



**General Inspectorate of Romanian Police  
National Agency against Trafficking in Persons**



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Twinning Project PHARE RO2006/IB/JH 08

Supporting the Institutional Capacity to Prevent Trafficking in Human Beings in Romania

Every child that we educate is an asset we gain.

- Victor Hugo -

## Sociological Research Handbook On Child Trafficking



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Human Rights

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COOPERATION



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**Twinning Project RO2006/IB/JH 08**

**“Supporting the Institutional capacity to prevent trafficking in human beings  
in Romania“**

# **SOCIOLOGICAL RESEARCH HANDBOOK ON CHILD TRAFFICKING**

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The responsibility for opinions expressed, concepts dealt with and remarks made throughout the study rests solely with the authors and does not reflect the views of the European Commission.

The present handbook has been designed and carried out through fruitful collaboration within the Twinning Project RO2006/IB/JH 08 between specialist officers from the National Agency against Trafficking in Persons and experts from the Ludwig Boltzmann Institute of Human Rights in Austria.

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# Foreword

What do we know about trafficking? This simple question is being discussed throughout the previous years in Europe on numerous conferences and academic meetings. The big discrepancy between the quantitative estimations of the size of the crime and the real figures is only one area among much more where the call is made for more and better data and research. Rather than finding simple answers, including comparable statistics and a common framework of data analyzing, more complex questions have been raised.

European criminal codes defining trafficking in human beings consist of different cultural and historical layers that go back to the 19th Century. They include patterns of criminal and economic dimensions combined with moral attitudes. In the contemporary framework some of these notions still appear in the anti-trafficking discourses: the images of naïve and over-credulous women and girls combined with other gender and racial stereotypes as well as the predominant focus on sexual exploitation.

In order to come to a sound understanding of the phenomenon of trafficking in human beings one has to identify the myths and stereotypes being used in the framework as well as to highlight the facts. Comprehensible research and profound methodology are key to improve the understanding of the phenomenon.

This handbook reflects the process of a cooperative (research that we did) as part of the Twinning Project “Strengthening the capacity to prevent trafficking in human beings in Romania”. It provides methodologies, frameworks and practical examples in order to guide future research efforts. It takes into account the importance of data protection and research ethics as a core in all researches in the area of human trafficking.

We are grateful to both the Romanian and the Austrian experts that were willing to engage in a joint research process with openness, commitment and enormous expertise.

We hope that this handbook will inspire and guide future research in Europe in order to raise our understanding of the phenomenon of human trafficking in a non-biased and non-ideological way.

**Brigitte Holzner, Project Leader**

**Baerbel Heide Uhl, Resident Twinning Adviser**  
**Brigitte Holzner, Project Leader**

**Bucharest November 2009**

# Abbreviations

<b>ANITP</b>	– National Agency against trafficking in Persons
<b>BCCO</b>	– Squad for Combating Organized Crime
<b>CEDAW</b>	– Convention on the Elimination of All Forms of Discrimination against Women
<b>DCCO</b>	– Directorate for Combating Organized Crime
<b>DGASPC</b>	– Directorate General for Social Assistance and Child Protection
<b>DIICOT</b>	– Directorate for the Investigation of Organized Crime and Terrorist Offences
<b>ECPAT</b>	– End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
<b>FGD</b>	– Focus Groups Discussions
<b>IGPR</b>	– Inspectorate General of the Romanian Police
<b>ILO</b>	– International Labor Organization
<b>IOM</b>	– International Organization for Migration
<b>ISJ</b>	– County Inspectorate for Education
<b>MAI</b>	– Ministry of Administration and Interior
<b>NGO</b>	– Non-Government Organization
<b>RIO</b>	– Romanian Immigration Office
<b>SAEPCI</b>	– Service for European Affaires, Programs, International Cooperation
<b>SCCO</b>	– Service for Combating Organized Crime
<b>SIMEV</b>	– Integrated System to Monitor and Evaluate Victims of trafficking
<b>UN</b>	– United Nations Organization
<b>UNCRC</b>	– UN Convention on the Rights of the Child
<b>UNICEF</b>	– United Nations Children’s Fund
<b>UNHCHR</b>	– UN Office of the High Commissioner on Human Rights

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# **INTRODUCTION**



# 1. INTRODUCTION – PURPOSE OF THE HANDBOOK



For more than ten years now trafficking in human beings has received significant attention from intergovernmental and non-governmental organizations, on the international, European and Romanian national level alike. Partnerships of large United Nations institutions, such as the UN Global Initiative to Fight Human Trafficking (“UN.GIFT”), have been formed, and international and European treaties and EU legislation has established standards on assistance to trafficked persons and prosecution of traffickers.

Romania introduced laws and mechanisms to deal with the phenomenon on a national, regional and local level. However, looking at recent figures and studies (e.g. UN.GIFT Global Report on Human Trafficking, 2009), it becomes clear that the impact of these actions has been limited so far, and trafficking for any type of exploitation of thousands of persons world wide, including children of all ages, is still continuing and responses to those affected still inadequate.

It is therefore imperative to strengthen efforts to further improve the understanding of trafficking, on a much more concrete and subtle level. To this end, a scientific and empirical research has a key role to play. As a result, in the framework of a EU-funded project “Improving the institutional capacity of the agencies involved in the prevention of trafficking in human beings in line with the current European standards and best practices” (Twinning Project RO2006/IB/JH 08), implemented jointly by the National Agency against Trafficking in Persons, IGPR and its foreign partners: Ludwig Boltzmann Institute of Human Rights – Austria, German Foundation for International Legal Cooperation and the European Public Law Center from Greece, a major research project on child trafficking has been developed, with a clear focus on the recruitment of children for trafficking in Romania. Moreover, within the same project the present practical research handbook on conducting research in the field of trafficking in human beings, with strong emphasis on child trafficking was developed, benefiting from lessons learned of the accompanying study “Child Trafficking in Romania. Study on the Recruiting Process”.

At the same time, the Twinning project aimed at highlighting the added value of adopting a human rights and child rights-based approach to trafficking, instead of the more common law enforcement/criminal justice or migration control approaches.

One particular purpose of research is to challenge common perceptions and stereotypes about the various phenomena under concern, and trafficking in children is a good example for this. In practically all countries anti-trafficking measures continue to face several serious obstacles related to lack of resources, inadequate legislation or referral and support services for the individual trafficked person; however, an equally relevant obstacle to be overcome relates to typical, traditional views and perceptions on how trafficking works, who are the victims, and how to respond to different challenges. As part of the preparatory process for this handbook a small meeting of stakeholders in the field of anti-trafficking measures took place in Bucharest, and the experts confirmed the difficulties created through the existence of these stereotypes, including reducing trafficking to sexual exploitation/prostitution (ignoring the broadness of the trafficking definition, which covers also e.g. labor exploitation, begging, trafficking for illicit activities). Challenging these perceptions is among both the most important and difficult tasks for research in the field of child trafficking.

### **Typical common perceptions and stereotypes on child trafficking in Romania\***

- *Minors should be treated just as adults in the context of investigations ...*
- *Anti-trafficking measures are mainly a responsibility for the police ...*
- *Trafficked children are prostitutes ...*
- *Trafficked children are girls ...*
- *Trafficked children are stupid enough to fall into the traffickers' traps; therefore they can only blame themselves ...*
- *It's the parents only to blame for putting their children into such situations of risk ...*
- *Trafficked children are not victims but perpetrators of crimes ...*
- *Trafficking of children only exists in the Roma communities ...*
- *Trafficked children come from poor areas and poor families ...*

- *Victims of child trafficking have no education ...*
- *Exploitation for begging is only happening in Roma communities...*
- *Traffickers and trafficked children generally belong to “unpopular minorities” (ethnic, sexual, social etc.) and public opinion has no reason to worry about their fate ...*
- *Child trafficking only affects a few kids in the country ...*

\* Source: Based on feedback received from a stakeholder working group meeting on 29 September 2009

The present Handbook will provide background information on trafficking in persons, including children, in Romania and current actors and structures working to prevent and eliminate trafficking, as well as information on the applicable international human rights and child rights framework and relevant Romanian legislation. Accordingly,, the present paper explains the child rights-based approaches to trafficking and its implications for studies and research in this field. The largest part in the handbook provides general information on the research process (design, implementation and evaluation), practical examples and lessons learned from the “Child trafficking in Romania. Study on the recruiting process”, a research study undertaken by ANITP. An annex with various tools completes this handbook. These tools can be used by all those wishing to conduct research and studies in the field. Some of these tools are an integrated part of both the study on the recruitment of children and international papers and documents that supported or guided the directions for research in the field.

The authors are grateful to all those who assisted in the preparation of this publication and invite readers to give feedback on it and whether they have been able to make use of it in conducting their own trafficking research activities.

*The authors!*





# **OVERVIEW ON CHILD TRAFFICKING**





## 2. OVERVIEW ON CHILD TRAFFICKING

### 2.1. Initial Presumptions

Protection of fundamental human rights and freedoms represents a common and constant concern of all systems based on the rule of law. In any society, human life, particularly children's, has been protected by lawmakers even in the context of early social orders. It is considered as one of society's foremost values.

