Working Group on Trafficking in Persons
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National issues and priorities concerning child trafficking

Background paper prepared by the Secretariat

I. Introduction

1. The present background paper has been prepared by the Secretariat to facilitate discussions of the Working Group on Trafficking in Persons at its fourteenth meeting. It serves to supplement the background paper on child trafficking (CTOC/COP/WG.4/2023/4) prepared for the thirteenth meeting of the Working Group, held in 2023, given that the Working Group will continue its related discussions at its fourteenth meeting. Of note, the Working Group was not able to complete line-by-line negotiations on several draft recommendations on child trafficking proposed during the meeting. The draft recommendations are contained in the annex to the report on the 2023 meeting of the Working Group (CTOC/COP/WG.4/2023/5), as recommendations proposed by the Co-Chairs of the 2023 meeting of the Working Group.

2. The present paper provides a brief overview of relevant legal frameworks and standards, as well as additional issues concerning child trafficking, and highlights measures that States parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, should consider in enhancing their response to child trafficking.

II. Issues for discussion

3. In addition to the issues raised in the background paper for the thirteenth meeting of the Working Group, delegations may wish to consider their own national legal, policy and operational frameworks, as well as local knowledge, practice, challenges and cross-border experience, in relation to the following questions to facilitate the Working Group’s deliberations on this topic:

   (a) What measures are States currently introducing and/or considering to prevent and combat child trafficking? Do these measures aim to address emerging
forms and methods of exploitation of children? Have States assessed the effectiveness of their existing prevention, protection and criminal justice measures? If so, what specific findings or lessons learned have been applied to refine responses to child trafficking?

(b) Have States encountered cases of trafficking involving children deprived of parental care or in care institutions, and how have they dealt with such cases? Do national authorities maintain records and databases of missing children, children in alternative care institutions and other children in situations of vulnerability?

(c) Do States have experience addressing cases that involve intersections between child trafficking and other criminal activities?

(d) Is information on the risks and dangers of child trafficking available in children’s social environments, including child-friendly spaces, and in languages and using terminology that are easier for them to understand?

(e) What services are available to child victims of trafficking, and how is related information including about where and how to access them communicated to children? In practice, how do States apply responses to child trafficking that are age-sensitive, victim-centred, trauma-informed and disability-inclusive?

(f) What effective practices of national and international cooperation have been applied to combat child trafficking? What services are available for children on the move along their journey and in receiving States to reduce their vulnerability to exploitation and abuse? How responsive are such services to children’s needs?

III. International and regional legal frameworks and standards

4. Further to article 3 of the Trafficking in Persons Protocol, child trafficking is the recruitment, transportation, transfer, harbouring or receipt of a child – defined as any person under 18 years of age – for the purpose of exploitation. In contrast to the trafficking of adults, the element of means (e.g. through deceit or coercion) is not required to establish an instance of child trafficking. The undertaking of one of the acts noted above for the purpose of exploitation will amount to child trafficking.

5. Articles 2, 6 and 9 (1) of the Protocol require States to prevent and combat trafficking in persons and to protect and assist trafficking victims, with full respect for their human rights. Article 9 specifically addresses the measures that States parties must take to prevent trafficking in persons, including of children. These include raising awareness; implementing social and economic initiatives; and addressing the factors that make people, including children, vulnerable to trafficking.

6. Further to its objective to protect and assist victims of trafficking, the Protocol lists the multiple types of support States should provide to ensure the physical, psychological and social recovery of trafficked persons. States parties are, for example, compelled to establish comprehensive policies and programmes to, inter alia, protect victims of trafficking from further revictimization (art. 9 (1)).

7. Of note, articles 6 (3) and 9 (3) of the Protocol require States parties to cooperate with non-governmental organizations, other relevant organizations and other elements of civil society in providing both for the protection of victims of trafficking and the prevention of trafficking in persons, respectively.

8. While the Protocol directly addresses child trafficking, it is important to note that the obligations of States with respect to child trafficking are also addressed in other global instruments, including those specific to the welfare of children. Examples of such instruments include the Convention on the Rights of the Child; the Optional Protocol to the Convention of the Rights of the Child on the sale of children, child

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1 See also the definition in the Convention on the Rights of the Child.
prostitution and child pornography; the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.2

9. Further to the above and the related references in the background paper on child trafficking prepared for the thirteenth meeting, the following subsections briefly note examples of relevant legal frameworks and commitments, as well as international standards and policy agreements, that States parties may wish to consider and refer to in the Working Group’s discussions.

