

July 29th. 2020

Feedback for the New EU Strategy towards the Eradication of Trafficking in Human Beings

Save the Children Finland welcomes the ECPAT International's initiative of a collective written contribution from the ECPAT International membership in Europe on the *New EU Strategy towards the Eradication of Trafficking in Human Beings*. We thank you for the opportunity to contribute to the statement.

Technology

It is important to ensure there are sufficient state and global level resources to combat child sexual abuse and exploitation, also taking place on the Internet. Hotlines that process child sexual abuse and exploitation material can come across trafficking for sexual purposes. It is not often possible to assess from the illegal images or videos whether the child is a victim of trafficking. Therefore, it is difficult to estimate how much of the abuse images and videos online depict a child who is a VoT.

The simple scale of the material, however, is enough to give this point consideration: the International Association of Internet Hotlines, INHOPE network's member hotlines processed 320,672 illegal images and videos in 2019¹ and Interpol's International Child Sexual Exploitation database has more than 1.5 million images and videos².

Technology also provides online platforms for different types of live streaming of child sexual abuse. Peer-to-peer (P2P) and Darknet networks (e.g. Tor) provide a high degree of anonymity and networking possibilities to the criminals. Therefore technological solutions that enhance consumer privacy (e.g. end-to-end encryption) should prioritise child safety.

Save the Children Finland (SCF) therefore suggests that the forthcoming strategy will take into consideration the effect of technology on trafficking as a phenomenon and the existence and possible spreading online of images and videos depicting sexual violence as factors affecting the victim.

Online related sexual crimes also require effective cooperation between the states, NGOs, INGOs, international organisations (European Union, Council of Europe, United Nations) as well as ICT-industry. Further cooperation with the private sector is needed, especially as criminals are able to harness the power of technology for their advantage. The Internet is global and fluent cooperation between all actors should exceed state borders.

¹ https://inhope.org/media/pages/articles/annual-reports/1028585001-1595427195/annualreport_inhope_2019.pdf

² <https://www.interpol.int/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database>

Awareness raising/Prevention

To protect children from all kinds of sexual exploitation, violence, abuse and harassment both online and offline, a comprehensive and strategic approach is required. Children should be taught to recognize sexual violence, abuse and harassment, to enhance their own capacities to recognise possible risks, and to be familiar with the help and support services.

A comprehensive approach requires human rights education, media education and sexual education, especially about safety skills, including how to be safe online. Talking to children about sexual violence against children, in a manner appropriate to their age and level of development, is an essential approach in fulfilling children's right to protection. Improving children's digital skills, and guiding and empowering them is crucial for children's online safety. Digital media, including social media, should be taken into consideration as a means to reach children and young people to educate and inform them.

Many children who face sexual violence, abuse or exploitation do not tell anyone, or apparently only share what has happened after a long time has passed. Especially when it comes to children with a refugee or migrant background, seeking help from authorities is likely to be rare. Support from local, national and international civil society organisations is particularly important for these groups of children. Identifying child victims of trafficking is challenging, and children do not often themselves realize that their situation relates to trafficking. In the cases of many young people seeking assistance, the trafficking crime happened when the victim was still a minor.³

An additional factor affecting identification of and seeking assistance by children with a refugee background can be the child's language abilities. There may not be information available on how to seek help in a language that the child understands. All children should have the opportunity to receive help and information in their own language and in an age-appropriate manner.

Professionals and authorities need more information and training to identify trafficking of children that relates to sexual violence and to combat it. Moreover, since professionals still find it uncomfortable to speak with children about sexual violence, training and resources to support them in this task would be important.

The strategy should therefore stress the responsibility of the member states to guarantee that children receive the information and guidance they need through ensuring consistent training of professionals who are in contact with children. The quality of training on sexual violence, exploitation and abuse against children should not vary, for example, depending on the University or any other learning institution.