The United Nations Organization requires the safeguarding of rights granted to children, particularly unprivileged and vulnerable children.

The UN principles are of major importance, especially in the context of long-lasting changes. This implies the strengthening of the capacities and confidence of children and communities in order to have control of their own future and overcome structural inequality and barriers that deny children their to the rights to which they are entitled.

The Romanian legislation in the field of protection and promotion of child rights has been considerably improved during the last years with significant results.

The Constitution of Romania guarantees the safeguarding of child rights.

Article 49, chapter Fundamental Rights and Freedoms, provides that:

- *“Children and young people shall enjoy special protection and assistance in pursuit of their rights”.*
- *“The exploitation of minors, their employment in activities that might be harmful to their health or morals, or might endanger their life and normal development are prohibited”.*

Article 2 of **Law 18/1990** (by which Romania ratified the UN Convention on the Rights of the Child) stipulates that:

- *“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, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”.*

## Overview On Child Trafficking

- “States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members”.

In Romania, public authorities and private authorized organizations, as well as natural and legal persons with responsibilities in the field of child protection, are obliged to respect and guarantee the rights set forth by the law and the Constitution in accordance with the provisions contained in the UN Convention on the Rights of the Child (UNCRC).

According to the UN Convention on the Rights of the Child, adopted by the UN General Assembly, 1989, 20 November, child means “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”.<sup>1</sup>

Human trafficking, as defined in international conventions ratified at national level, is the “recruitment, transportation, transfer, lodging or receiving persons, by threat or use of force or of other constraint forms, by kidnapping, fraud, deception, authority abuse or abuse of a situation of vulnerability or by giving or accepting payments or advantages for obtaining the consent of a person with authority over another person, with a view to exploit. Exploitation consists at least of exploitation for prostitution of the others or other forms of sexual exploitation, forced work or forced services, slavery or similar practices, enslaving or removing of organs”.<sup>2</sup>

“The recruitment, transportation, transfer, harboring or receipt of a child aged between 0 and 18 years for the purpose of exploitation shall be considered a *trafficking in children offence*”.<sup>3</sup>

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<sup>1</sup> Article 4, **Law 272/2004 on child protection and promotion of**, amended and supplemented


<sup>2</sup> Law 300 of July 11, 2006 to ratify the Council of Europe Convention on Action against Trafficking adopted on March 3<sup>rd</sup>, 2005, open for signature and signed by Romania in Warsaw on May 16, 2005.


<sup>3</sup> Law **678/2001 on preventing on and combating trafficking in persons**


## 2.2. Child trafficking in Romania according to SIMEV<sup>4</sup>


Children represent approximately **15%** of the total number of victims annually identified: **292** children in 2007 and 186 **children** in 2008 (in both years, the share of girl victims is 87%).


The vast majority of them (**75%**) were victims of **sexual exploitation**. The most important group age is **14-17 (94%)**.

 Significant is the fact that Romania is the main country of destination and exploitation of minor victims, **46%** of children identified in 2007 and **50%** in 2008 being trafficked internally

 Children account for approximately **60% of victims trafficked inside the borders**, as compared to **9% of the total number of Romanian victims exploited outside Romania**

 Also, both in 2007 and 2008, **one in two cases of sexual exploitation of victims under 18 took place in Romania**.

 Unlike child victims sexually exploited outside Romania, in most cases involving of internal trafficking, the exploitation occurred in private dwellings/premises, focusing the attention to the underground nature of this phenomenon.

 Such cases are difficult to identify in these locations because access is restricted or strictly controlled by traffickers and/or customers. This makes the phenomenon less visible and the socially associated risk of the phenomenon to be very high (for further quantitative information on child trafficking, see statistics for 2007, 2008 and the first nine months of 2009, annex 2).

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<sup>4</sup> The National Integrated System to Monitor and Evaluate Trafficking in Persons (SIMEV) – see Annex 12 – was entirely developed by ANITP and became operational in January 2007. From a technical point of view, the national system is a multilevel IT system, using a central data base, a data interrogation application and a user web interface. The access to the system is granted to ANITP personnel only, respectively the Monitoring, Assessment and Research Service and the Regional Centers, as well as users from the institutions with which ANITP concluded collaboration protocols (Directorate General for Combating Organized Crime, within the Inspectorate General of the Romanian Police and the Inspectorate General of Border Police). The data contained in the data base can be collected from other partner institutions as well, for example NGOs, DGASPC, ISJ etc. These data are collected by operatives from the ANITP Regional Centers monitoring trafficked victims during the assistance process or, according to the case, the criminal procedures.



The total number of victims identified during the first nine months of 2007, 2008 and 2009 shows a significant decrease, from **1527** to **1014**, and **453**, respectively, while the percentage for trafficked minors increased in 2009.

Out of the total of identified minors, **61%**<sup>5</sup> were trafficked in Romania (domestic trafficking) for sexual exploitation, begging, forced labor, forced thefts, trafficking in organs, and child pornography.



**60%** of the minors trafficked internally (for the first nine months of 2009) were **girls sexually exploited** in the **streets, private dwellings, clubs or hotels**.

### 2.3. National legislation on trafficking in persons/children



➤ The first legal instrument in the field of human trafficking was **Law 678/2001 on preventing and combating trafficking in persons**, where child trafficking offences and related sanctions are explicitly defined. For the purpose of this law: “the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered a child trafficking offence and shall be punished by imprisonment for 5 to 15 years and interdiction of certain rights”.

If the offence is committed by means of threats and violence or the use of other forms of coercion, kidnapping, fraud or deception, the abuse of power; or by taking advantage of the minor’s inability to defend himself or to express his will; or by offering, by giving or receiving payments or benefits to achieve the consent of a person having control over the minor, then the offence is punishable by imprisonment for 7 to 18 years and interdiction of certain rights.

In the case of a child trafficking and related offences, there is a distinction from the adult trafficking in the sense that only two of the trafficking offence constituent parts are necessary; that is recruitment, transportation, transfer, harboring or receipt of a minor for the purpose of exploitation, without

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<sup>5</sup> SIMEV statistics on 06.10.2009 for the first 9 months of 2009.

requiring the used means, respectively threats and violence or use of other forms of coercion, of kidnapping, of fraud or of deception, of the abuse of power or by taking advantage of the minor's inability to defend himself or to express his will; or by offering, by giving or receiving payments or benefits to achieve the consent of a person having control over another person.

If the offences are committed by more than two perpetrators or the victim sustains grievous bodily or mentally harm or a public servant commits the offence while performing his legal duties, the punishment shall be 10 to 20 years imprisonment and interdiction of certain rights. In case the offence has resulted in the victim's death or suicide, the punishment shall be 15 to 25 years imprisonment and interdiction of certain rights.

Article 18 of **Law 678/2001** defines and sanctions child pornography as the following:

*“Anyone who exhibits, sells or disseminates, rents, distributes, produces or possesses with intent to disseminate, objects, films, photographs, slides, logos or other visual material that display sexual conduct or postures with a pornographic character, and show or involve persons under the age of 18 is treated as a child pornography offence and shall be punishable by 3 to 10 years imprisonment. The same sanction shall apply for offences implying the import or delivery of materials referred to in paragraph (1) to a carrier or supplier for the purpose of sale or distribution”.*

The same law also contains provisions relating to the protection of and special, physical, legal and social assistance to victims of trafficking.

➤ Chapter VII – Trafficking and exploitation of vulnerable persons – of the new **Criminal Code** of July, 17, 2009, is aimed at establishing crimes against life, particularly against minors, through a modern approach in line with the European and international regulations, highlighting the significance of the injured parties in a minority group. Therefore, any acts committed against minors that can be severely harmful to their life, freedom and health, physical and mental integrity are incriminated as offenses, such as trafficking in minors, procurement, exploitation for begging, constraining a minor into begging, benefiting from the services of an exploited person, rape, sexual assault, sexual intercourse with a minor, sexual corruption of minors, recruitment of minors for sexual purposes.

➤ **Law 95/2006 on the health reform** regulates the obligations of central and local public administration authorities, as well as all natural and legal persons, in relation to the protection of public health.

The law prohibits the removal of organs, tissues and cells from potential live minor donors, except of some statutory cases, and the oral or written consent of the minor shall impede any removal.

At the same time, this legal norm incriminates acts relating to the arrangement and performance of the removal of human organs, tissues and/or cells for the purpose of a transplant other than under the conditions referred to in this law and, depending on the method and means used, they are punishable by imprisonment of up to 10 years.

➤ **Law 196/2003 on preventing and combating pornography** defines pornography as

*“obscene acts, as well as materials that reproduce or distribute such acts”.* Obscene acts are defined as “sexually explicit gestures or behaviors committed individually or in group, images, sounds or words which by their meaning are offensive to decency, as well as any other forms of indecency in relation to sexual life, when committed publicly”.