A. Data and analysis

10. Article 28 of the Organized Crime Convention establishes that States parties are to consider analysing trends in organized crime, the circumstances in which the crime operates and the groups and technologies involved. Reinforcing this, article 9 (2) of the Trafficking in Persons Protocol notes research, among other initiatives, as a key priority States should undertake to prevent and combat trafficking in persons, while article 10 calls upon States to exchange information to determine, among other things, the means and methods employed by organized criminal groups for the purpose of trafficking in persons. Furthermore, by adopting the United Nations Global Plan of Action to Combat Trafficking in Persons in 2010, States committed to conduct research and collect suitably disaggregated data that would enable proper analysis of the nature and extent of trafficking in persons.3

B. Addressing demand for child trafficking and taking preventive action in supply chains

11. The Protocol, in article 9 (5), obliges States parties to adopt or strengthen legislative or other measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking. The Working Group has previously discussed and adopted recommendations regarding demand, most notably at its fifth meeting, in 2013.

12. In its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee on the Elimination of Discrimination against Women calls upon States to address the demand that fosters exploitation and leads to trafficking by, among others, preventing and addressing trafficking in all business operations and public procurement and corporate supply chains. According to the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, the responsibility to respect human rights requires that business enterprises avoid causing or contributing to adverse human rights impacts through their own activities and address such impacts when they occur. The Guiding Principles also call upon business enterprises to be considerate of the specific challenges that various groups of people, including children, may face.

C. Protection of children in childcare institutions from trafficking in persons

13. Recognizing the vulnerability of children in care institutions and related arrangements, the General Assembly, in its resolution 64/142, adopted the Guidelines


3 General Assembly resolution 64/293, annex, para. 16.
for the Alternative Care for Children in 2009, which call upon States to make efforts to prevent the separation of children from their parents, including by supporting family caregiving environments and empowering parents to exercise their parental responsibilities, and urge all alternative care settings to provide children with adequate protection from abduction, trafficking, sale and all other forms of exploitation.

D. Increased vulnerability to abuse and exploitation through deprivation of liberty

14. Immigration detention of children is contrary to the provisions of the Convention on the Rights of the Child. According to article 37 (b) of the Convention, States parties are to ensure that no child is deprived of his or her liberty unlawfully or arbitrarily. Furthermore, the arrest, detention or imprisonment of a child is to be in conformity with the law and used only as a measure of last resort and for the shortest appropriate period of time.

E. Child trafficking and technology

15. In 2023, the Association of Southeast Asian Nations adopted a declaration on combating trafficking in persons caused by the abuse of technology, recognizing that technology-facilitated trafficking was increasing in South-East Asia and globally and that traffickers were using technology at every stage of the trafficking process, from the profiling, recruiting, controlling and exploiting of victims to the laundering of proceeds of crime. In adopting the declaration, States in the regional bloc committed, among other things, to enhancing capacity to investigate; collect data and evidence; identify victims; detect, disrupt and prosecute crime; use technology tools; share best practices and lessons learned; exchange information; conduct joint coordinated exercises and operations; and conduct joint investigations.

IV. Additional issues, related topics and relevant guidance

16. The background paper on child trafficking prepared for the thirteenth meeting outlined examples of child trafficking issues that were challenging for States, including identification, age determination, the impact of child trafficking on the individual child, access to justice, child protection and implementation of the non-punishment principle. It also briefly discussed multiple factors that make children vulnerable to trafficking in persons, including developmental factors, socioeconomic factors, humanitarian crises, separation from support networks, abuse of established relationships, social norms and the abuse of technology. The present section suggests some limited examples of additional issues that currently impede the prevention of and effective response to trafficking in persons at the global level.

A. Forms of exploitation

17. Since the previous background paper for the Working Group was prepared, global research and analysis has continued to further document child trafficking practices. Recent reports to Member States, for example, have emphasized the exploitation of children in forced criminality or sexual exploitation in the context of armed conflict, as well as exploitation, globally, in the entertainment industry, where children have been found in bars, nightclubs and other public spaces working as

dancers or hostesses and reportedly being subjected to sexual exploitation and violence.5

18. Child sexual abuse and exploitation perpetrated online have been identified as emerging forms of exploitation in many States, with reports increasing both in frequency and in the varied methods used to perpetrate such practices. Abuse of technology by traffickers has increased the risk of: child sexual abuse and exploitation material; grooming and soliciting children for sexual purposes; online sexual harassment; intimate image abuse; financial sexual extortion; and the use of technology-assisted child sexual abuse and exploitation material.6 A major global assessment suggests that since 2019, the volume of child sexual abuse material reports has increased by 87 per cent, while the forms of abuse have intensified with a growing trend towards even younger children being sexually abused.7

19. In late 2023, a regional expert consultation by the United Nations Office on Drugs and Crime found that while specific forms of exploitation continued to evolve, some child victims clearly suffered multiple forms of exploitation at the same time.8 A similar conclusion was made by the International Organization for Migration (IOM) in a new published analysis of the experiences of nearly 70,000 victims of trafficking that the organization assisted between 2002 and 2021. In that analysis, IOM found that some child victims of trafficking were subjected to multiple forms of exploitation within the same trafficking situation.

