is a national of country A, has lived in country B for many years, and is then trafficked to country C, where the child expresses a wish to seek asylum (fearing return to country A). The NFP should refer the child to national asylum procedures but may, if this is consistent with the wishes of the child, at the same time continue with the process of contacting the authorities in country B (for example, for the purpose of identifying family members in country B).
- A child who is a national of country A has been recognized as a refugee in country B, and is then trafficked to country C. She/he does not wish to seek asylum in country C but indicates a fear of returning to country A. The NFP should not contact the authorities in country A but may, with the agreement of the child, contact the authorities in country B.

⁶⁵ Council of Europe, GRETA, Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection (2020). Available at: <https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44> (accessed 13 October 2020).

Returning a child



If both the child and his/her family are in favour of family reunification and the three above-described assessments identify no significant obstacles to this, there should be no need for a formal best interests determination (BID) before the decision is taken for the child to return home. However, in other circumstances, a best interests determination may be needed (for example, if family reunification is not considered to be in the child's best interests or if the child objects to it). It is the responsibility of the NFP to convene a panel of experts as necessary.⁶⁶

The decision for the child to return should only be made when safe reunification of the child with the family is possible, or when an appropriate institution in the child's country of habitual residence agrees and can provide adequate protection and care immediately upon the child's return. If authorities in the child's country of origin or habitual residence determine that the child's return to that country may not be in the child's best interests, the return may not take place.

Oversight of any return plan

If a decision is taken that a child should be returned to his or her country of habitual residence or moved to another country, the NFPs in these countries must ensure that an individual plan is prepared. The plan should be designed by multi-disciplinary teams in both countries involved, with the child being consulted and participating, and should specify the steps necessary both before leaving the country where the child is located and following the child's return (i.e., it should list the steps required to ensure his or her sustainable reintegration).⁶⁷ It is helpful if a model return plan is included in any bilateral agreement, so that officials in both countries know what to expect. Once drafted in the respective countries, the two NFPs involved should share the part of the plan prepared in their country concerning a specific child with the NFP in the other country. Those responsible for the child's care in the country where he or she is located should be asked to review and comment on whether the provisions of the plan following the child's return meet the child's known needs. They should request modifications to remedy any perceived shortcomings.

In some cases, shortcomings may be perceived because of a lack of familiarity (by child protection specialists in the country where the child has been identified) with the infrastructure in the child's country of habitual residence. In others, this perception may be due to a lack of resources in relevant budgets of statutory organizations or NGOs in the child's country of

habitual residence, in which case the NFPs should liaise to explore whether additional resources can be made available. It is also possible that shortcomings may be perceived due to measures being proposed in the child's country of habitual residence to treat the trafficked child in ways considered incompatible with human rights and dignity, such as detaining the child or obliging the child to reside in residential care for a long period instead of allowing family reunification or foster care. If such a situation arises, the NFPs should enter into more substantial discussion to reach an agreement on the implications of internationally recognized standards for care and protection.

Ensuring continuity of care

Prior to an individual child's return, it is essential to collect relevant information about the child and to share this with the NFP in the country to which the child is being returned, after obtaining the consent of the child and his/her temporary guardian. The information required includes:

- personal information;
- details on case management and the alternative care that has been provided to the child ("care history");
- the conclusions of needs assessments, information about services that have been provided to the child, and up-to-date details about any health care being provided to the child (whether physical or mental health);
- information about legal proceedings in which the child has been or still is involved (whether as a victim of crime, a witness, or a defendant).

There are two primary purposes for these continuity-of-care procedures:

- To highlight any protection concerns for the child before repatriation/transfer occurs, so that the receiving organization is prepared to address those protection concerns immediately upon the child's arrival;
- To inform the receiving organization of the interventions that the sending organization has been conducting for the child (including health, education, vocational training, etc.), so that the receiving organization can continue the interventions after they receive the child.


To communicate such information, a standard "continuity of care" form (along the lines of others used in case management) should be filled out, or its digital equivalent prepared.⁶⁸ In some circumstances, it may be appropriate to use a specific "pre-repatriation information" form (see Annex 4 for an example), containing details such as: personal data; summary of key protection concerns; medical issues; mental health and behavioural issues; legal and security issues; and any other protection issues.

⁶⁶ The European Union has published guidance on "who" should be involved in making decisions about unaccompanied children within the EU, including victims of trafficking in human beings, as well as "when" and "how". See FRA, *Children deprived of parental care found in an EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking*, 2019, page 62.


⁶⁷ See Article 32.k of the Joint General Comment (2017) by the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and of the Committee on the Rights of the Child on the General Principles Regarding the Human Rights of Children in the Context of International Migration.

⁶⁸ An example of a 13-page form (in English) used for communicating information between child protection officials in two countries can be found in Annex 1 (p. 45–57) of P. Cazenave, *Protecting Migrant Children in a Freedom of Movement Area. Transnational monitoring of return procedures involving Romanian and Bulgarian migrant children in Greece and France*, Terre des hommes (Budapest: 2012). Available at: <https://www.tdh.ch/en/media-library/documents/protecting-migrantchildren-freedom-movement-area> (accessed 20 November 2020).

Duty to notify in cases of presumed child victims of trafficking who are reported missing

 Children who have been identified as presumed victims of trafficking and placed in alternative care in countries other than their own are known to abscond and go missing.⁶⁹ The reasons for this vary. While it is the responsibility of the organization providing alternative care to alert relevant local law enforcement officials and others, it is the child's case manager who must immediately inform the NFP at the national level (or, if the case manager is unavailable to do so, the child's temporary guardian). In turn, the NFP must communicate the news of the child's apparent disappearance to the NFP in the child's country of habitual residence (once again, unless the child is a refugee or has applied for asylum). Following this first report, the NFP in the country where a child has gone missing should continue to keep the NFP in the child's country of habitual residence informed of developments in the case.

Ensuring effective co-ordination among actors in the country where a trafficked child has been identified

 It is important to bear in mind that if a State identifies a trafficked child within its borders who was exploited outside its borders, it nonetheless remains a responsibility of this State to assist the child. The NFP has a special responsibility to ensure that all relevant national actors work together effectively on all cases of trafficked children from other countries. Failure to do so is likely to affect the NFP's working relations with the NFP in the child's country of habitual residence.

In particular, effective co-ordination is required between the child's case manager, legal guardian, legal representative(s), the person supervising the place where the child is temporarily residing (whether a foster family or residential institution), officials of the criminal justice system (if the child is asked to provide evidence about possible crimes or to support a prosecution), and any other social workers involved in the case. In principle, the NFP should be able to communicate with the child's case manager and rely on this person to co-ordinate with the others. However, if there are signs that adequate levels of co-ordination are not occurring, it is up to the NFP to take remedial action to improve co-ordination.

⁶⁹ See OSR/CTHB Occasional Paper "Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking" (2018), Section 6.4. Available at: <https://www.osce.org/secretariat/405095> (accessed 13 October 2020).

Support from consular authorities



The Vienna Convention on Consular Relations (1963) requires State Parties to provide support through their consular posts to children from that State who are located in another State. Whether an NFP has been appointed or not, consular authorities remain responsible for the following:⁷⁰

- Providing legal and other assistance to a child who is detained when suspected of having committed an offence;
- Safeguarding the interests of the child, particularly in relation to guardianship, after the State parties have been informed in accordance with Article 37(b) of the Vienna Convention on Consular Relations;
- Supporting the child or the professionals and organizations involved with translation/ interpretation or legal services;
- Providing contact details for various authorities in the child's country of habitual residence;
- Helping search for relatives;
- Obtaining official documents and issuing travel documents;
- Supporting the professionals or organizations involved with information on child protection laws and procedures in the child's country of habitual residence;
- Making travel arrangements and providing an advance to cover the child's costs of travel back to his or her country of habitual residence.

Managing cases of young people who reach 18 years of age while in the country where they were identified as “trafficked” (known as “aging out”)



A young person who has been trafficked before reaching the age of 18 (i.e., as a child) may still be awaiting a comprehensive decision (or its implementation) when he or she reaches the age of 18 and, in the eyes of the law, becomes an adult, thereby ceasing to be entitled to the particular rights and forms of protection that they had as a child. This transition is known as “ageing out”. In some countries, an important transition may occur two years earlier, when a child reaches the age of 16 and is entitled by national law to less assistance than a younger child (for example, the child may no longer be entitled to remain in foster care).

The fact that a young person has reached adulthood does not signify that the trauma or harm he or she experienced when trafficked as a child suddenly diminishes, nor that the young person's needs for protection and assistance have lessened. Nevertheless, reaching adulthood may mean they are entitled to less assistance. For example, when they reach 18 they may be required to leave the alternative care setting where they have been living. A care leaver may still not have identity documents or other necessary paperwork that entitles him or her to live and work in the country. The case manager appointed to look after the case of the child may no longer be available to manage the case of an 18-year-old and their temporary guardian ceases to have responsibility for them. Because of these changes, it is important that the NFP continue to monitor the young person's case despite the change in their age and legal status, and should seek confirmation that the young person has been provided with full and clear information about any changes as well as legal support. The changes are likely to increase the young person's anxiety, particularly if they are awaiting a comprehensive decision about whether they are going to stay in the country where they are living or move elsewhere. This requires the NFP or someone else to take appropriate counteractive steps.