Obscene materials are defined as *“objects, engravings, pictures, computer generated images, drawings, writings, printings, signs, publications, audio and video recordings, advertisings, information programs and applications, music, as well as any other forms that explicitly express or suggest sexual activities”.*

Article 10 in particular incriminates every activity to recruit, force or employ minors in any obscene acts; any such acts are punishable by imprisonment for 3 to 12 years and interdiction of certain rights.

The law defines as offences and stipulates prison sentences for up to 12 years for using and involving children in pornographic activities, distributing such materials to children and performing pornographic activities in the presence of children. Distribution of obscene materials depicting children with sexually explicit behavior is also punishable.

➤ **Law 211/2004** concerns measures to ensure protection to victims of crime, It sets forth measures to inform crime victims about their rights and to provide them psychological counseling, free legal assistance and state financial compensation. The current law sets forth specific provisions for minors, in the sense that they do not have the obligation to institute criminal action as an injured party or file criminal charges in relation to the offence, and the legal and psychological counseling period granted to them is three months longer than in the case of adults.

At the same time, the law requires institutions within the judicial system to ensure specialist training for personnel who, in the performance of their legal duties, establish direct contacts with crime victims.

➤ According to **Law 300/2006**<sup>6</sup> when the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be granted special protection measures pending verification of his/her age.

As soon as an unaccompanied child is identified as a victim:

- a) He or she shall be represented by a legal guardian, organization or authority which shall act in the best interests of that child;
- b) Necessary steps shall be taken to establish his/her identity and nationality;
- c) Every effort shall be made to locate his/her family when this is in the best interests of the child.<sup>7</sup>

Child victims shall not be repatriated to a country if, following the risk and safety assessment, there is reason to believe that his/her return is not in the best interest of the child.

➤ **Government Decision 1238 of 10 October 2007** to approve the National Standards for specialized protection and assistance services to victims of trafficking is a legal instrument that governs the national victim assistance and protection services network, the services provided and their quality, measures to ensure a most favorable environment for victims and the necessary qualified personnel receiving continuous training.

➤ UN Convention on Child Rights was ratified by **Law 18 of 18 September 1990**. According to the Convention "*The 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, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration*".

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<sup>6</sup> Law 300/2006 to ratify the Council of Europe Convention on Action against Trafficking in Human Beings, adopted on May 3, 2005, opened for signature and signed by Romania on May 16, 2005, in Warsaw

<sup>7</sup> Law 300/2006 to ratify the Council of Europe Convention on Action against Trafficking in Human Beings, adopted on May 3, 2005, opened for signature and signed by Romania on May 16, 2005, in Warsaw



➤ **Law 203 of 15 November 2000 to ratify ILO Convention 182/1999 concerning the prohibition and immediate action for the elimination of the worst forms of child labor** adopted by the conference at its eighty-seventh session, Geneva, 17 June 1999 is a relevant national instrument in the fight against the phenomenon.

➤ **Law 272/2004 on the protection and promotion of the rights of the child** comprises a whole range of related aspects: safeguarding citizens' fundamental rights and freedoms, characteristics of the family environment, of alternative care, of the health system, and services provided to refugees, child protection based on non-discrimination in order to promote and respect the best interests of the child, equal opportunities etc. Article 99 provides that "*the child is entitled to protection against any form of exploitation*", emphasizing once again the need to prevent and combat exploitation, trafficking and abuse.

As public national institutions were responsible for safeguarding children's rights, they had to implement measures to ensure children's rights, both according to international Conventions in the field and according to recently adopted legislation; strategies and instruments for monitoring and coordinating activities were developed.

*The best interest of the child* is also imposed in relation with the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and shall prevail in any actions or decisions undertaken by public authorities and private organizations as well as in cases dealt with by the courts.

This specific piece of legislation also provides prison punishments for 1 to 3 years for any person who entices or facilitates the minor to beg or benefits from his/her begging services, or who recruits or forces the minor into begging if the provisions of the trafficking in minors offence, set forth in art.13 of Law 678/2001, are not met.

In case the acts are committed by the minor's parent or legal guardian, sanctions include from 2 to 7 years imprisonment and interdiction of certain rights. The act of a parent or legal guardian who uses the child to repeatedly apply to public pity by asking for financial or material assistance shall be punishable by imprisonment for 1 to 5 years and the interdiction of certain rights.

As public national institutions are responsible for safeguarding children's rights, they had to implement measures to ensure children's rights, both according to international Conventions in the field and according to the new adopted legislation; strategies and instruments for monitoring and coordinating activities were developed.

➤ **Government Decision no. 1295/2004 to approve the National Action Plan on preventing and combating trafficking in children**, adopted on 13 August 2004, and **Government Decision no. 1504/2004 on the approval of the National Action Plan to prevent and combat sexual abuse and commercial sexual exploitation of children**, adopted in September 2004 are two significant instruments that were implemented during a 2 to 3 years period until 2007. They are structured on objectives and activities relating to child trafficking and sexual exploitation and enjoyed the participation of partners and representatives from both government and private agencies.

➤ **Law 677/2001** with regard to the processing of personal data and the free movement of such data guarantees and protects the fundamental rights and freedoms of every natural person, especially his/her right to privacy, private and family life with regard to the processing of personal data. Therefore, all victims of trafficking, minors included, shall benefit from these rights since the very moment of their identification.

➤ **Government Decision 860/13.08.2008 regarding the approval of the National Strategy in the field of Protection and Promotion of Child Rights and the Operational Plan for Strategy Implementation.** The major objective of the Strategy is to mobilize all the necessary resources, to hold all relevant factors accountable and to foster an efficient partnership to protect and promote the rights of the child and reevaluate it within the Romanian society.

## 2.4. International legal instruments in the field of trafficking in persons

Addressing trafficking in human beings from a rights-based approach, including through research activities, requires first of all the identification of relevant human rights standards, which provide the applicable regulatory framework for assessment. Romania has ratified major international treaties (see ratification table below), establishing binding legal obligations for implementation of standards for assistance to trafficked persons and prosecution of perpetrators. The key documents and the European Union legislation in the field are presented briefly in this section and human rights and child rights standards specifically related to trafficking and their implications for trafficking research will be discussed in more detail in Chapter 2.

In line with the focus of this handbook on child trafficking, the presentation will start with relevant standards for this targeted group.

➤ **Convention on the Rights of the Child 1989 and Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, 2000**

The main international treaty regarding the protection of human rights of children, including trafficked children, is the UN Convention on the Rights of the Child (CRC). It is the most widely ratified human rights treaty in the world and Romania has been a State Party to it since 1993. The CRC contains a comprehensive set of rights of children with corresponding obligations by governments, in areas such as child protection from violence, exploitation, trafficking; support to families; provision of health and educational services; and participation of children in decisions relevant to them. More specifically in relation to trafficked children, an Optional Protocol to the CRC adopted in 2000 provides further standards for State implementation in order to criminalize child trafficking and to give assistance to trafficked children.

➤ **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979 and other relevant international human rights treaties**

CEDAW expressly mandates States Parties to undertake appropriate measures to “suppress all forms of trafficking in women” (Article 6); similarly the Convention on the Rights of Persons with Disabilities requires governments to “take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities from all forms of exploitation, violence and abuse” and calls for “gender- and age-sensitive assistance and support” to those persons (Article 16). Furthermore, the International Bill of Rights (Universal Declaration of Human Rights 1948, two Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, 1966) provide for the core of international human rights law, from access to social services and the right to work to protection from arbitrary detention, torture and inhuman treatment or interference with one’s right to privacy.

In 2002 the Recommended Principles and Guidelines on Human Rights and Human Trafficking have been adopted (as an addendum to a report from the UN High Commissioner on Human Rights)It provides comprehensive (although legally not binding) guidance on anti-trafficking work, covering general aspects of a human rights-based approach as well as more specific recommendations, such as on research and data collection (see chapter 3 and Annex 3).

### ➤ **ILO Convention No. 182 on the Worst Forms of Child Labor, 1999**

For many decades the International Labor Organization (ILO) set standards for protection from exploitation, including child labor (e.g. Minimum Age Convention 1973) and trafficking. In 1999, ILO adopted Convention No. 182 to address specific forms of child labor having the most detrimental effect on the child's development, including "practices similar to slavery, such as the sale and trafficking of children and ... forced labor" (Article 3). States are obliged to take as a matter of urgency immediate and effective measures to eliminate these practices.

### ➤ **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime ("Palermo Protocol"), 2000**

As already mentioned above, the UN Trafficking Protocol set a milestone by providing the first legally binding international definition of trafficking in human beings. The Protocol mandates States Parties to take measures to criminalize trafficking, provide assistance and protection to trafficked persons, ensure their personal safety and privacy, establish research programs and information and mass media campaigns aimed at prevention of trafficking and cooperate on the international level, e.g. through information exchange and training in the field.