B. Children on the move

20. Children on the move,9 including those living in camps and camp-like situations, are at risk of being trafficked, especially if they are unprotected.10 Children are a part of migratory populations, whether accompanied or unaccompanied, and they may be internally displaced or part of families seeking refuge, asylum or better economic opportunities. The global estimates for children on the move in 2023 were 35.5 million international migrant children, 17.5 million child refugees or asylum-seekers and 29.7 million children displaced within their own countries due to conflict, violence and/or disasters.11

21. During their journeys, children on the move are exposed to various forms of violence and abuse, including child trafficking, that exploit their vulnerability contrary to the principle that children should have the right to be safe during all stages of movement, including from trafficking.12 A lack of maturity and education, as well as vulnerabilities related to their ongoing physical and psychological development,

5 A/HRC/55/55, para. 20.
7 We Protect Global Alliance, Global Threat Assessment 2023: Assessing the Scale and Scope of Child Sexual Exploitation and Abuse Online, to Transform the Response (2023).
8 Regional expert group meeting on addressing trafficking in children in South-Eastern Europe, organized by the United Nations Office on Drugs and Crime, France and North Macedonia, held in December 2023.
predispose children on the move to an increased risk of exploitation and to going missing prior to, during and after their migratory journeys.\textsuperscript{13}

22. In response to the lack of data, globally, on children on the move, in particular on the details of their journeys, the International Data Alliance for Children on the Move was launched in 2020 with the aim of improving statistics and data on migrant and forcibly displaced children to support evidence-based policymaking that protects and empowers them.\textsuperscript{14}

C. \textbf{Children in childcare institutions}

23. Children in institutional and alternative care settings, including orphanages, residential or foster care and correctional facilities, face an increased risk of sexual abuse and exploitation in the absence of adequate safeguards and regulations to protect them.\textsuperscript{15} Consequently, among other issues, children may be exposed to a form of exploitation known as “orphanage trafficking”, involving the recruitment or transfer of children into residential care institutions for the purpose of exploitation and profit.\textsuperscript{16}

24. Noting that 105 out of every 100,000 children worldwide live in non-family settings, such as residential care institutions,\textsuperscript{17} the scale of the potential risk is significant and may disproportionately impact specific communities given an overrepresentation of minority and Indigenous groups in such institutions.

25. In 2023, the 147th Inter-Parliamentary Union Assembly adopted, by consensus, a resolution entitled “Orphanage trafficking: the role of parliaments in reducing harm”. The resolution called for the introduction of national legal measures to combat orphanage trafficking and measures to promote the reintegration of children into their families or suitable family-based care.

D. \textbf{Multi-stakeholder partnerships and coordinated responses}

26. There continues to be gaps in multisectoral and coordinated responses at the national, regional and global levels to child trafficking. Such approaches are critical to advancing a more discernibly effective response to child trafficking and can be taken forward, for example, by framing child trafficking as part of the broader phenomenon of violence against children. Violence against children occurs in a broad range of sectors and requires the commitment of a variety of specialized actors through multisectoral and multilateral partnerships. It also requires the leveraging of the various skill sets and capacities of the different entities involved in child protection at the national or international levels.

27. Various stakeholders should be involved in a child trafficking response, including education, justice and health actors. Related mobilization and coordination


\textsuperscript{14} The International Data Alliance for Children on the Move is jointly led by Eurostat, IOM, the Organisation for Economic Co-operation and Development, UNHCR and UNICEF.

\textsuperscript{15} A/77/140, para. 31; and Mike Dottridge and others, \textit{The Phenomenon of Child Trafficking in Bosnia and Herzegovina} (Strasbourg, Council of Europe, 2021).


can help ensure that child victims of trafficking have access to child-friendly services, with a focus on the provision of services by specialized, trained personnel and the establishment and strengthening of coordination mechanisms that link the justice system with health, education and child protection systems. In addition, frontline civil society actors, as well as survivor and survivor-led organizations, are critical partners in the broader response to child trafficking and must be adequately resourced to prevent and respond to trafficking.