To mitigate such concerns and prevent an abrupt move from an alternative care setting, the process should be, whenever possible, carefully planned with the care leaver. This can help provide reassurance to the young person about what will likely happen, as well as help them access available support when they leave. Plans for care leavers have various names, such as “Pathway Plans”.

⁷⁰ FRA, Children deprived of parental care found in an EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking (2019). Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-children-deprived-of-parental-care_en.pdf (accessed 13 October 2020).

Additional considerations concerning the responsibilities of National Focal Points in a child's country of habitual residence

Preparing Pathway Plans with children approaching their 18th birthday (i.e., about to become adults)

A Pathway Plan is a tool to use with a young person who is still a child to assess, identify, plan and monitor the individualized support they will need as a young adult. The Plan should take into full consideration the care leaver's individual circumstances, as well as their strengths, needs, goals and aspirations. It should plan for different phases of preparing for and leaving care, and be carefully monitored and adjusted as necessary.

The Pathway Plan should be a written document that:

- Ensures no young person leaves care without the preparation and skills necessary for a successful future;
- Assesses and identifies the most appropriate support that a care leaver should be provided when preparing to leave their care placement, living semi-independently, or after leaving care altogether;
- Identifies when and how services are to be provided, including the date the support or other services will commence;
- Identifies the people responsible for providing/facilitating support and services;
- Specifies over a realistic period (until a comprehensive decision is made and implemented) how goals and actions identified in the Pathway Plan will be regularly monitored, reviewed and modified as necessary, and by whom.



Contacts with the child's parents, guardian or close family members

The individual(s) who have parental responsibility for a child should be kept informed of steps taken to protect that child, unless this is not in the child's best interests. If a child victim of trafficking is believed to be unaccompanied in a country other than his or her country of origin or habitual residence, a temporary legal guardian should normally be appointed as quickly as possible. Giving someone the legal rights and responsibilities associated with parental responsibility, albeit on a temporary basis (for example, while the child is in a country other than their own) is an important legal step. Unless it is deemed not in the child's best interests, the NFP in the child's country of habitual residence should be informed so that the child's parent(s) can also be informed when this step is taken. Similarly, unless the child or his/her temporary guardian objects, his/her parent(s) or long-term legal guardian should be informed of any plans to return the child to or to reunify the child with other family members.

Decisions on reception facilities and services for a returning child

The NFP in the country to which a child is being returned is responsible for ensuring that appropriate steps are taken to receive a child at the border and accompany the child either to a place providing safe and adequate temporary accommodation, or back to his or her parental home for prompt family reunification. On the basis of the experience of children who have been returned in the past, a series of guiding principles and procedures should be observed.⁷¹

⁷¹ Nine guiding principles have been identified. These are: respect for children's rights; best interests of the child as a primary consideration; the child's participation; equality and non-discrimination; confidentiality; dignity; family unification; working in partnerships; and minimization of harm. See Terre des Hommes, ECPAT Austria, Hors la rue (France), Center for Youth Integration, Open Gate/La Strada, Montenegrin Women's Lobby, Medica Zenica and ARSIS, Post Return Support and Monitoring Framework (2014). Available at: https://childhub.org/es/system/tdf/library/attachments/1803_post_return_en_web_original.pdf?file=1&type=node&id=8385 (accessed 13 October 2020).

Oversight of family reunification or arrangements for alternative care

Family reunification is the process of reintroducing an unaccompanied or separated child (including a child who has been trafficked and exploited) in a supervised manner to the household unit in which he or she lived before migrating or being trafficked. Once a decision is made with the child's agreement to reunite him or her with their family, the process of doing so must be properly planned. The child must be kept informed, even if he or she has not yet returned to his or her country of origin or habitual residence.

The search for a comprehensive and sustainable solution for every child victim of trafficking should start by analysing the possibility of family reunification.⁷² However, while family reunification should generally be regarded as being in the best interests of the child, prior confirmation is required that a parent or close family member has not been complicit in the child's being trafficked, and a social inquiry should confirm that the child is not likely to be exposed to further exploitation, abuse or neglect. The Guidelines for the Alternative Care of Children provide guidance regarding family reunification. This includes efforts to facilitate "regular communication between the child and their family, except where this is against the child's wishes or is demonstrably not in their best interests".

When a child's relationship with his or her parents and/or sibling(s) has been interrupted by migration (both in the case of parents migrating without their child, or of a child migrating without his or her parents and/or sibling[s]), preservation of the family unit should be taken into account when assessing the best interests of the child in decisions on family reunification.

The process of reunification with a child's family of origin requires the following:

- The NFP should check that appropriate arrangements have been made to provide sufficient support after the child arrives home to ensure that this continues to be the most appropriate place for the child to live;
- A child protection specialist should develop, support, and monitor regular contact between the child and his or her family;
- Adequate resources should be made available to the social worker or other child protection specialist responsible for such contacts for him or her to communicate periodically with the child and check on the young person's welfare in ways that are not intrusive and do not stigmatize him or her. Experience has shown that it is not sufficient for this to be confined to indirect contacts (such as a telephone call), since the caller may be misled, or given the impression that the child is well or present when he or she is not;
- The situation of the child and his or her family should be evaluated regularly.

If the comprehensive decision taken concerning a trafficked child involves the child staying in temporary accommodation prior to family reunification or another form of care, the NFP in the child's country of habitual residence is responsible for ensuring that this alternative care is safe and appropriate. Under no circumstances should a child victim of trafficking "be detained in police custody [or be] subjected to penalties for their involvement under compulsion in unlawful activities" (see above, on Alternative care). If the child is placed in residential care, the NFP must confirm that this is for the shortest time possible and is in the child's best interests, i.e., is not being done to punish either the child or his or her parents or other family members.

The OSR/CTHB Occasional Paper Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking describes the advantages of developing a "life project" to help a trafficked child recover in the longer-term (section 6.2.1). The goal of a life project is to define the child's future prospects, promote the best interests of the child without discrimination and provide a long-term response to the needs of both the child and the parties concerned.

72 OSCE/ODIHR, Guiding Principles on Human Rights in the Return of Trafficked Persons (2014), Principle 4. Available at: <https://www.osce.org/odihr/124268> (accessed 13 October 2020).

Oversight of the child's reintegration and social inclusion

The NFP in the country to which a trafficked child is returned or moved is responsible for checking that appropriate arrangements are followed for assisting and protecting the child until the case can be considered closed. A set of Guidelines on Children's Reintegration were issued in 2016 by the interagency group on children's reintegration,⁷³ based on the experience of organizations in countries around the world that support abused children in returning home to their families. These guidelines stress the importance of case management, of ensuring that a reintegration plan has been prepared (and is appropriate for the individual child), and of preparing both the family and the child prior to reunification.

Monitoring children who have returned and providing follow-up information to the authorities in the country from which a child has been returned

It is good practice for the child protection authorities of one country who have organized the return of a child to another country to ask for news of that child periodically. In part this is to confirm that the child is safe and well. It is also to enable these authorities to assess the long-term effects of the support provided to the child in their country prior to the child's return. Such requests for monitoring information can conflict with the child's right to privacy and to information about his/her welfare being kept confidential, so monitoring must be organized in a way that it does not infringe the child's rights.









The EU manual on returns suggests that "spot-checks should be carried out six, 12 and 18 months after return of the child and a report should be sent to both the host and return country authorities regarding the findings, proposals for modifications and requests for additional interventions (resources)".⁷⁴

NFPs should agree what criteria to apply to consider the case of an individual child as closed (and thus no longer requiring monitoring or follow-up information). The EU manual on returns cited above suggests that "return support and monitoring should be provided for 12–18 months", although in exceptional circumstances, when excellent progress is reported, reintegration assistance may be ended before this. However, trafficked children are often traumatized as a result of having been trafficked and experience continued difficulties following their return. In such cases 18 months is not long enough for case management and monitoring. If, after 18 months, there are still domains in which insufficient progress has been achieved, the monitoring person may propose further measures to be put in place. The NFP of the country from which the child has been returned may then continue to be provided with monitoring reports beyond the 18 months originally planned.

Based on the factors suggested to be assessed at six-month intervals (with the use of Monitoring Framework Score Cards), the manual proposes that the following standards should be met for a trafficked child to be considered satisfactorily "reintegrated" and case management to end:

73 Available at: <https://riselearningnetwork.org/wp-content/uploads/2016/09/Guidelines-on-Childrens-Reintegration-DIGITAL-.pdf> (accessed 1 October 2020).