Internationally a significant part of trafficking of children relates to a child being on the move from one country to another.⁴ Children with a migrant and refugee background might have many factors that increase the risk of falling victims in trafficking. Moving from one country to another, challenges in funding the move, being on the move without a guardian, and unclear

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https://www.heuni.fi/material/attachments/heuni/reports/RwF5tscZD/Lapsiin_ja_nuoriin_kohdistuva_ih_miskauppa_Suomessa.pdf

⁴ <https://www.unodc.org/e4j/en/tip-and-som/module-12/key-issues/children-on-the-move--smuggling-and-trafficking.html>

or undocumented status might increase the risk of trafficking. To identify child trafficking, more information and tools exposing and shedding light to the views and experiences of refugee and migrant children are, therefore also needed. This information should also be available to professionals via training and capacity building.

As far as gender is concerned, it is more likely that girls become victims of sexual exploitation in comparison to boys. The concern is, however, that it is more difficult to identify boys as victims since we do not have enough understanding and information of the sexual violence boys may encounter. The UN Committee on the Rights of the Child has raised this issue in 2019⁵. Regardless of sex, gender or any other status, all child victims ought to be identified and assisted. There is an urgent need for their protection and sufficient effective support structures and processes.

Reducing demand of CSAM and CSEM/Prevention

A comprehensive approach to tackle online child sexual abuse requires, as mentioned in the Lanzarote Convention (Art. 7), effective preventative intervention programs for persons sexually interested in children. As a way to reduce demand of child sexual abuse and exploitation material, it is crucial to offer low-threshold help and guidance. For people who are not suspected or convicted for sexual crimes, there needs to be a way to seek preventive services. For those convicted, regardless of the kind of penalty given, there should be an opportunity to access treatment programmes and finish them.

Points on legal instruments

There is not yet comprehensive legislation in the EU that would take into consideration children with a migrant background and children seeking asylum that have become separated from their parents. The practices of member states differ and there are gaps in the protection of children.⁶ We are concerned that organised criminal groups can take advantage of these legislative gaps and weak implementation in protecting children.

In this respect, the new strategy should outline the member states to ensure that formal, functional National Referral Mechanisms are established. Without them, even the developed Transnational Referral Mechanism is largely without a purpose.

In the previous strategy, it was stated as follows: "Vulnerable groups are at greater risk of human trafficking. Such groups include children, especially early school leavers, children left behind, unaccompanied children, and children with disabilities, as well as people in the Roma community. Ensuring a gender perspective, in 2014 the Commission will also ensure that funding is available under the research funding programme to increase understanding of such high-risk groups and it will target actions in a more coherent manner in the future and collaborate with the Member States." The information thus collected and the recommendations

⁵ https://www.ohchr.org/Documents/HRBodies/CRC/CRC.C.156_OPSC%20Guidelines.pdf

⁶ <https://slideplayer.fi/slide/1890998/>

based on it should be included in the new strategy, to ensure the vulnerable groups, including children, receive appropriate consideration.

To protect children better from being trafficked the strategy should underline the importance for the European Union, the Council of Europe, the United Nations, all other relevant international organisations, international and national non-governmental organisations and the academia to work effectively together in setting standards and monitoring the implementation of key human rights instruments, conventions and policies as well as recommendations put forward to the member states through monitoring bodies.

Best interest determination

When a victim of trafficking is applying for a residence permit in a Member State, if the victim has children or is a child, there should always be a best interest determination, made by consulting child protection professionals. The best interest of the child should be at the centre of all decision making concerning a child.

The professionals whose duty is to protect children from trafficking should be trained to fully comprehend what is required to complete the best interest assessment in line with the UN Convention on the Rights of the Child (UNCRC), Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims; and the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).

Terminology

It is essential that the strategy uses terminology that respects a child and that the European Commission brings forth child sexual violence, abuse and exploitation as serious crimes against children. The terminology associated with this phenomenon must be clear and distinct. Child sexual abuse material CSAM should not be misrepresented by terms such as "child pornography" in any EU documents or in any of the Member States of the EU. The European Commission, all EU institutions, and all EU Member States should always use terminology that respects the rights of the child, as directed by the Luxembourg Guidelines⁷.

⁷ <http://luxembourgguidelines.org/>