28. States should consult and leverage existing guidance on responding to child trafficking in a coordination and partnership-oriented manner produced by relevant multi-stakeholder mechanisms, such as the Inter-Agency Coordination Group against Trafficking in Persons, the Inter-Agency Working Group on Violence against Children and the United Nations task force on the global study on children deprived of liberty.

E. Assessing the social and economic impact of child trafficking

29. While analyses of the impact of child trafficking have focused primarily on the individual victims and/or their families, little is known about the broader socioeconomic impact on society and the economic costs of child trafficking. A study published 10 years ago on the costs and economic impact of violence against children, for example, estimated the global economic costs of physical, psychological and sexual violence against children at up to $7 trillion and advocated for the ongoing calculation of economic costs to inform policymaking.18

30. The European Union estimates the annual economic costs of trafficking in persons in the regional bloc at up to 2.7 billion euros. This figure covers trafficking in persons broadly and is not limited to child trafficking.19

31. As a key component of action at the national level, States may therefore wish to consider analysing the social and economic impact of child trafficking on society as a whole and assessing the costs of inaction or lack of prioritization of efforts to prevent child trafficking.

V. Additional good or promising practices and lessons learned

32. The Inter-Agency Coordination Group against Trafficking in Persons is a policy forum consisting of 31 United Nations and international entities working on trafficking in persons. It is mandated by the General Assembly to improve coordination among United Nations agencies and other relevant international organizations to facilitate a holistic and comprehensive approach to preventing and combating trafficking in persons, including protection and support for victims of trafficking. In November 2023, the Coordination Group highlighted the need to enhance the global response to child trafficking through a 10-point call for accelerated action by 2025 to prevent and end child trafficking.20 The call to action identifies priorities and key related actions for States and relevant stakeholders, including investing in prevention and protection systems and services; ensuring the ethical, safe and meaningful participation of child survivors of trafficking; ensuring the safety of children online; working with the business sector to reduce child trafficking in global value chains; and strengthening the evidence base to inform appropriate responses. The 10 points of action are based on the collective experience and knowledge of these expert organizations and entities regarding what works in response to child trafficking

and what the key existing needs and priorities are globally. The call is aimed at accelerated action by States within a relatively short time frame, but with the collective judgment that such action would significantly impact child trafficking globally. The call to action is also available in a child-friendly version that seeks to communicate to children the key actions States need to take to prevent and end child trafficking globally.

A. Children deprived of liberty

33. At the global level, children continue to be put in migration-related detention, whether they are unaccompanied, separated from or together with their families, or deprived of their liberty based on their legal or migratory status or that of their parents.\textsuperscript{21} Immigration detention of children is a child rights violation, is never in their best interests and is harmful to their physical and mental health.\textsuperscript{22} Furthermore, it exposes children to the risk of sexual abuse and exploitation,\textsuperscript{23} including by traffickers.

34. Due to the high occurrence of immigration detention of children worldwide and the associated risk of sexual abuse and exploitation and other related violence that children encounter in detention facilities, the United Nations task force on children deprived of liberty has expressed concern over the practice of detaining children for immigration purposes and has called for its cessation. Furthermore, in an advocacy brief on ending immigration detention of children, the task force provides an overview of promising practices and lessons learned with regard to ending child immigration detention and sets out a range of policy actions needed to scale up efforts to end that form of violence. It calls upon States to consider alternatives to detention in line with the Global Compact for Safe, Orderly and Regular Migration, which commits States to use alternatives to child detention and prioritize the protection of and respect for the rights and best interests of the child, regardless of a child’s migration status. This can be achieved by providing a range of non-custodial alternatives to detention and ensuring access to education and health care.\textsuperscript{24}

B. Strengthening data collection and analysis

35. Despite the existence of frameworks encouraging data collection, there are still limitations regarding the collection of data on trafficking in persons, which hampers the selection, design and effectiveness of responses.\textsuperscript{25} In an effort to strengthen regional responses, the anti-trafficking directive of the European Union was recently revised to include mandatory European Union-wide annual data collection on trafficking based on agreed indicators.\textsuperscript{26} To date, data collection has only been conducted every two years and has been voluntary.