74 Post Return Support and Monitoring Framework, op. cit., p. 16. Available at: https://childhub.org/es/system/tdf/library/attachments/1803_post_return_en_web_original.pdf?file=1&type=node&id=8385 (accessed 13 October 2020). This document includes a "Monitoring Tool – Progress of life project implementation" (p. 17–20). In conjunction with this, the publication contains "Monitoring Framework Score Cards" in Annex 2, for use in three evaluations undertaken 6, 12 and 18 months after a child's return and/or family reunification. In each case, progress (or the lack thereof) is to be scored as "good", "satisfactory", "below expectations" or "red flag" (noted for the last: "Discussions need to be held with authorities to remedy the situation, and develop extra measures because the child's rights are not upheld. Immediate referral [and action] may be needed"). Each Score Card reviews progress in seven domains: education/work; social integration; housing; health and lifestyle; legal; family relations; and safety.

	Education⁷⁵ child is enrolled in school, attends regularly, has good performance, and there are no problems (including no language difficulties).
	Social integration the child has made many friends, participates in social activities. A feeling of confidence and self-respect has formed in the child. Child is valued and respected within the family and community
	Housing comfortable and sustainable housing for the family.
	Health and lifestyle no serious health issues, minor health issues are addressed, child participates in recreational activities (sports or other).
	Legal all needed documents have been acquired.
	Family relations cohesive, loving family, supportive environment for the child. Parents/caregivers know, recognize and act upon the child's needs. Parents have good parenting skills. Intra-family relationships are positive.
	Safety no security or safety concerns.
	Social-economic conditions at least one member of the family has regular, stable employment, or a business with sustainable income that covers the needs of the family.

In addition to monitoring cases of individual children who have been returned, the NFP is also responsible for periodic monitoring of the implementation of the procedures associated with the NFP's work, to ensure their effectiveness and efficiency and to identify any shortcomings that need remedying.

⁷⁵ Alternatively (if the child is no longer of compulsory school age and prefers to find work rather than returning to education): Work that is decent and appropriate for the young person's age and capabilities.

5

Concluding

Recommendations

This publication has outlined the essential aspects of establishing NFPs, as well as a range of associated procedures and scenarios. It is now critical that with its support, participating States should begin implementing the proposed framework in line with their commitment to do so set forth in the relevant MC Decision. In this regard, it would be worthwhile to consider following points:

- 1 Political will plays a crucial role in the establishment of the NFP function in a given participating State, and this is where proactive support from the National Anti-Trafficking Co-ordinator or an equivalent mechanism will be important.
- 2 Following the establishment of the NFP function in a participating State, a decision should be made regarding which countries to initiate the development of bi-lateral arrangements with. Priority should be given to the countries with the highest incidence of cross-border cases of child trafficking, be it as country of origin or habitual residence, or as country of destination.
- 3 It should be noted that it is possible that the selected priority countries do not yet have an established NFP function. This should be perceived as an opportunity rather than an obstacle. Negotiations on bi-lateral arrangements should then be conducted with the National Anti-Trafficking Co-ordinator or an equivalent mechanism. One of the desired outcomes of such negotiations can and should be the establishment of a NFP in the partner country.
- 4 The key advantage of an established network is at least twofold, as it will lead to:
 - clearly designated contact points to facilitate cross-border enquiries regarding child trafficking cases; and
 - a new full-fledged actor to strengthen the national anti-trafficking response.
- 5 Finally, regular monitoring of the implementation of the NFP framework would be helpful to draw on lessons learned and continually enhance the process.



Annexes

Annex 1

A Summary of the Principles in International Law that Underpin Action to Protect Child Victims of Trafficking

All programmes to provide care and to ensure the satisfactory recovery and reintegration of child victims of trafficking must be informed and guided by the general principles of the United Nations Convention on the Rights of the Child (UNCRC, 1989), namely non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12). The key principles concerning the protection of children who are victims of trafficking are set out in OSCE publications, including chapter 2 of the OSR/CTHB Occasional Paper Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking (December 2018).

a) Best interests of the child

The United Nations Convention on the Rights of the Child does not offer a precise definition of “the best interest” but suggests that:

- the best interests of the child must be the determining factor for specific actions;
- the best interests of the child must be a primary (but not the sole) consideration for all other actions affecting children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies (Article 3).

The best interests principle applies to all children without discrimination on the grounds of race, colour, sex, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or other status (Article 2).

The principle of the best interests of the child obligates States to establish concrete procedures and/or mechanisms that allow for the assessment and determination of a child's best interests for all children under their jurisdiction.

Other international and regional instruments on general human rights, international humanitarian law, refugee law and child-specific instruments are also of relevance in interpreting the principle of the best interests of the child. The Committee on the Rights of the Child stressed that the right of the child to have his or her best interests taken as a primary considera-

tion means that the child's interests have high priority and are not just one of several considerations (in paragraph 39 of its General Comment No. 14). Therefore, a larger weight must be attached to what serves the child best. It further states in paragraph 82 of the same General Comment that the purpose of assessing and determining the best interests of the child is to ensure the full and effective enjoyment of the rights recognized in the UN Convention on the Rights of the Child, and the holistic development of the child.

Each time an important decision is made by the staff member of a law enforcement agency or another statutory organization (such as an immigration official) concerning an individual child, the best interests of the child must be the primary considerations that the decision-maker takes into account. The same principle applies to any particularly important decisions, such as the decisions made by a National Focal Point concerning what should happen to an unaccompanied child who has been a victim of trafficking. This includes whether an unaccompanied child who has been placed in alternative care in the NFP's own country should be returned to his/her country of habitual residence, either for family reunification or to live elsewhere.

b) Non-discrimination

The second principle is that children have a right to exercise their rights without discrimination of any kind, notably discrimination based on their national, ethnic or social origin. This means that children who are trafficked from one country to another are entitled to exercise their rights in a country of which they are not a national. It also means that special care must be taken to ensure that children with particular characteristics, such as children with disabilities and children from minority groups, have access to the same rights and services and are treated on an equal basis to other children.

Non-discrimination

“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status” (CRC, article 2).

c) Right to survival

The third foundational principle of the CRC is that children have a right to life and States have an obligation to ensure children's survival and development (CRC, article 6). Children also have rights to freedom of expression and of association, and to participate fully in cultural and artistic life (guaranteed by articles 13, 15 and 31 of the Convention). Taken together with article 12, these rights are interpreted as signifying that children have a right to participate in efforts to ensure that their rights are respected, including the development of policies to stop children being trafficked and to protect those who have been.

d) The child's right to have his/her views taken into account

The fourth foundational principle concerns the child's right to express his or her views, and to have these taken into account and given due weight in accordance with the age and maturity of the child, notably in decisions made by statutory agencies and non-governmental organizations (NGOs) either in the child's country of origin or in any other country in or to which a child is trafficked.

Respect for the views of the child: each child has a right to have his or her views listened to and taken into account in all matters affecting him or her

"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" (CRC, article 12.1).

This principle is closely linked to the general principle that children have a right to participate in decisions affecting them, in particular by expressing their opinions and having their views taken into account in accordance with their age and maturity. Article 12 of the CRC is about a child's right to express his or her views and to have them fully taken into account in decisions made about their lives. This is the same whether a child is in his or her own country or in another country.

Children must be kept informed at all stages of the care and recovery process, in particular in relation to decisions affecting them. To allow children to express their views and wishes in a well-informed way, they must be provided with all relevant information concerning, for example, their entitlements, ser-

vices available (in particular, means of communication), their right to consular notification (although for applicants for refugee status, the principle of confidentiality should be observed, so consular officials are not informed about them), the asylum process, and the process of seeking protection as a victim of trafficking. They must also be informed about proposed family tracing, and the situation in their country of origin. Such information must be provided in a manner that is appropriate to the maturity and level of understanding of each child.⁷⁶ If a child has come from a country with significantly different social and cultural practices, this may require the involvement of an interpreter as well as a "cultural mediator", namely, a professional who functions as an intermediary between the needs of migrants and the response of public services (and NGOs) to facilitate the placement of foreign citizens into a hosting community.

Detailed advice on who should interview and carry out assessments with child victims of trafficking, as well as other recommendations on when and how such interviews should be organized, is available in various publications.⁷⁷

In all circumstances, consent should be sought from children about the decisions taken with them and on their behalf. This means:

- Seeking permission to gather information about them from children who are old enough to understand the implications (as well as obtaining permission from the child's temporary guardian, if one has been appointed);
- Always explaining how the information will be shared or used (and checking that the child fully understands);
- Providing the child with all necessary information if and when the child makes decisions or participates in decisions affecting them;
- Providing all information in an appropriate manner – preferably in the child's own language and taking into account his or her age, gender, maturity, possible disabilities, and other relevant factors.

76 See RCM, *Toward a Regional Mechanism for the Comprehensive Protection of Migrant and Refugee Boys, Girls and Adolescents* (date not specified). Available at: https://portal.rcmvs.org/sites/default/files/publicaciones/mecanismo_regional_folleto_web_eng.pdf (accessed 13 October 2020).