### ➤ **Council of Europe Convention on Action against Trafficking in Human Beings, 2005**

On the regional level, the Council of Europe adopted its own Convention on Action against Trafficking in 2005 to address trafficking from an explicit human rights approach, aiming also at "a comprehensive framework for the protection and assistance of victims and witnesses in trial". The Convention sets standards for identification of trafficked persons, training of authorities, social and medical assistance, protection of personal data (by reference to another Council of Europe Convention on data protection (1981), see below), access to information and translation services, access to compensation and for safe repatriation programs. The Convention also contains special provisions to ensure the best interests of the child (e.g. in identification, legal guardianship, residence permit, education etc). Article 13 requires States to provide a "reflection period of at least 30 days" in order to allow the trafficked person to recover and take an informed decision on his/her future perspectives; furthermore residence permits should be issued to trafficked persons. Another focus of this Convention is the criminalization of trafficking and related acts.

➤ **Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data 1981, and its Additional Protocol, regarding supervisory authorities and trans-border data flows, 2001**

This Convention establishes the fundamental principles on the protection of personal data undergoing automatic processing (storing, using, disseminating), the quality of data (personal data/particularly sensitive data), conditions for its processing (confidentiality, data security, legal basis, purposes, conditions for exceptions, e.g. in the context of scientific research) and rights of the data subjects (to access/rectify/erase personal data, remedies etc). The 2001 Additional Protocol further strengthens the standards on trans-border data flow to non-State Parties to the Convention and requires the setting-up of national supervisory authorities in order to ensure compliance with data protection standards.

➤ **Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) 1950 and European Social Charter (revised) 1996**

These two documents provide the cornerstone of human rights protection on the European level, offering also an individual application mechanism to review alleged violations of the ECHR (civil and political rights; European Court of Human Rights in Strasbourg) and a reporting/collective complaint mechanism under the Social Charter (economic, social and cultural rights; European Committee of Social Rights).

➤ **Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, 1993**

The Hague Conference on International Private Law – an inter-governmental organization comprising some 70 members – has developed several international treaties in the field of private and family law, including child custody, child abduction and inter-country adoption. The 1993 Inter-country Adoption Convention is the key international legally binding document, which sets standards for clear and transparent adoption procedures, the designated national authorities for inter-country cooperation and prevention of corruption and improper gain (e.g. for intermediaries) from adoption. The Convention is based on ensuring the best interests of the child, the principle of subsidiary (inter-country adoption only as a last resort if other domestic care arrangements for the child are not possible or practicable) and aims at the protection of children from abduction, sale and trafficking of children for adoption.

### ➤ **EU Charter of Fundamental Rights, 2000**

In the year 2000, the European Union has adopted its own human rights document, the EU Fundamental Rights Charter. According to Article 5/3, “trafficking in human beings is prohibited”, and similarly, Article 32 plainly states: “the employment of children is prohibited”. Furthermore, Article 24 contains a specific set of “Rights of the Child”, which includes the child’s right to protection and provision of care, the child’s right to participate in decision-making and to maintain contact with parents; most importantly, all actions relating to children must give primary consideration to the best interests of the child. In relation to data protection, Article 8 explicitly provides the “right to protection of personal data”.

### ➤ **EU Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings; EU Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration**

Using the instrument of a Framework Decision in the area of police and judicial cooperation in criminal matters the EU intends to set forth a common framework for establishing forms of trafficking as criminal acts with corresponding sanctions. In addition, civil and criminal liability for legal persons involved in such offences is established. In light of its clear criminal justice approach, only few provisions deal with assistance to trafficked persons, including children. The 2004 Directive aims to provide a legal title for the temporary stay of the trafficked persons in the country (including for a “reflection period”), however, only in cases of such persons/”third-country nationals who cooperate in the fight against trafficking in human beings or against action to facilitate illegal immigration”.

### ➤ **EU Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters**

After several years of negotiation, the 2008 Framework Decision was adopted to provide a common level of data protection standards, especially for EU cross-border cooperation in police and judicial matters (third pillar of EU competence). The Decision aims to protect the right to privacy with respect to the processing of personal data in cases of prevention, investigation, detection or prosecution of criminal offences, or the execution of criminal penalties. This is of particular relevance in the field of action against trafficking in human beings. Previously, within the context of European Community law (first pillar) several Directives had already been passed, starting with the EC Directive 1995/46/EC of 24 October 1995 on

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protection of individuals with regard to personal data (for further information on these standards see chapter 3).

### Ratification table

(Sources: UN Treaty Collection, <http://treaties.un.org/>, Council of Europe, <http://www.coe.int>,

Hague Conference on Private International Law, <http://www.hcch.net>)

<b>Trafficking in human beings – Romania ratification table</b>	
Convention on the Rights of the Child 1989	26 January 1993 <i>(accession)</i>
Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography 2000	18 October 2001
Convention on the Elimination of All Forms of Discrimination against Women 1979	7 January 1982
Convention on the Rights of Persons with Disabilities 2006	26 September 2007 <i>(signed only)</i>
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (“Palermo Protocol”) 2000	4 December 2002
ILO Convention No. 182 on the Worst Forms of Child Labor 1999	13 December 2000
CoE Convention on Action against Trafficking in Human Beings 2005	21 August 2006
CoE Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data 1981	27 February 2002
Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and trans-border data flows 2001	15 February 2006
CoE Convention for the Protection of Human Rights and Fundamental Freedoms 1950	20 June 1994
CoE - European Social Charter (revised) 1996	7 May 1999
Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption 1993	28 December 1994

## 2.5. Institutional framework on preventing and combating child trafficking –diagram of the identification process

According to the National Identification and Referral Mechanism, approved by Order 335/2007, when identifying a child victim, irrespective of his/her country of origin, the representative of the Directorate General for Child Social Assistance and Protection (DGASPC) or the representative of the Service for the child victim of abuse, negligence and trafficking in persons shall be notified to take special measures for his/her protection.

DGASPC ensures that the strategy for social assistance in the field of protection provided to children and families, single, handicapped or needy people is implemented throughout each territorial counties and sectors of Bucharest.<sup>8</sup>

When there are several victims of the same nationality, children included, it is recommended that assistance be delivered by the same service provider.

In cases where the victim is a foreign child, he/she shall be entitled without discrimination to the same support and protection measures specific to all children victims of trafficking.

Under the National Identification and Referral Mechanism, the main state institutions trained for the identification, referral, support and monitoring of a child victim are the following: Inspectorate General of the Police (IGPR) – through its specialized structure for combating organized crime (DGCCO) and ANITP (see ANNEX 1); Directorate General for Social Assistance and Child Protection (DGASPC) and the Romanian Immigration Office (RIO) in cases involving foreign child victims.

- IGPR and IGPF (Inspectorate General of Border Police) specialized structures shall get in contact with the DGASPC representative dealing with child abuse, negligence and trafficking and the ANITP Regional Centre representative to assess the victim's needs for assistance and to maintain contact with the victim;
- The DGASPC representative dealing with child abuse, negligence and trafficking shall ensure the case referral to a specialized child assistance centre and maintain contact with the inter-institutional team partners;

<sup>8</sup> DGASPC Organizational and operational framework,02/09/2009



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- The ANITP Regional Centre representative shall maintain constant contact with the DGASPC representative in respect of monitoring the case;
- When foreign unaccompanied minors are involved, RIO cooperates with other institutions, as well as national and international organizations responsible for child protection in order to establish the judicial status applicable to children, according to Government Emergency Order 194/2002 provisions regarding aliens' conditions in Romania, republished.



# **A HUMAN/CHILD RIGHTS- BASED APPROACH TO TRAFFICKING RESEARCH**



## **3. A HUMAN/CHILD RIGHTS-BASED APPROACH TO TRAFFICKING RESEARCH**

### **3.1. General Observations**

Chapter 2 of this Handbook portrayed the legal and structural framework in Romania, which provides the basis for all measures to prevent and eliminate trafficking in human beings in the country, including research. A clear emphasis was placed on the broad range of existing international and European human rights and child rights standards which are applicable to Romania and which offer both a binding mandate and comprehensive guidance for state action.

The present chapter will go into more detail concerning what actually makes a human/child rights-based approach so peculiar and what actually is such a “rights-based approach”. There is no commonly agreed single definition, but a rights-based approach can be described as a model for making universal fundamental principles – i.e. human rights, as expressed in international treaties and standards – operational to an extent that they can actually be achieved through concrete activities at a national level, such as passing legislation on non-discriminatory access to education, developing strategies and action plans against domestic violence, conducting trainings for judges on victim protection, starting awareness-raising campaigns for young persons and adults on internet safety/against child pornography/child abuse images, and initiating empirical research on child trafficking.

In short, a rights-based approach aims to put a normative framework/set of standards into practice. The essential difference to other approaches, which may start with national security interests, migration control, media attention, political opportunity etc., lies in the human person as a starting point, the protection of human dignity, freedom and equality (see also the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking, 2002), on the primacy of human rights in all anti-trafficking efforts; see Annex 3).

These philosophical concepts may seem rather general and vague, but for several centuries now specific catalogues of fundamental rights and freedoms have been developed all over the world, first on the national level (Constitutions), and basically over the last 60 years also on the

## A Human/Child Rights-Based Approach To Trafficking Research

international level. These standards establish a framework for reference to hold governments accountable for securing the rights and to empower individuals to actually claim these rights.