36. It is imperative that States invest in and improve their efforts to collect, analyse and disseminate accurate, reliable, comparable and disaggregated data on trafficking, including child trafficking. This could, for example, include information on illicit financial flows specifically associated with child trafficking. The \textit{Global Report on Trafficking in Persons}, compiled by the United Nations Office on Drugs and Crime biennially, comprises information collected directly from States. Other initiatives, such as the International Data Alliance for Children on the Move, which collects and analyses data on migrant and forcibly displaced children, have also been developed.

\textsuperscript{21} A/74/136.  
\textsuperscript{22} See A/74/136; A/75/183; and UNICEF, “Working paper on alternatives to immigration detention of children” (February 2019).  
\textsuperscript{23} A/74/136.  
\textsuperscript{24} See General Assembly resolution 73/195, annex, para. 29 (h).  
\textsuperscript{25} \textit{Global Report on Trafficking in Persons 2020} (United Nations publication, 2020).  
\textsuperscript{26} European Commission, “Commission welcomes breakthrough political agreement”.
to bridge the data gap and are aimed at supporting evidence-based responses to the challenges faced by children on the move.

37. In 2023, the Inter-Agency Coordination Group against Trafficking in Persons organized a year-long series of webinars on trafficking in persons research and data collection, covering topics such as: framing appropriate research questions; data analysis; estimating the prevalence of trafficking in persons; and ethical guidelines for conducting research and using data.27 Furthermore, in its call to action on ending child trafficking, the Coordination Group called upon States to enhance the evidence base on child trafficking, including through the ethical and responsible collection, analysis and use of age, gender and other disaggregated data to inform and direct evidence-based responses.28

C. Addressing child trafficking in business operations and supply chains

38. Trafficking in persons thrives wherever there is a high demand for the services of specific victims or for the goods or services that they might produce or provide.

39. Member States have addressed the issue of trafficking in persons in procurement and supply chains, at least in part, in multiple United Nations resolutions.29 Most recently, in its resolution 32/1, the Commission on Crime Prevention and Criminal Justice noted numerous State actions which would contribute to addressing child trafficking in business operations and supply chains, such as the development of tools and the provision of training to build the capacity of law enforcement authorities, labour inspectors and other relevant stakeholders.

40. Several States have undertaken efforts at the national level to prevent trafficking in persons in procurement and supply chains. This fact was widely shared by delegates attending the eleventh meeting of the Working Group, held in 2021,30 as was the proposition that tackling child trafficking in business operations and their value chains would not be effective without partnerships, in particular with the private sector.

VI. Points of reflection

41. In order to prevent child trafficking and enhance the protective environment for child victims, it is important to gain an understanding of the factors that render children vulnerable to trafficking. In addition, it is crucial to acknowledge the severity of the impact that trafficking has on children and assess the varying limitations and capacities in existing State responses. Collaborative and innovative partnerships can assist in mitigating the challenges that impede existing responses to child trafficking.

42. An effective national response can be enhanced through the committed implementation of solid legal and regulatory frameworks, accompanied by regular multi-stakeholder training of key professionals and awareness-raising among broader law enforcement functions, the judiciary and professionals dealing with children in different capacities. In addition, national monitoring and reporting structures that can specifically cater to child trafficking victims and highly vulnerable groups should be

28 Inter-Agency Coordination Group against Trafficking in Persons, “Call for accelerated action by 2025 to prevent and end child trafficking” (November 2023).
29 These include, among others, General Assembly resolution 76/7 and Security Council resolutions 2331 (2016) and 2338 (2017).
30 See CTOC/COP/WG.4/2021/6.
Consideration should be given to: enhancing cross-border cooperation between child protection authorities; strengthening national child protection systems to address the needs of children, including those on the move; and facilitating knowledge-sharing across borders and along routes.

43. Furthermore, investing in resilience-building – that is, strengthening children’s protective environments – is crucial to preventing child trafficking. It requires robust counter-trafficking policies and interventions, as well as investment in efforts that empower children, their families and communities. States should prioritize investment in integrated child- and gender-specific violence prevention and protection systems and services that are easily accessible to all children without discrimination. Among other things, those systems should recognize the role of communities and families in addressing vulnerability factors and building resilience.

44. State parties will recall that in 2022, the parent body to the Working Group, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, adopted its resolution 11/5 on the implementation of the Trafficking in Persons Protocol. In that resolution, a particularly strong emphasis was placed on prevention, and States parties were called upon to identify and address specific forms of trafficking in persons and implement targeted crime prevention measures by addressing the social, economic, cultural, political and other factors that make people vulnerable to trafficking in persons.

32 Inter-Agency Coordination Group against Trafficking in Persons, “Call for accelerated action by 2025”.