77 See Council of Baltic Sea States Secretariat (CBSS), *Transnational Child Protection: Practical guide for caseworkers and case officers* (2015). Available at: https://childhub.org/en/system/tdf/library/attachments/practical_guide_to_publish.pdf?file=1&type=node&id=20591 (accessed 13 October 2020).

UNICEF provides the following interpretation as regards adolescents' consent to participate in UNICEF monitoring and evaluation:⁷⁸

Informed consent is the voluntary agreement of an individual, or his or her authorized representative, who has the legal capacity to give consent, and who exercises free power of choice, without undue inducement or any other form of constraint or coercion to participate in research. The individual must have sufficient knowledge and understanding of the nature of the proposed evidence generating activity, the anticipated risks and potential benefits, and the requirements or demands of the activity to be able to make an informed decision.

Assent is the willingness to participate in research, evaluations or data collection by persons who are by legal definition too young to give informed consent according to prevailing local law but who are old enough to understand the proposed research in general, its expected risks and possible benefits, and the activities expected of them as subjects. In most countries, if assent is given, informed consent must still be obtained from the subject's parents or guardian or a responsible adult.

Article 12 of the CRC also emphasizes the importance of a child being given the opportunity to participate and express his or her views in “any judicial or administrative proceedings” affecting them (once again the views of the child should be given “due weight in accordance with the age and maturity of the child”). For example, this might be during an immigration hearing in which a decision is being made about an unaccompanied child, such as whether or not they may stay in a particular country.

However, there are various reasons why an unaccompanied child (including those who have been trafficked) may be reticent about expressing their opinions freely. These include:

- A lack of acceptance or experience in many countries, particularly by government officials and members of the security forces, of children playing an active role in making official decisions;
- Children lacking the confidence to share their views or feeling fearful of the consequences – particularly in the presence of anyone they perceive to be an “official” – such children may need time and support to participate actively;
- The environment in which children or young people are asked to provide information and express their views, such as police stations, border crossings or court rooms, since these are often intimidating to young people – remedying this might be quite simple, as for example providing a special child-friendly room or space.

78 UNICEF, Guidance Note: Adolescent participation in UNICEF monitoring and evaluation (2019). Available at: https://www.unicef.org/evaldatabase/files/UNICEF_ADAP_GuidanceNote.pdf (accessed 13 October 2020).

79 For example, see UNICEF, Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe, General principles about communicating with children, including trafficked children (2006). Available at: <https://www.refworld.org/docid/49997af7d.html> (accessed 12 October 2020).

In each case, those seeking information have a duty to take appropriate action to mitigate these factors.

When preparing a comprehensive decision about a child's future and finding out what the wishes of the child are, including whether a trafficked child wishes to return to his or her country of habitual residence and whether they wish to return to living with their parents or legal guardian, an in-depth interview with the child is necessary. This is unlikely to produce meaningful results if the child does not feel safe and ready (for example, if the child is still traumatized or feeling insecure, or if his/her immediate needs for accommodation, food and clothing, as well as health-related needs, have not been taken care of). Both the child and interviewers need adequate time to prepare for this interview. Interviewing children requires specific techniques and skills. Social workers and other professionals in charge of interviewing children should go through specific training. Various manuals have been published that offer suggestions for how such interviews should be conducted.⁷⁹

At a minimum, the interviewer(s) must:

- Check that the child is willing to be interviewed and is fluent in the language being used;
- Inform the child about the process of assessment that is occurring and be as clear as possible about the role of the interview in the decision-making process, i.e., make it clear that after asking the child about his or her wishes and taking note of these, the interviewer will ensure these are brought to the attention of decision-makers, although it is not certain that they will choose the option the child prefers;
- Explain the various options available to the child, and clarify the conditions and the potential consequences of each option for the child;
- Ask the child how he or she feels about each of the options available (this should be done without influencing the child or suggesting that a particular option is preferable);
- Engage the child in an open conversation about how he or she perceives their future and what they want to achieve, to enable the interviewer to gain a thorough understanding of the child's hopes and aspirations. For children of a younger age, finding this out can be done in the course of playing, drawing, painting or using other methods appropriate for the maturity and culture of the child;
- The interviewer may need to take notes about the child's comments and views during this interview, but should ensure that whatever method is used for recording what the child says and wants does not impede the free flow of the conversation;
- At the end, the interviewer should tell the child what will happen next, and when and how he or she will be involved in the comprehensive decision and/or informed of the result.

e) Confidentiality and protection of a child's right to privacy

To protect a trafficked child effectively, it is necessary to gather personal information from the child herself/himself as well as from a range of other sources. In the case of a child identified as a victim of trafficking or at risk in a country other than the child's own country, it is necessary to share personal information with child protection officials in a different country. Some of the information to be shared is very personal. Since both the child and his/her family have a right to privacy, this means that the confidential nature of such information must be respected as all times.

“States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by [...]

(e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims” (CRC Optional Protocol on the sale of children, child prostitution and child pornography, article 8.1)

Confidentiality means respecting a child's privacy and only sharing specific information about the child with others if this is necessary to protect the child and provide the most suitable care. For example, agencies and caseworkers involved in case management should collect, share and store information about children in a safe way and according to agreed data protection policies in their agencies. “Storing information about children in a safe way” means ensuring that paper or digital files containing personal information cannot be accessed by co-workers or others who do not play a specific role in a child's case.

If information is shared with organizations in a different country (whether statutory agencies or non-governmental ones), it is necessary to take extra care. For example, if a child is a refugee or asks for asylum, it is essential that no communication or information about the child be transmitted to the authorities in the child's country of origin.

General Data Protection Regulation (GDPR)

The EU's General Data Protection Regulation (GDPR)⁸⁰ places duties on organizations and individuals in the European Union to process personal information fairly and lawfully. However, this regulation is not a barrier to sharing information if the failure to do so might cause the safety or well-being of a child to be compromised.

f) Non-refoulement⁸¹

States have an obligation to respect the rights of children guaranteed by international human rights, refugee and humanitarian law, including the principle of non-refoulement. The principle of non-refoulement is the cornerstone of the international protection of refugees and asylum seekers, and is also considered a principle of customary international law. Article 33 of the 1951 Convention relating to the Status of Refugees prohibits the expulsion or return of a refugee to a country “where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”.

g) Right not to be separated from parents

To honour the non-separation standard stipulated in the UN Convention on the Rights of the Child (article 9), all efforts should be made to return an unaccompanied or a separated child to her or his parents, except in cases in which continued separation would actually be in the child's best interests.⁸²

h) Right to Return

The Universal Declaration of Human Rights (1948) states in Article 13 (2) that “everyone has the right to leave any country, including his own, **and to return to his country**” (emphasis added). While the Universal Declaration is not a treaty requiring signature or consent, it has set the standard for all global and regional human rights instruments subsequently adopted. The right to return has been enshrined in various binding international human rights instruments, including the International Covenant on Civil and Political Rights (Art. 12 [4]) and the International Convention on the Elimination of all Forms of Racial Discrimination (Art. 5 [d] [ii]), as well as in a number of regional human rights instruments and the national legislation of various countries.

80 Regulation 2016/679 of the European Parliament and of the European Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

81 To be read in conjunction with the section above on “Responding to the specific needs of children who are refugees or are seeking asylum”.

82 OSCE/ODIHR, Guiding Principles on Human Rights in the Return of Trafficked Persons, 2014, p. 72, quoting Committee on the Rights of the Child, General Comment No. 6 (2005) on the Treatment of unaccompanied and separated children outside their country of origin, paras. 81 and 82. Available at: <https://www.osce.org/odihr/124268> (accessed 13 October 2020).

Annex 2

Functions attributed to Central Authorities by The Hague Conventions on Private International Law

Central Authorities are required to be nominated by several of the Hague Conventions on child protection and international family law, as well as by the European Union's Brussels IIa Regulation.

The Hague Conference has established an informal International Hague Network of Judges that, in relation to issues relevant to international child protection, acts as a channel of communication and a liaison with other judges within their jurisdictions and with judges in other contracting States, as well as with their national Central Authorities.

The Hague Convention (No. 34) of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children

Article 30

1. Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their States to achieve the purposes of the Convention.
2. They shall, in connection with the application of the Convention, take appropriate steps to provide information as to the laws of, and services available in, their States relating to the protection of children.

Article 32

On a request made with supporting reasons by the Central Authority or other competent authority of any Contracting State with which the child has a substantial connection, the Central Authority of the Contracting State in which the child is habitually resident and present may, directly or through public authorities or other bodies,

- a. provide a report on the situation of the child;
- b. request the competent authority of its State to consider the need to take measures for the protection of the person or property of the child.

Article 37

An authority shall not request or transmit any information under this Chapter if to do so would, in its opinion, be likely to place the child's person or property in danger, or constitute a serious threat to the liberty or life of a member of the child's family.