As we are all aware, despite these commitments, human rights violations such as child trafficking still persist; however, understanding the reasons behind this fact is the task set for research, be it legal analysis or empirical studies. Any rights-based approach to trafficking research aims to contribute to a clearer view on the root causes of such violations and the role various actors may play to stop them. A rights-based approach respects children as every human being as competent subjects and bearer of rights to be protected and gives them a role in improving their own life quality and living environment. Eventually, such an approach promises both a higher level of legitimacy and of effectiveness of any action taken to address exploitation, violence, poverty or other form of social conflict and injustice.

*Below is a simplified comparison table to show some differences and added value of a human rights-based approach (adapted from Save the Children, Child Rights Programming, 2005)*

<b>Approaches based on charity, welfare concerns, needs</b>	<b>Human rights-based approaches</b>
Action is voluntary, optional	Action is mandatory
People have needs to be met, deserve help	People have rights, they may claim their protection
Action taken may not reach all in need	All have the same rights, no one may be left out – have a particular focus on marginalized groups
People are passive recipients of help, may participate	People are to be empowered, to be considered as active agents of change, have a right to participate
Culture may have a defining role on what is perceived a warrant intervention	Rights are universal, their violations cannot be justified by cultural traditions
There is a “hierarchy of needs”, with some of them more important (Maslow pyramid)	All rights are equally important and related to each other
Existing unfair power structures may be accepted in favor of pragmatic approaches	Root causes need to be addressed as well in order to have sustainable impact

## **3.2. Key child rights and human rights concepts and principles**

In the following section, human rights concepts and principles are presented briefly, with emphasis on children's rights, which should provide guidance for conducting research in the field of trafficking in human beings.

### **3.2.1. Defining a child – child development and evolving capacities**

As already explained in Chapter 2, according to the UN Convention on the Rights of the Child (Article 1), a “child means every human being below the age of 18”. This definition is based on the understanding that in most countries of the world young persons have only limited rights (concluding contracts, criminal responsibility etc) below this age, and may also be confronted with various dependencies (economic, social, emotional) and lack of access to resources, e.g. children from poor families, street children, sexually abused children or children in trafficking situations. In order to address these difficulties the CRC provides a comprehensive set of rights for all children below 18 years of age.

Obviously, however, this definition of the child comprises a very large and diverse group of persons, and many needs and interests of the *young child* are completely different from a 16-year old *teenager*. Therefore, in designing, for instance, trainings or trafficking prevention campaigns, a clear identification of target groups (see chapter IV) is essential for a successful undertaking.

At the same time, the years of childhood and youth are periods of rapid development of the individual (physical, intellectual, emotional, social) and this inherent dynamics of change (the CRC speaks of “evolving capacities of the child”, Article 5) needs to be taken into account as well, e.g. when designing strategies or offering educational services.

Finally, it should be noted that the 18-year age limit should not be seen as an absolute limit, when all social services to children must stop immediately. Legislation, services and research should be more flexible in order to allow a period of “phasing-out”.

### **3.2.2. Child rights – parental responsibility – State responsibility**

Child rights are sometimes regarded as “taking away” rights of parents or making family life for parents just “further complicated”. CRC acknowledges

the role and responsibility of parents in the care and education of the child (Article 5) and considers it complementary to the rights of the child. However, children are not objects to be moved around or property to be sold: if parents do not meet their responsibilities, then the state is under obligation to intervene – resulting sometimes even in the removal of the child from the family in the best interests of the child (see Article 9).

Particularly in the context of child trafficking research, this delicate relationship and the dependencies between the child, the parents/other caretakers and the state have to be taken into account, such as in cases where the parents themselves are involved in the trafficking process.

At the same time the CRC recognizes the child's right to be cared by his/her parents and protected by the family; therefore, CRC contains also standards in relation to family reunification. In the context of child trafficking, in particular if unaccompanied/separated from responsible persons, family tracing is imperative (as long as there are no indications that this may be contrary to the best interests of the child, e.g. it leads to re-trafficking).

### ***3.2.3. General State obligations to implement child rights standards***

Ratification of a human rights treaty establishes binding legal obligations for the State Party under international law to implement the standards foreseen in the respective treaty. Apart from the specific child rights provisions, which will be discussed in the next sub-chapter, there are also some general State obligations, which are relevant to the protection of practically all of the child rights.

To this regard, in 2003, the UN Committee on the Rights of the Child issued a comprehensive “check-list” of activities (action plans) to be undertaken by governments, including: ratification of other relevant human rights treaties; withdrawal of reservations to treaty provisions; review of existing legislation to make it compatible with child rights standards; provision of effective remedies to victims of child rights violations; development of rights-based national strategies; establishment of coordination mechanisms, e.g. between state authorities at central and/or local level; supervision of services even after privatization; impact assessment, evaluation and other monitoring activities; budgetary allocations and making children visible in budgets; child rights training, education and awareness-raising; establishment of independent human rights/ombudsman institutions; cooperation with civil society; cooperation with children directly;

international cooperation and specific indicators data collection and research (see General Comment no.5,2003).

### **3.2.4. Child rights are human rights - general human rights principles**

Children's rights have evolved as a distinct concept under the umbrella of the broader human rights framework. Therefore, fundamental general human rights principles should be taken into account in the child rights protection and research as well.

- Universality, indivisibility and interdependence of human rights

The principle of universality reflects the understanding that there are certain core values of humanity, with protection that has to be ensured for all human beings without any discrimination. This does not exclude certain room for adaptation and implementation of standards in a specific regional or national setting, but only within certain limits as interpreted by the international monitoring bodies entrusted with the supervision of those standards (e.g. the UN Committee on the Rights of the Child, the European Court of Human Rights).

The principle of indivisibility of rights excludes any kind of hierarchy of rights or groups of rights. The Cold War era was marked by years of controversy about economic, social and cultural rights (e.g. rights to work, health or education) and their alleged "lesser legal quality"/lack of justifiability and enforcement".

But in 1993 the Vienna World Conference on Human Rights stated in its Declaration and Program of Action that "*all human rights are universal, indivisible and interdependent and interrelated*" (Para. 1/5), declaring all human rights of equal value.

The principle of interdependence of rights emphasis that no right should be regarded in isolation, but instead any human rights/child rights assessment follows an holistic approach, which takes into account the broader context of a situation. Denying a trafficked child access to legal representation will also negatively impact on many other of his/her rights, e.g. to housing, access to health services, education etc.

- Empowerment and accountability

Human rights protection is based on an underlying fundamental relationship between the "right holder" (e.g. a child) on the one side and the "duty bearer" (primarily the state) on the other side. Thus, the child may claim, for



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instance, his/her right to education (because he/she belongs to a rural community whose members were denied access to regular state schools) and the state is under a corresponding obligation to stop discriminatory practices in relation to school access. A human rights-based approach therefore aims at strengthening (e.g. through trainings, child rights education, developing strategies based on empirical research) the individuals' claiming of their rights ("empower" them) and the state/duty bearers to actually meet their responsibilities in protecting the rights (hold them "accountable"; see chart below).



*Theis, J, Promotion of rights-based approaches, Save the Children, 2004*

Establishing accountability constitutes a key feature of any human rights approach and accountability mechanisms may take various forms, including judicial (civil and criminal courts), quasi-judicial (ombudspersons, national human rights institutions, complaint procedures via international treaty bodies), administrative (monitoring and reporting, impact assessment, data collection, research) and political instruments (e.g. through National Parliament). They all have a common aim to identify and clarify responsibilities and make them explicit and known. Equally important is the monitoring of duty bearer's performance in carrying out these responsibilities.

In designing a research project it is important to take into account this relationship between rights holders and duty bearers, and the principles of empowerment and accountability in order to be able to address the research findings to the relevant/responsible actor concerned.

- Participation as a general human rights principle

Empowerment involves mobilization, capacity building and emancipation from dependencies, and necessarily requires participation in decision-making processes by those affected: as an expression of the democratic principle and as an added value for improved planning, implementation and monitoring. Clearly, empowerment efforts and effective participation requires an appropriate, enabling environment and it's the responsibility of the duty bearers, primarily of the state, but indirectly also, for instance, parents of a child, to establish such an environment. Furthermore, on a collective level, participation should also be discussed in relation to participation as access for entire social groups, including children, to decision-making processes.

- Equality and non-discrimination

Another key general principle of a rights-based approach constitutes the right to equality that encompasses several different aspects, such as equality of all persons before the law and equal protection by the law from all forms of discrimination (see, for instance Art 2/1, 14 and 26 ICCPR). Not every distinction made between different groups of people necessarily constitutes discrimination; the crucial question is only what criteria have been used for drawing this distinction. All major human rights treaties contain a broad list of prohibited criteria, including: race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

One distinctive element of the non-discrimination principle lies in its focus on the excluded/ marginalized/most vulnerable groups of a society, either women living in remote areas of the countryside or children belonging to a Roma minority group. On the other hand this implies obligations for inclusive approaches overcoming such separation or segregation, e.g. in relation to children with disabilities.