Annex 3

Functions attributed to Central Authorities by European Union instruments

The European Union (EU) requires EU Member States to appoint Central Authorities with related responsibilities for children who are habitual residents of a different EU Member State. These requirements are contained in what is variously known as the Brussels IIa Regulation⁸³ or the Brussels II bis Regulation. The Regulation applies primarily to civil law matters concerning the parental abduction of children and parental responsibility across EU Member States. However, it has also been applied for the protection and return of EU migrant children, including children living on the streets or involved in street-based activities and those who are at risk of or exposed to exploitation and trafficking.

The Brussels IIa Regulation regulates parental responsibilities in transnational cases and guides social welfare services when they are considering taking protection measures in cases of children who are EU nationals. The Regulation stipulates that contacts should be made with the child's home country. The authorities in the home country are required to provide information on the situation of the child, the child's parents, and any official decisions or actions concerning parental responsibility or other relevant matters.

Article 53 of the Brussels IIa Regulation establishes that each EU Member State should designate one or more Central Authorities to assist in the application of the Regulation. Central authorities are already supposed to have been appointed in EU Member States for the application of the 1980 Hague Convention on Child Abduction and the 1996 Hague Child Protection Convention. In some EU Member States, the same authorities support the implementation of the Brussels IIa Regulation.

Article 55 of the Brussels IIa Regulation focuses on co-operation in cases specific to parental responsibility. It states that, upon request, Central Authorities must collect and exchange information on the situation of the child, on ongoing procedures, and on decisions concerning the child in individual cases. One of their key roles is to facilitate communication between courts in different Member States in certain cases relating to parental responsibility (Article 55[c] and [d]).

Article 56 provides the option of temporarily placing a child in another EU Member State, an action that requires prior consent from that State.

The Central Authorities established under the Regulation may:

- function as a central point for all communications between relevant authorities in one EU Member State and those in another Member State; or
- facilitate contact between the relevant authorities responsible for a specific case and let them communicate directly,⁸⁴ i.e., not all communications have to be channelled via the Central Authority.

⁸³ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32003R2201> (accessed 13 October 2020).

⁸⁴ FRA, Children deprived of parental care found in an EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking (2019) p. 88. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-children-deprived-of-parental-care_en.pdf (accessed 13 October 2020).

Annex 4

An example of a bilateral agreement: The Hellenic Republic (Greece) and the Republic of Albania⁸⁵

Agreement

between
the Government of the Hellenic Republic
and
the Council of Ministers of the Republic of Albania
on the protection of unaccompanied children, trafficked children and children at risk of being trafficked

The Council of Ministers of the Republic of Albania and the Government of the Hellenic Republic, hereafter referred to as Contracting Parties, guided by the will to cooperate and implement and respect the rights and obligations stemming from the applicable international instruments concerning the protection of the rights of children;

Expressing their solidarity and their commitment to combat trafficking in children and any form of exploitation of children;

Taking into consideration that unaccompanied children are, in principle especially vulnerable to trafficking and need special protection and care;

Seeking, on the basis of reciprocity and in a spirit of cooperation, to deal with child trafficking;

Considering as a priority the protection of children victims of trafficking;

Aiming, based on reciprocity and a spirit of cooperation to establish the required legal framework for implementing specific procedures and structures for the protection and assistance of trafficked children;

Recognizing that the most effective way to prevent trafficking in children is to eliminate its root causes;

Recognizing that the best interest of the child victim of trafficking shall always be the key consideration;

Taking into consideration the relevant conventions ratified by both Contracting Parties and more specifically the European Convention on the Protection of Human Rights and Fundamental Freedoms (1950), the Convention on the Rights of the Child (1989), the Convention on the Elimination of all Forms of Discrimination against Women (1979) and the ILO Con-

vention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. C182 (1999);

Taking into consideration the specific international conventions signed by both Contracting Parties, such as the UN Convention against Transnational Organised Crime (2000) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplemented the UN Convention against Transnational Organised Crime (2000);

Taking into consideration the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000), the Hague Convention on the Civil Aspects of International Child Abduction of 1980,

Have agreed as follows:

Article 1 Definitions

1.1 For the purposes of this cooperation agreement, the parties agree on the following definitions of the terms used herein: Trafficking in children shall mean the recruitment, transportation, transfer, harbouring, or receipt of a child, including the exchange or transfer of control over such person, for the purpose of exploiting such a child. The consent of the child, implied or real, is immaterial.

Trafficker shall mean the perpetrator of trafficking in children. The concept of perpetrator shall include also legal persons, in accordance with the provisions of article 4 of the EU Council Framework Decision of 19 July 2002 on combating trafficking in human beings (2002/629/JHA).

Exploitation shall include the exploitation of the prostitution of children or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal or transfer of organs.

Child victim of trafficking shall mean any person under the age of 18 years old against whom the act of trafficking as defined in this Article has been committed. For the purposes of this agreement, a child shall be considered to become an adult on

⁸⁵ Available at: <http://www.legislationline.org/documents/action/popup/id/5856> (accessed 20 March 2020). This Agreement was ratified by Albania in 2006 and by Greece in 2008.

the date when he/she turns 18 years old. In the event that the exact date of birth is unknown, the child is considered to become an adult on December 31 of the year of its 18th birthday. In the event that the age of the person is not established definitely but there are reasons to presume that the person is a child, the person shall be considered as a child and shall benefit from this agreement, until the persons' (sic) age is fully established.

Potential child-victim of trafficking shall refer to the child who is in a present, concrete and serious situation, due to which the child faces the risk of becoming a trafficked child, as described above.

Unaccompanied child shall mean the person under the age of 18, who resides in the territory of one of the contracting parties, separated from the parents and not placed under the guardianship of an adult. Unaccompanied children shall benefit from the protection offered by the relevant Articles of this agreement when qualified as potential child-victims.

The person having custody of the child shall mean the parent or the person who represents the child, by virtue of the applicable laws of the country, where custody was granted.

Provisional guardian shall mean the person responsible for the child until the implementation of a permanent solution.

Immigration Regulations shall mean the legal provisions which enable the issuance of residence permits to child victims staying in social centers, having attended a social integration programme.

I. PROSECUTION

Article 2

Effective harmonisation of definition of crimes and procedures – Cooperation on the basis of mutually accepted principles and methods

2.1 The Contracting Parties agree that, in the framework of their national legal systems and when required:

- a. special sanctions shall be imposed for trafficking in children and exploitation of children,
- b. in relation to the crime of trafficking in children, attempt, complicity and moral instigation shall be penalized,
- c. the liability of legal persons involved in trafficking in children shall be instituted,
- d. provisions shall be enacted imposing prohibitions, confiscation and administrative measures against traffickers,
- e. provisions shall be adopted prescribing the confiscation of all items in the possession of traffickers, which items were used for trafficking, irrespective of the fact that traffickers were the owners thereof,
- f. legislation shall be introduced prohibiting the display of gross negligence by the person having custody of the child or the delivery of the child to another person in exchange for money or for the purpose of wealth, and measures shall be taken against employers who employ children-victims,
- g. legislation on the protection of child witnesses shall be harmonized in conformity with international standards,

2.2 The Contracting Parties agree to adopt immigration regulations for the issuance of residence permits to children-victims in accordance with Article 9.4.

Article 3

Action and cooperation between police authorities

3.1 The Contracting Parties undertake to adopt effective measures, if no such measures already exist, for the establishment or operation of anti-trafficking units in the framework of the relevant police authorities, staffed with full-time trained personnel, for the protection of children.

3.2 After taking into consideration the relevant bilateral agreements on police cooperation between the Contracting Parties and more specifically the cooperation agreement of the Ministries of Public Order in matters of their competence dated 17 July 1992, it is agreed that this cooperation and the exchange of information shall be updated in order to combat trafficking in children by adopting additional protocols for the implementation of the agreement. Such additional protocols may include:

the development of common standards for the regular and efficient collection and exchange of statistics relating to trafficking in children and all forms of exploitation, as regards perpetrators and methods and routes used,

- a. the development of common standards for the regular and efficient collection and exchange of statistics relating to trafficking in children and all forms of exploitation, as regards perpetrators and methods and routes used,
- b. the creation of reference databases in border passages, under the provision of guarantees for the total safety of personal data to be entered in the database,
- c. the establishment of bilateral assessment of the adequacy of border control measures in relation to children,
- d. the training and the coordination of common procedures to be applicable in border passages, aiming at improving the ability of the border control personnel to identify possible children-victims and traffickers and regulating the procedure of initial handling of child-victims by the border control personnel,
- e. the reinforcement of border controls, to the extent which is necessary for preventing trafficking in children, subject to international commitments in relation to the free movement of persons.
- f. the adoption of border control measures, such as prohibition of entry, revocation of visa and possibly temporary detention, for persons involved in trafficking in children.
- g. The adoption of agreed regulations concerning repatriation at the border and processing procedures, in accordance with Article 11.
- h. the potential training of border control officers, police officers, public prosecutors, judges, immigration officers and all competent officials in all matters of trafficking in children, including identification,
- i. the monitoring of the assistance provided to children-victims after their repatriation, including their living conditions and the conditions of reunion of the children with their families.