### ***3.2.5. Key child rights standards relevant in the context trafficking in persons for any type of exploitation***

After reviewing the key human and child rights concepts and, because this handbook's emphasis on child trafficking research, we shall continue with some additional information on child rights provisions, starting with the four General Principles of the CRC (best interests, participation, non-discrimination, life and development) (for a brief summary, see also AGIS Child Rights Methodology to identify and support child victims of trafficking, 2007).

- Concept of the best interests of the child

The Best Interest Principle has been described as the cornerstone of the whole Convention on the Rights of the Child. Article 3/1 of the CRC states that: *“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”*.

Therefore, this provision can also be regarded as an “anchor” for mainstreaming child rights across all areas of legislation and practice (including those of private institutions) that requires a process of balancing the possibility of conflicting or competing interests with an element of prioritization. On a procedural level the concept calls for a child impact assessment in decision-making in all matters concerning an individual child (e.g. in a family court case) or children as a group (e.g. in devising child protection policies or preparing legislation on educational matters, but also in regard to budget allocation).

Furthermore, this principle is clearly linked to the child’s right to participation: in order to identify what the child’s best interests actually are, the child should clearly have his/her opportunity for direct involvement (provided that quality standards for meaningful child participation, such as voluntary principle, access to information etc, are respected). In 2008 the UN High Commissioner for Refugees (UNHCR) released concrete and operational Guidelines on Determining the Best Interests of the Child; although initially developed for dealing with child refugees, the underlying standards (how to organize such procedure, collect necessary information, involve the child concerned) can be applied to many other circumstances as well, including, in particular, assessments in the context of trafficked children (interim care, establishing durable solutions, repatriation), which must go beyond a mere risk assessment on personal safety of the child.

- Child right to participation

Implementing the child’s right to participation ranks among the biggest challenges for child rights protection across the world -avoiding the symbolic effect (tokenism)– (the show-effect ) – on the one hand, but securing an environment, which promotes meaningful participation of children on the other hand ( see the recent General Comment No. 12 by the CRC Committee, of July 2009).

As mentioned before, child participation and the best interests’ principle should be regarded as twin rights, mutually influencing and informing each other. Stressing the comprehensive nature of this right, Article 12 of the CRC declares: *“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”.*

By adding the “give due weight” clause, this provision goes much beyond mere freedom of speech (which is guaranteed to children in the separate provision of Art. 13 CRC), but really calls for effective and meaningful involvement of children in decision-making. It should be emphasized that Article 12 deliberately does not contain limitations on the certain areas of child participation only, but instead speaks of “*all matters affecting the child*” – from family affairs to school councils.

Linked to this is the question of involving children as informants in empirical research, which has been an important point of discussion also in the EU-Twinning project providing the frame for this Handbook. The child participation in research is discussed in more detail in chapter 4. As a cross-cutting General Principle, the right to participation is correlated to several other rights, but access to information (Articles 13, 17) is of particular relevance here: without the necessary documentation and information, for instance, no decision based on an “*informed consent*” by the young person may be taken (e.g. consent to medical treatment, consent to being interviewed for research purposes).

- Child right to non-discrimination

Article 2 of the CRC requires States Parties to “*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, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status*”.

Trafficked children, nationals from other countries, shall not be discriminated because of their nationality; the same applies for children belonging to minorities or ethnic groups, such as Roma children. In addition to what has already been explained under the general human right to equality above, it should be stressed that not only discrimination of the child is prohibited in relation to its own person, but also in relation to the status of his/her parents (and other caretakers).

Thus discrimination towards one parent may be considered discriminatory also in regard to the child. This clearly acknowledges the strong link (and dependency) between living conditions of the child and of his/her caretakers to the direct impact any interference may have on anyone in the family.

Apart from the general right to non-discrimination, the CRC also requires States Parties to adopt inclusive strategies for children with disabilities (Article 23) and to provide non-discriminatory protection and assistance to child asylum-seekers and refugees (Article 22).

In light of the rather inhomogeneous group of “children” and in order to be able to identify specific groups of children at risk of discrimination, it is essential to ensure in any data collection effort to provide for a range of disaggregated information (in particular, by age group, gender, location in urban/rural area, ethnicity, belonging to a minority, religion (see UN CRC Committee Guidelines for Periodic Reporting, 2005).

- Child right to life, survival and development

Ensuring the survival of the child comes naturally as a priority for child rights protection. Article 6 establishes the general human right to life, but the inclusion of child development concerns makes it entirely clear that this provision is not only about some basic minimum guarantees for child survival, but about a full-scale program for favorable living conditions for a child. This should be seen in relation to Article 27 CRC, providing for “*the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development*”; and in relation, again, to the concept of “evolving capacities” of the child (Art. 5 CRC), framing parental responsibility.

Apart from the cross-cutting dimensions of the General Principles the CRC contains a far-reaching set of specific provisions dealing with challenges for child development. The following overview selectively highlights provisions most relevant to the child trafficking context.

- Protection from violence and exploitation, right to physical and psychological integrity, rehabilitation

Article 19 CRC mandates governments to take comprehensive measures “*to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse*”, while in the care of their parents or other caretakers. Moreover, it requires governments to ensure effective procedures for the establishment of social programs for the prevention and “*identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement*”.

Exploitation of children is specifically targeted by the Convention in Articles 32-36, covering child labor/economic exploitation, drug abuse, sexual

exploitation (child abuse images/child pornography, child prostitution) and trafficking of children. As far as the latter forms are concerned, reference must be made to the more elaborate standards contained in the 2000 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), which adds definitions, standards for criminalization of such acts, extradition of perpetrators and mutual legal assistance, international cooperation, and provisions on victim protection (child/witness protection during court proceedings, victim assistance and reintegration). Finally, in relation to all forms of violence and exploitation, Article 39 contains the obligation to provide rehabilitation to those children.

- Family unity and support to families

Several provisions of the CRC aim to protect family relations (Articles 7 and 8/identity, 9/no separation, 10/family reunification) and require governments to offer support to parents and families (through child care services and institutions, through material assistance to poor families etc, Articles 18, 27/3).

- Alternative family environments, safeguards for inter-country adoption

However, many children do not live with their parents (anymore); they may live on the streets now, or have been orphaned by diseases such as HIV/Aids and the CRC demands for alternative family settings, e.g. through foster parents, or through institutions (Article 20).

As a last resort, Article 21 also addresses inter-country adoption, reiterating existing standards and safeguards (see Hague Convention, chapter 2.).

- Respect for child's identity and privacy

The rights of the child to a name, nationality, to be registered at birth, to know your parents ("as far as possible") are among the guarantees of Articles 7 and 8.

A very controversial issue in many countries concerns age determination of child refugees or trafficked children, who have no identity or have lost their identity documents. As there are no scientifically proven methods to establish the exact age of a person, there will always remain a certain level of discretion for the authorities. However, contrary to recommendations by UNHCR (see Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum, 1997) and the UN CRC Committee (see General Comment Nr. 6, 2005) to adopt a pro-child rule in case of doubt, it is not applied in most cases.

Article 16 incorporates well-established standards related to the protection of privacy taking into consideration alternative care arrangements (foster

care etc.) shall give “due regard” to continuity in the care of the child and to the “child's ethnic, religious, cultural and linguistic background”.

Finally, Article 30 contains clauses to protect child members of minorities in relation to their culture, religion and language.

- Right to adequate standard of living, including food, safe shelter

Article 27 contains the principal standards on addressing poverty of children and their families: the child has a right to a “standard of living adequate for the child's physical, mental, spiritual, moral and social development”; if parents are not capable of providing such level, or – in the case of unaccompanied separated child refugees or trafficked children – are not available, it becomes a State obligation to provide such assistance needed, starting with nutrition, clothing and housing.

- Right to health/access to medical services

The concept of the right to health includes four major guarantees (see UN Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000) on the right to the highest attainable standard of health): availability of medical services (in sufficient quantity, e.g. hospitals); accessibility of services (comprises elements of non-discrimination, physical accessibility; economic accessibility; accessibility of information); acceptability of services (sensitive to cultural backgrounds, gender aspects, adequacy for children); quality of services (state of the art, qualified staff).

Article 24 CRC contains also a specific obligation for States to abolish “traditional practices prejudicial to the health of children”.

- Right to education, vocational training

Articles 28 (access to education, prohibition of violence in schools) and 29 (with reference to education, quality standards for private educational institutions) deal with the right to education in the CRC context. Again availability and non-discriminatory accessibility are of particular importance, especially also for children from foreign countries (asylum-seeking, migrant, or trafficked children).

However, difficulties in qualifying for residence permits or quota systems make legal stay in a country and school attendance often almost impossible and young people susceptible to become engaged in criminal activities.

- Right to personal liberty, fair trial

The CRC echoes existing standards on protection of children from arbitrary detention, but adds as a general rule that “arrest, detention or imprisonment

of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time” (Article 37). The basic assumption – also in relation to the aims of juvenile justice system (Article 40) – is that for responses to juveniles in conflict with the law measures aiming at alternative sentences and reintegration rather than at punitive sanctions/imprisonment is more appropriate for young persons and their future life opportunities. All the more, the same principles of avoiding criminalization should apply to trafficked children, whether they are picked up by the police for prostitution, begging or petty crimes.

### **3.3. Summary: implications of a human/child rights-based approach for research**

Looking back at the many provisions applicable to trafficked children from a human rights perspective, several lessons can be learned for designing and implementing research activities in the field of trafficking in human beings:

- ⇒ Research should start from a holistic perspective on the situation of trafficked persons/children, requiring comprehensive contextual situation analysis and thorough needs assessment; regarding the trafficked children, the relations between children and their parents or other caretakers, their peers and their local community should be particularly taken into account;
- ⇒ Research on trafficking should consider the comprehensive nature of the trafficking definitions provided by the Palermo Protocol and the Optional Protocol to the CRC and make clear its focus in its research purposes and questions;
- ⇒ Research on trafficking shall be sensitive to prevailing common perceptions and stereotypes on trafficked persons and the trafficking process; in particular, trafficking and sexual exploitation shall not be confused, and a clear gender-sensitive approach is essential;
- ⇒ Research shall seek to improve understanding of underlying root causes in order to reach findings and recommendations, which help to address problems on a sustainable basis;
- ⇒ Research shall help clarify the role and capacities (both supportive and detrimental to rights protection) of actors involved through a stakeholder analysis in order to address accountability of actors as well as possibilities for improved coordination and cooperation and the setting up of formalized referral mechanisms;



## A Human/Child Rights-Based Approach To Trafficking Research

- ⇒ Research shall be sensitive to existing structures/gaps in monitoring and data collection in order to sustain efforts for evidence-based policy development;
- ⇒ Research shall seek to identify factors (structures, informal networks, personal relations, role models etc) for supporting empowerment of persons both in relation to prevention of trafficking and recovery of trafficked persons;
- ⇒ Research shall be sensitive to the identification of excluded/marginalized groups;
- ⇒ Research shall seek to collect disaggregated data, in order to address patterns e.g. of dependencies or discrimination within the group of children;
- ⇒ Research shall help identify situations requiring child impact assessment of intended measures (e.g. removing the trafficked child from one shelter to another), as well as formal best interests of the child determination procedures;
- ⇒ Research shall consider direct inclusion of children, provided that standards on meaningful and ethical child participation in the research can be respected, in particular to avoid further trauma to the trafficked children; children should be regarded as potential informants on the assessment of the effectiveness of prevention efforts (e.g. campaigns at school, in the public, among peer groups) and accessibility and quality of services (e.g. shelter, legal assistance, meaningful occupation); research shall be sensitive to child-led efforts of self-organization;
- ⇒ Research shall strictly observe highest standards of data protection (legal basis, purpose, information to the data subject, access of the data subject to information collected), given the fact of necessary cooperation of different actors in addressing trafficking in human beings;
- ⇒ Research shall include a legal perspective derived from international standards on human rights/child rights protection and trafficking, which have been accepted by the country concerned, in order to strengthen both legitimacy and accountability of actions taken following the findings of the research.

General guidance on “research, analysis, evaluation and dissemination” can also be found in Guideline 3 of the UNOHCHR Recommended Principles on Human Rights and Human Trafficking 2002 (see Annex 3).



# RESEARCH STAGES



## 4. RESEARCH STAGES

This chapter deals with good practices regarding research in the field of human/child trafficking and aims to serve research practitioners with practical guidelines on how to conduct studies with a child-centered and a child rights -protective approach. The chapter provides brief and implemental guidance from the preparatory stage of the research project until final evaluation activities and introduces different methodological approaches highlighting the question of involving children into the process.<sup>9</sup>

In addition, each research stage described throughout the chapter will be accompanied by “lessons learnt” and “best practices” resulting from the research study “Child trafficking in Romania. Study on the recruiting process”, developed and implemented within the same Twinning Project RO2006/IB/JH 08 - “Improving the institutional capacity of the agencies involved in the prevention of trafficking in human beings in line with the current European standards and best practices”.

### 4.1. Preparation and needs assessment

The first step in conducting a research or study in any field is to appoint a research coordinator or a team of at least two research coordinators, depending on the magnitude of the intended research. The coordinator/s should make himself/themselves familiar with the topic of trafficking in children and the local or national context of the problem. The next step will be within the research team by defining each member’s roles and assigning responsibilities and actions. During this stage some basic agreements should be made about definitions, concepts, common understanding of the issue, geographical areas and common resources or means of communication to be used (ILO/UNICEF Training Manual, Textbook1).

Before committing on the research purpose and research questions, a prior needs-assessment is recommended. It is useful to determine needs for further research and point out gaps between previous and expected findings.

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<sup>9</sup> Basically, the individual elements from the following presented good research practices are not essentially limited to the issues of human trafficking and/or trafficking in children. Still, there is a clear focus set in this direction which is explained by the fact that this handbook is an activity within the Twinning Project RO2006/IB/JH 08, subsequent to a research study on child trafficking in Romania.



“What we know!” versus “What we want!”

This involves the identification of deficits and weaknesses of existing research data, considering trafficking is a complex phenomenon that requires different methodologies to understand its full dimension. These needs and deficits can best be identified by, for instance, key-stakeholder-meetings as well as a review of already existing studies and reports in this field. Relevant stakeholders for research dealing with human/child trafficking may include governmental personnel from different Ministries, the police, social welfare workers, members of non-governmental organizations (including those working with children), other national institutions like research institutes, the media and, if the research project is carried out with international attendance, international organizations such as ILO, IOM, UNICEF etc.



### Lessons learnt:

Taking into consideration the statistical analysis and reports available in the field of trafficking in persons, particularly child trafficking, and in view of the need, reiterated and welcomed by both national and international agencies, to identify newly emerging child trafficking mechanisms, it was decided to conduct a research project on child trafficking with a focus on recruitment.

## 4.2. Conceptual framework

In order to better understand the trafficking phenomenon, courses of action and an overall framework for further steps should be outlined. Therefore, in terms of a rights-based approach to child trafficking, the application and working understanding of human rights standards and principles as well as a persistent child-focused approach are required throughout the study process. Additionally, qualitative background information and basic knowledge about the national and international legal framework of the addressed issues are crucial. For this purpose, a careful evaluation of the existing knowledge concerning this topic (or corresponding training needs)

helps to demonstrate the relevance of the research and show familiarity with the overall research topic. (IOM Research Manual, 2004, p. 17)<sup>10</sup>.



### Lessons learnt:

Right from the beginning, systematically collecting and listing of reports and studies, both national and international, shall help in identifying the research purpose and developing the conceptual framework, and based on that, the research questions.

For further information on the conceptual framework used in the study<sup>11</sup>, see Annex 5.

### 4.3. Literature review and terminology

A literature review will help formulate and refine precisely what needs to be investigated and better understand the characteristics of human/child trafficking. Key sources of documents, information and practices need to be identified, require careful evaluation. The number of sources to be reviewed depends on the nature and purpose of the research.

An increasingly popular and useful method of literature collection is internet searches. By combing throughout the web, researchers are allowed to access relevant and ongoing information on a global scale to gain a clear conceptual idea of the investigation. For example, a systematic range of key words might prevent going beyond the outlined time frame by reviewing unspecific and useless information (IOM Research Manual 2004, p. 18).

In terms of child trafficking, it is useful to collect literature and data such as international and national legal documents and child rights standards, information and reports on how trafficking works, various trafficking sectors, forms of exploitation, victim profiles, increased risk factors, involved actors, the scope and impact of child trafficking, current patterns and trends of trafficking, protection and assistance guidelines etc.

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<sup>10</sup> E.g. in terms of human trafficking, research projects are often conducted addressing one of the sub areas of one of the 3 P's (prevention, prosecution, and protection). Anyhow, knowledge of the relevant background and the nature of the phenomenon is essential to come up with a warrantable research topic.

One problem with existing data is the variety of used terms and definition. In absence of agreed parameters, it is important to understand and agree on definitions, terms and categories of analysis before using the collected data. In the context of human/child trafficking, the use of international definitions and categories is recommended (ILO/UNICEF Child Trafficking Training Manual 2009 – Textbook 1, p. 39).<sup>12</sup>



### LESSONS LEARNT

The fact-finding stage of the recruitment process research was based mainly on the examination<sup>13</sup> of the reports, studies and research carried out in the field and dealing with child trafficking related issues that identified aspects and distinctive features of the phenomenon. A large part of the related research was transnational, enabling the identification of the main features and peculiarities of the child trafficking phenomenon through a comparative approach in several countries.

SIMEV<sup>14</sup> was one of the decisive tools in guiding the activities of the study.

Within the framework of the research, the analysis or the “field”<sup>15</sup> documentation can be regarded as a useful step in orienting the activities and the subsequent measures. Discussions with social informants provide a valuable source of data and supplement to the knowledge acquired up to the present.