3.3 The Contracting Parties agree to use communication and cooperation channels between the police authorities and the respective embassies and consulates, with the purpose of rapidly ensuring the validity and legality of travel documents, proofs of identity and personal data, when there are reasonable suspicions about the use of such documents in trafficking in children.

3.4 For the proper implementation of this Article, both Contracting Parties shall establish specific focal points within their police authorities.

II. PREVENTION

Article 4

Financial and social policies for dealing with the root causes of trafficking in children

4.1 The Contracting Parties agree to implement effective economic and social policies in relation to the most vulnerable groups, aiming at eliminating poverty and creating real opportunities, which shall prevent the underlying causes of trafficking in children at their root. Such policies shall aim at:

- a. improving the access of children to education and vocational training opportunities,
- b. increasing the percentages of school and vocational training attendance, especially for girls and foreign children,
- c. dealing with the problem of unprotected, informal and illegal child labour.

4.2 The Contracting Parties undertake to inform each other on the specific measures taken and implemented, which are targeted to the above social groups.

4.3 The Contracting Parties shall regularly examine the effectiveness of implementation of such measures and shall agree to proceed to possible further improvements.

Article 5

Awareness raising

5.1 The Contracting Parties agree that, in order to effectively prevent trafficking in children (if such preventive measures are not available), it is necessary to make the society in general, and the relevant target groups in particular, aware of trafficking in children. In this framework, the Contracting Parties undertake:

- a. to carry out an information campaign for making the public aware of trafficking in children and the different forms in which it is manifested in the Contracting Parties, in collaboration with civil society, non-governmental organisations and international organisations involved in child protection activities and non-state actors. Each Contracting Party shall incur the cost of the information campaign on its territory,
- a. to make other competent groups aware of trafficking in children, such as policy-makers, police personnel and other competent professionals, e.g. medical and social services, employment services and the public sector, in order to increase their readiness to adequately deal with trafficking in children and reinforce their institutional potential to combat trafficking in children,
- a. to make the public aware of compulsory education, of the sanctions imposed on persons having custody of a child who do not send this child to school and of the prohibition of child labour,

- a. to deal with the need to reduce demand for activities related with trafficked children such as begging, sexual exploitation, forced labour, slavery or similar practices, and to promote the principle of zero tolerance to all forms of trafficking in children,
- a. to create and effectively advertise hotlines, through which advice and guidance shall be offered to children-victims and which shall facilitate anonymous complaints for trafficking in children.

Article 6

Institutional measures for the prevention of trafficking in children

6.1 The Contracting Parties undertake to implement the following institutional measures, depending on the needs, for the more effective prevention of trafficking in children:

- a. establishment of a central coordination body, aiming at improving the effectiveness of public institutional bodies. For the Greek side, this body shall be the Standing Inter-ministerial Committee of article 9 of presidential decree 233/2003. For the Albanian side, this body shall be the State Committee on Combating Human Trafficking chaired by the Minister of Interior.
- b. provision of human and financial resources to combat trafficking in children as a social and financial problem,
- c. provision of assistance for the development of an adequate social services network, whose function shall be i.e. to deal with trafficking in children, assisted by the civil society, international organizations and non-state actors,
- d. the registration of all newborns shall be ensured, regardless of their place of birth.

III. PROTECTION

Article 7

General principles of protection of children-victims

7.1 The Contracting Parties acknowledge that all actions made in relation to children-victims shall be guided by the child's best interest, the principle of non-discrimination, respect for the child's views, as well as for his or her rights to information, to privacy and confidentiality and to protection.

7.2 The relevant state institutional bodies of both Contracting Parties shall cooperate for the implementation of this agreement. In order to ensure the effective implementation of this agreement through its constant monitoring and protect the rights and interests of the child, the Contracting Parties shall establish a special state service, hereafter referred to as "Responsible Authority". For the Greek side, it shall be the National Emergency Social Solidarity Centre of the General Secretariat of Welfare of the Ministry of Health, Welfare and Social Security. For the Albanian side, it shall be the Joint Commission for the Protection of Children Victims of Trafficking.

7.3 The Responsible Authority shall ensure cooperation between the relevant institutional bodies in accordance with the standards of care of children and shall respect and guarantee general principles of child victim protection, as prescribed in relevant international instruments.

Article 8

Identifying children-victims

8.1 The Contracting Parties shall adopt effective procedures for immediately identifying children-victims on their territory. Police, social services, medical care services, educational establishments, local authorities, international organisations and non-governmental organisations, as soon as they become aware of the presence of a potential child-victim on the territory of one of the Contracting Parties, shall immediately notify the Responsible Authority of their country, which shall coordinate the actions with competent bodies and social services.

8.2 When the child is identified, the country's Responsible Authority shall record the child in a special register and shall open the child's personal file.

Article 9

Referral of the child-victim to competent officials

9.1 The Responsible Authority, in collaboration with the Public Prosecutor for children international organisations and non-governmental organisations involved in child protection activities as well as non-state actors shall proactively seek the identification of the child-victim and, in collaboration with the competent Police Service, shall organise the immediate transfer of the child to a care centre. Care centers shall be protected, safe and suitable for the child's age and needs. In any event, the Parties guarantee that the centers shall offer the child protection, meals, medical assistance, psychological support and opportunities for education and recreational activities. For this purpose, the central coordination body and the Responsible Authority of each Contracting Party may conclude agreements, directives and memoranda of understanding with international organisations and non-governmental organisations involved in child protection activities as well as with non-state actors, with the purpose of providing social services and care centres.

9.2 The Contracting Parties guarantee that no criminal proceedings shall be initiated against the located child-victim and that the child shall not be temporarily detained for criminal offences related to trafficking.

9.3 Ill children, disabled children and children with psychological problems, underage pregnant girls etc. shall receive special care, depending on their needs. The Parties shall use personnel able to communicate in a language understood by the child.

9.4 Any child placed in a care centre shall receive either a residence permit as victim of trafficking in children, if the competent authority has issued a characterization deed, or for humanitarian reasons, as the case may be, according to applicable provisions of national law. The provisional guardian of the child is responsible for applying for the issuance of the relevant permit by the competent state authorities. This residence permit shall be renewed until the child comes under another legal status due to the implementation of a permanent solution.

Article 10

Appointment of provisional guardian

10.1 After the transfer of the child to the care centre, the Responsible Authority is obliged to request that the child be put under guardianship, in accordance with the relevant national legislation of the parties. The provisional guardian shall accompany the child and protect the child's interests until a permanent solution is found, as set out in article 12-16. The guardianship may be entrusted to the Responsible Authority, the care centre where the child is placed and/or other recognised organisations and establishments undertaking care of children. The number of children put in guardianship shall be within the supervisory limits of the body to which guardianship has been entrusted. The persons to whom guardianship shall be entrusted should be trained and experienced in matters of care of children and child-victims. In addition, they should be able to communicate in a language understood by the child. In the event that the guardianship is not entrusted to the Responsible Authority, such Authority shall issue regulations and constantly monitor the exercise of guardianship.

10.2 In accordance with the national legislation of the Contracting Parties, the provisional guardian shall have inter alia the following duties,;

- a. He/she shall guarantee that all actions shall protect the interests of the child
- b. He/she shall inform the child throughout the procedure concerning the child's current condition and his/her options for the future in order to assess the safety risk required in order to make a valid decision about the child's future,
- c. He/she shall assist in the process of locating the child's family or the person having custody of the child in the country of origin,
- d. He/she shall operate as liaison between the child and the different organisations and services involved in the process and in charge of responding to the needs of the child,
- e. He/she shall guarantee, in case of safe repatriation, the proper preparation of the return of the child concerning the preparation of the family and the child, the safe return and the respect for the child's interests,
- f. He/she shall guarantee the confidentiality of information received during the exercise of guardianship. In this framework, the provisional guardian is entitled to be exempted from the obligation to testify in court, if that is considered to be for the child's benefit.

Article 11

Individualised assessment of the cases

11.1 The cases of trafficking in children shall be investigated by the competent police services of the Ministry of Public Order of the Hellenic Republic and the Ministry of Interior of the Republic of Albania, as set out in article 3.1 hereof. During the investigation, the child shall be interviewed only when this is necessary and efforts shall be made to minimize such interviews. The interview shall take place only with the previous consent of the person having custody of the child, who shall be present during the interview and may interrupt it when they think that the interview shall jeopardise the child's welfare. The interviewer shall try to avoid putting psychological pressure and causing psychological trauma to the child during the interview.

Article 12

Finding a permanent solution

12.1 The Contracting Parties should make use of the measure of safe repatriation of the child-victim, when required. The Responsible Authorities of both Parties shall study, in close cooperation, each case of trafficking in children and decide on a permanent solution that shall guarantee the child's interests.

12.2 The Responsible Authority, considering family reintegration as a priority and based solely on the best interest of the child, may decide as permanent solution the safe repatriation, the integration of the child in the host country or the transfer of the child to a third country.

12.3 In making this decision the Responsible Authorities shall consult the child and take into account the will of the child in accordance with the age and maturity of the child.

12.4 In making their decision, the Responsible Authorities of the Contracting Parties shall consider all the circumstances of the case and in particular the results of the risk assessment conducted under joint responsibility of the Contracting Parties.

Article 13

Implementation of permanent solution

13.1 The Responsible Authorities of the Contracting Parties shall elaborate common procedures to expedite the exchange of information relating to cases of trafficking in children, which shall include procedures for the participation of competent ministries, embassies and/or consulates.

13.2 If the options of family reunion and/or safe repatriation of the child are not selected, the provisional guardian shall remain responsible for the child-victim until the appointment of a legal representative/custodian of the child by the court.

Article 14

Safe repatriation

14.1 The return of the child shall be carried out through a voluntary, legitimate, assisted, well-prepared and safe procedure, in accordance with the child's best interests. The procedures for the transport of the child shall be described in an Additional Protocol to this agreement. Throughout the safe repatriation of the child, the Responsible Authorities may cooperate with international organisations and non-governmental organisations involved in child protection activities.

14.2 The Responsible Authority of the country of origin shall elaborate and implement special projects aiming at the reintegration of the child in the country of origin. Such projects shall cover protection, medical and psychological support, reintegration into the educational system, provision of legal advice and representation, as well as any other form of assistance or provision imposed by the legislation on the protection of children in the country of origin. To this end, they shall cooperate closely with international organisations, non-state establishments and non-governmental organisations.

14.3 The Responsible Authority of the country of origin shall assess the welfare of the child-victim and monitor their life after the reunion of the family or the placement of the child under alternative care in the country of origin, and shall submit a biannual report to the Responsible Authority of the host country until the child becomes 18 years old. The Responsible Authority of the host country, in collaboration with non-governmental organisations involved in child protection activities and non-state actors, may ascertain the situation by on-site visits, having notified the Responsible Authority of the country of origin. In the event that it is justifiably ascertained that the living conditions of the child-victim run the risk of re-exploitation, a report shall be drawn up and the two sides shall consult in order to settle the matter immediately.

14.4 In the event that the child faces problems with the parent(s) or guardian after his/her return, the Responsible Authority of the country of origin

- a. shall protect the child's interests until the child becomes 18 years old, the child's rights, as well as the different services available to the child, in accordance with the right to information,
- b. shall ensure that the child receives the necessary care that shall include, in any event, accommodation, meals, medical and psychological support, legal representation, as well as education in a language understood by the child. This care cannot be inferior to that provided by the Contracting Parties to children of their nationality, in accordance with the principle of non-discrimination.
- c. shall attend interviews of the child with police authorities and guarantee that interviews shall be conducted in accordance with the general principles established by this agreement, as well as the national and international law,
- d. shall guarantee the access of the child to adequate legal representation and support, in accordance with the child's best interests,

- e. shall consult with the child and shall take the child's views into consideration, depending on their age and degree of maturity, in accordance with the principle of respect to the child's views,
- f. shall play an active part in finding the best possible solution that shall guarantee the child's best interests.

Article 15

Integration

15.1 In the event that the solution of integrating the child in the host country is decided, the Responsible Authority shall seek to guarantee the complete integration of the child in the host country. In this framework, the integration into a family and community environment is preferable over the placement in institutions.

15.2 A child who is already subject to the guardianship legislation may be adopted. In the event that the child has problems with the guardian/foster family, the Responsible Authority shall protect the child's best interest until the child becomes 18 years old.

15.3 The Contracting Parties agree to adopt, where required, legislation that shall punish the organisation of adoption of children in violation of the national legislation on adoption, with punishments applicable to trafficking in children.

Article 16

Relocation of the child in a third country

16.1 The Responsible Authority of the host country may decide to relocate the child to a third country, in the event that legally recognized guardianship and an integration programme for the child may be ensured in such country, in accordance with the child's best interests, the child's right to information and with respect to the child's views on relocating to a third country.

16.2 The Responsible Authority of the host country shall organise the escorting of the child until the entrance point to the third country, in accordance with the transport rules to be applied in an Additional Protocol to this agreement.

16.3 The Responsible Authority of the host country shall monitor the relocation and integration of the child in the third country and shall cooperate with the relevant authorities of the third country to prepare annual reports on the case until the child becomes 18 years old.

Article 17

17.1 The Contracting Parties undertake to consider the implementation of this Agreement by yearly joint meetings of concerned authorities. International organizations and non-governmental organizations involved in child protection activities as well as non-state actors may be invited by the Contracting Parties into these meetings. The meetings (dates, agendas e.t.c.) will be agreed jointly through diplomatic channel.

Article 18

18.1. Any dispute that might arise in relation to the interpretation and/or implementation of this Agreement shall be resolved amicably through consultations and/or negotiations.

Article 19

Revision and/or amendment of the Agreement

19.1 This Agreement may be revised or amended at any time with the mutual written consent of the Parties. Such revisions or amendments shall enter into force in accordance with the procedure provided for in Article 20.1 and shall form an integral part of this Agreement.

Article 20

Final provisions

20.1 This Agreement shall enter into force 30 days following the second written notification by the Contracting Parties, in which they shall announce the completion of the relevant national legal procedures.

20.2. This Agreement shall remain in force indefinitely.

20.3 The Contracting Parties may denounce the present Agreement by written notification through diplomatic channels. Denunciation shall become effective one month after the date of receipt of the notification.

Done at ..., on 27 February 2006 in two original copies, each in the Greek, Albanian and English languages, all texts being equally authentic. In the event of any difference in the interpretation of this Agreement, the English text shall prevail.

For the government of the Hellenic Republic;

signed by Mr Evripidis Stylianidis,
Greece's Deputy Minister of Foreign Affairs,

For the Council of Ministers of the Republic of Albania;

signed by Ms Iva Zajmi,
Albania's National Coordinator on Combating Trafficking in Human Beings and the Deputy Minister of Interior.
The present Annex includes the elements and procedures required in the implementation of the present Agreement.

Annex

I/1 The identity and citizenship shall be evidenced based on one of the following documents:

- a. An identification document issued by the state belonging to the person claiming the identity. This shall apply regardless of whether the document is issued at the very instance or is temporary.
- b. A passport or an alternative traveling document with photo noticing the citizenship.

I/2 identity and citizenship may be reasonably presumed from the following:

- a. A document prescribed in paragraph I/1 of this Article belonging to the person, even though the validity of the document has expired;
- b. Registered declarations of bona fides witnesses as provided in front of the Responsible Authority of the country of transit/reception;
- c. Registered declarations provided by the respective person in front of the Responsible Authority of the country of origin;
- d. The language spoken by the person.

In the event of citizenship's presumption, the Ministry of Public Order of the country of origin shall be contacted, which based on evidence may object the citizenship within a time limit of ten working days.

II Procedures on the transfer of the child

- a. In the event, that it shall be decided for the assisted voluntary return of the child, this shall be realised through a close cooperation between the Responsible Authorities of the Parties.
- b. Within the transit/reception country, the child shall travel to the border accompanied in any event by the appointed guardian and a representative of the Responsible Authority of this country and when deemed necessary by a police officer.
- c. At the border, the child shall be handed over to the Responsible Authority of the country of origin. A standard document recognised by both Parties shall be issued.
- d. The Responsible Authority of the country of origin, who takes charge of the child shall guarantee the safe transport of the child to the new location in presence at any event of its own representative, parent(s), prospective guardian, or a representative form anti-trafficking organisations and when deemed necessary of a police officer.
- e. The prospective guardian in the third country who takes charge of the child shall guarantee the safe transportation of the child to the new location in any event in presence of himself or his legal representative and when deemed necessary in presence of a police officer.
- f. The person, to whom the child is handed over by the Responsible Authority of the country of transit /reception shall receive also a copy of the file of the child, including the text of present Agreement.

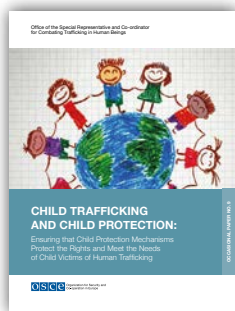
The present Annex becomes effective immediately upon entry into force of the present Agreement.

The present Annex is done in three original copies in the Albanian language, in the Greek language and in the English language. In the event of different interpretations regarding the clauses of this Annex in different languages, the authoritative interpretation shall be based on the English version.

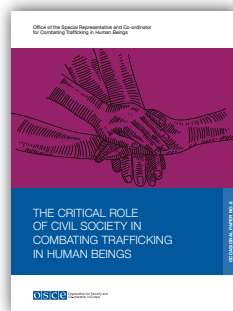
Our publications

All publications are available online at <http://www.osce.org/cthb>

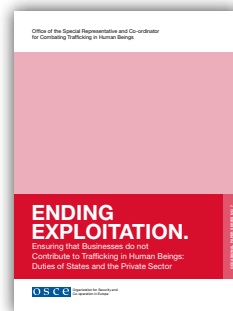
Occasional Paper Series



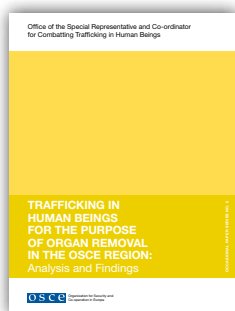
Occasional Paper No. 9
Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking, 2018



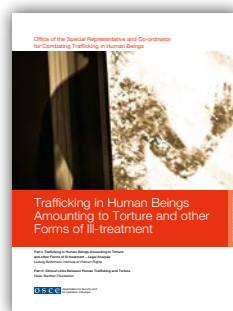
Occasional Paper No. 8
The Critical Role of Civil Society in Combating Trafficking in Human Beings, 2018



Occasional Paper No. 7
Ending Exploitation. Ensuring that Businesses do not Contribute to Trafficking in Human Beings: Duties of States and the Private Sector, 2014



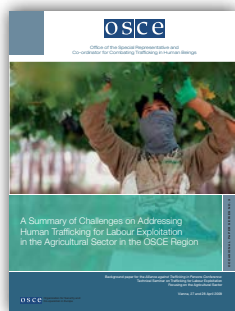
Occasional Paper No. 6
Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE Region, 2013



Occasional Paper No. 5
Trafficking in Human Beings Amounting to Torture and other Forms of Ill-treatment, 2013



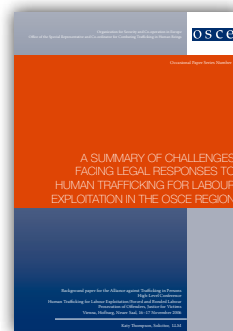
Occasional Paper No. 4
Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude (EN/RU/FR), 2010



Occasional Paper No. 3
A Summary of Challenges on Addressing Human Trafficking for Labour Exploitation in the Agricultural Sector in the OSCE Region, 2009

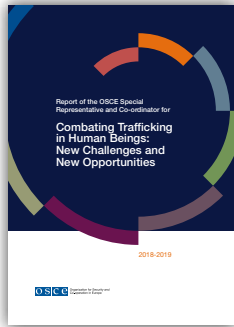


Occasional Paper No. 2
Human Trafficking for Labour Exploitation/Forced and Bonded Labour, 2008



Occasional Paper No. 1
A Summary of Challenges Facing Legal Responses to Human Trafficking for Labour Exploitation in the OSCE Region, 2007

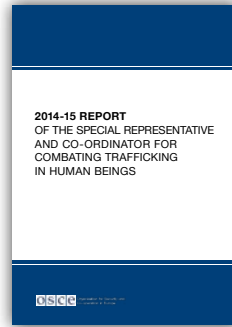
Annual Reports



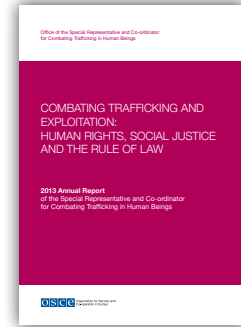
Report 2018-19
The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings



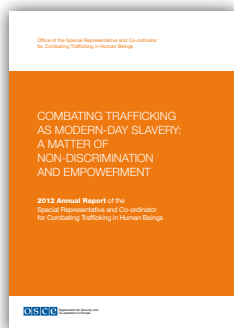
Report 2016-17
The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings



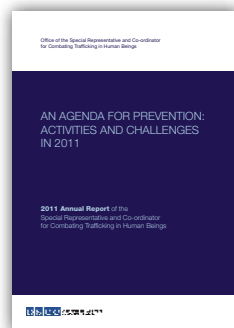
Report 2014-15
The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings



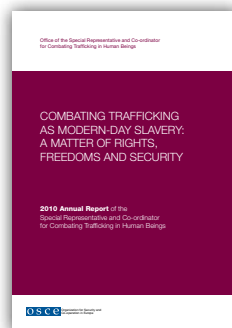
Annual Report 2013
Combating Trafficking and Exploitation: Human Rights, Social Justice and The Rule of Law



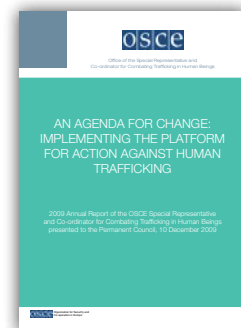
Annual Report 2012
Combating Trafficking as Modern-day Slavery: Non-Discrimination and Empowerment



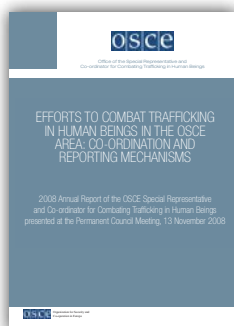
Annual Report 2011
An Agenda for Prevention: Trafficking for Labour Exploitation



Annual Report 2010
Combating Trafficking as Modern-day Slavery: A Matter of Rights, Freedoms and Security



Annual Report 2009
An Agenda for Change: Implementing the Platform for Action against Human Trafficking

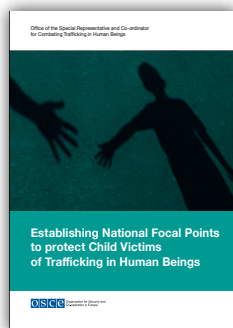


Annual Report 2008
Efforts to Combat Trafficking in Human Beings in the OSCE Area: Co-ordination and Reporting Mechanisms

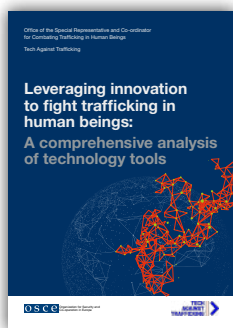


Annual Report 2007
A Platform for Action

Other Publications



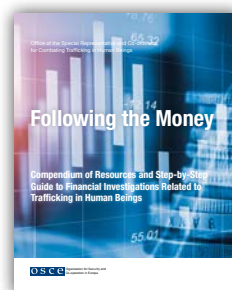
2020
Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings



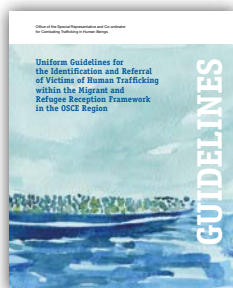
2020
Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools



2020
Compendium of relevant reference materials and resources on ethical sourcing and prevention of trafficking in human beings for labour exploitation in supply chains



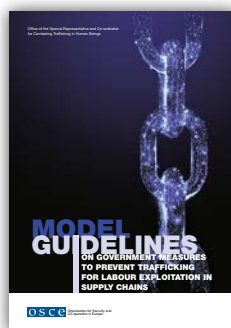
2019
Following the Money: Compendium of Resources and Step-by-Step Guide to Financial Investigations Related to Trafficking in Human Beings



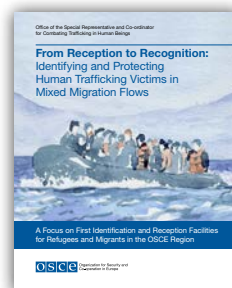
2019
Uniform Guidelines for the Identification and Referral of Victims of Human Trafficking within the Migrant and Refugee Reception Framework in the OSCE Region



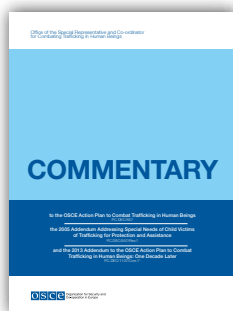
2019
Compendium of Anti-Trafficking Commitments adopted by the OSCE Ministerial Council



2018
Model Guidelines on Government Measures to Prevent Trafficking for Labour Exploitation in Supply Chains



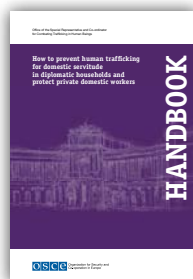
2017
From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows



2016
Commentary to the OSCE Action Plan to Combat Trafficking in Human Beings (EN/RU)



2016
Survey Report 2016



2014
Handbook: How to Prevent Human Trafficking for Domestic Servitude in Diplomatic Households and Protect Private Domestic Workers



2013
Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking

The Organization for Security and Co-operation in Europe works for stability, prosperity and democracy in 57 States through political dialogue about shared values and through practical work that makes a lasting difference.

Office of the Special Representative and
Co-ordinator for Combating Trafficking
in Human Beings
Wallnerstr. 6, 1010 Vienna, Austria
Tel: + 43 1 51436 6664
Fax: + 43 1 51436 6299
email: info-cthb@osce.org
www.osce.org/cthb