Examples of information-gathering techniques used in “Child Trafficking in Romania. A study on the recruitment process”:

- Inventory of studies and research on child trafficking;
- SWOT analysis of the studies carried out in the field of child trafficking in Romania;
- Conducting a meeting with the main social informants

<sup>12</sup> Compare international definitions of Palermo Protocol, the UN Convention of the Rights of the Child, the ILO Worst Forms of Labor Convention etc.

<sup>13</sup> Mărginean, Ioan, „Projection of the sociological research”, 2000, pg.106.

<sup>14</sup> For further details, see Chapter 1.

<sup>15</sup> Mărginean, Ioan, „Projection of the sociological research”, 2000, pag.106



### Lessons learnt:

**Examples of institutions representing public or private agencies when organizing meetings with social informants “key stakeholder” in view of documentation necessary for studies and research on child trafficking:**

- Representatives of the National Agency against Trafficking in Persons; Representatives of specialist law enforcement agencies (Directorate for the Investigation of Organized Crime and Terrorist Offences, Directorate for Combating Organized Crime, the Border Police);
  - Representatives of the Romanian Immigration Office
  - Representatives of the National Authority for the Protection of Child Rights; Representatives of the National Agency for Equal Opportunities;
  - Representatives of the National Agency for Handicapped Persons;
  - Representatives of the National Agency for Roma;
  - NGO representatives developing projects in the field of trafficking and the protection of child rights;
  - Representatives of the Ministry of Education/ County School Inspectorates;
  - Representatives of the Ministry of Health/ Public Health Authority;
  - Representatives of Directorates General for Social Assistance and Child Protection;
  - Mass-media officials;
  - Representatives of the clerical institutions;
- Representatives of international organizations.

## 4.4. Research design

### 4.4.1. *Defining research purpose*

The purpose of the research needs to be specific and focused, based on already existing findings and new parts as well. The purpose of the research should clarify the specific format of the outcome, such as an



## Research Stages

impact assessment or lessons learned report for an authority, a set of recommendations for policy-makers, a representative survey etc.

The main types of purposes for research are to describe a social problem or phenomenon through exploratory research, to produce a set of recommendations for good practices that helps to address a problem, to evaluate a program or policy or to producing representative data, in a statistical sense.

Due to the complexity and difficulty to research trafficked children, quantitative assessment of children currently trafficked is most likely not possible and could even be dangerous for the victims (ILO, Manual for Rapid Assessment 2003, p. 12).

Furthermore, research can aim to explain causes or consequences of certain events and phenomena demonstrate the size of a problem and forecast a certain outcome or predict future trends (IOM Research Manual 2004, p. 15). From a human rights/child rights perspective, research can be a useful tool for general awareness rising, to inform or influence policy change, to strengthen and/or protect the interests of a certain group of people, to establish and/or clarify responsibilities of various actors or to serve guidelines for practitioners.<sup>16</sup>

To explore the purpose and aim of the research study, it is necessary to set up a research-team, consider conduct of kick-off-workshops and meetings as forums of discussion. Questions like *why is a study needed, what will be the main focus, how will the outcome be used in the future*, should be debated. In the end, the research has to have a clear purpose and a narrow focus on a certain topic.



### Lessons learnt

Depending on the research needs identified in child trafficking, it is essential to define the goal of the research in accordance with the urgent needs and the existing resources.

Due to the fact that during the process of literature review researchers identified the lack of information directly taken from former victims of child trafficking, the original conceptual framework (see Annex 5) had foreseen also interviews with former child victims of trafficking (CVoT).

<sup>16</sup>Compare ILO/UNICEF Child Trafficking Training Manual 2009 – Textbook 1

Hence, the research methodology had been oriented to achieve these needs by developing interview guidelines for former child victims of trafficking (see Annex 6). However, at an early stage of implementation of the interview guidelines based on the “best interest of the child” approach and highest standards of data protection and “informed consent”, it was revealed that within the time constraints for this research project it was not possible to carry out the interviews with CVoT. On the other hand, the research team agreed that through FGD and additional questionnaires (1200)- see Annexes 7 and 8 - applied to experts sufficient information can be collected in order to answer the research questions (see Annex 9). For this reason the research team decided not to carry out the interviews with CVoT.



Pay attention to the capacity of the research team, the time frame and the available resources (human, financial, etc) when developing and deciding on the methodology and research tools.

### **4.4.2. Defining research questions**

Choosing a research question is the central element of both quantitative and qualitative research. Previously explored overall objectives have to be transformed into a number of specific research questions that will provide findings of direct relevance to the overall objectives (IOM Research Manual 2004, p. 16). Specific research questions mean to provide a picture of what is to be analyzed, they should be practical, closely related to the research purposes and need to be systematically grouped and prioritized<sup>17</sup>. By drawing up the questions, the possible impact of the research itself should be considered as well as who will benefit from the study. Research questions should be based on a review of existing literature and they are essential to subsequently establish the methodological approach needed.



### **Lessons learnt**

The research questions “guiding” the researchers through all stages of the research, from choosing the tools to developing the methods as well as when later on processing and interpreting the data.

Examples of research questions used in “Child trafficking. Study on the recruiting process”:

<sup>17</sup>See Regional Working Group on Child Labor (RWG-CL)

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- Which are the minors' living conditions before the recruitment?
- Which are the contributing factors in the recruitment process?
- Which are the minors' needs and aspirations?
- What actors played a role in the recruitment process?
- Which are the Recruitment stages?

*For further details see Annex 9*

### 4.4.3. Defining target groups

Yet in the course of the preparatory needs-assessment, the intended target group(s) shall be prescreened and decided later on in the process of drawing up the research questions. Distinctions have to be made between **primary** and **secondary** target groups. The former concerns social groups on which the overall emphasis of the study will be applied. In relation to child trafficking the target group is naturally addressing persons below the age of 18 years<sup>18</sup>, but further characteristics can concretize secondary target groups of people that will take the centre of the study and from whom other relevant information can be obtained (i.e. experts/professionals working with child victims of trafficking).

Examples of targeted group- categories of child victims of trafficking:

- children who are nationals of certain countries trafficked internally or abroad
- children originating from other country and seeking assistance or asylum in the transit or destination country<sup>19</sup>
- children in vulnerable positions<sup>20</sup>
- children in different stages of the trafficking process<sup>21</sup>
- victims of certain forms of exploitation<sup>22</sup>

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<sup>18</sup>Compare Art. 3 (a) CRC.

<sup>19</sup>See FRA Thematic Study on Child Trafficking, Romania, July 2009.

<sup>20</sup> Especially "vulnerable" up to factors like age, gender, social environment, ethnical background etc. For example in the Save the Children Report: "Children speak-out: Trafficking risk and resilience in South-East Europe", July 2007, the author targeted groups of children of a specific socio-demographic profile: street children and children from families that were considered an inappropriate upbringing in the light of the increased risk of

<sup>21</sup> Referring to recruitment, transportation and exploitation. Another example is supplied by UNICEF in its Innocenti Working Paper *Young People's Voices on Child Trafficking*, 2008, where the target group is children who were trafficked under the age of 18 and who received institutional assistance during their recovery.

Secondary target groups mostly refer to a broader spread of actors dealing with trafficking of children like civil society, in particular NGOs, the police, other state authorities or the general public.



### Lessons learnt

Example of secondary target groups:

- Law enforcement agencies (police officers, prosecutors, judges);
- Child rights protection agencies (social workers, psychologists, legal counselors, sociologists, educators, specialist supervisors);
- Educational institutions (school counselors, teachers, school supervisors);
- Health institutions (doctors, nurses);
- Media institutions (journalists, reporters, TV anchors);
- Clerical institutions (priests, social workers);
- NGOs (specialized personnel).

## 4.5. Methodological considerations

### 4.5.1. Qualitative/quantitative methods

To meet the objectives of the study, methodology choices have to be made. There is a range of qualitative and quantitative methods available and the selection should be made depending on the desired approach to a problem and the character of the research questions. The differences of outcomes of a qualitative and a quantitative approach are comprehensively illustrated by the definition of the IOM Research Manual, 2004:

Qualitative research: Research methodology that deals with the gathering of descriptive and holistic information on complex naturally occurring phenomenon and produces findings through less structured research tools, such as semi-structured or open interviews or focus group discussions. Qualitative methodology allows producing **significant** data on child trafficking.

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<sup>22</sup> Compare with forms of exploitation listed in the Palermo Protocol.

Quantitative research: Research methodology that investigates quantifiable measures of variables and produces findings through statistical procedures.

Researchers have to be aware of certain difficulties in studying hidden phenomena related to criminal offences such as abuse, trafficking, exploitation etc. Quantitative research does only make sense when the basic population is known. But trafficked children are 'rare' in the statistical sense because they make up only a small part of the total population of children. Accordingly, even large surveys of the general population would only sample a small number of trafficked children. Therefore, national surveys are generally not useful in the case of trafficked children. Trafficked children are a typical example of what sample statisticians would qualify as a "rare" and "elusive" population (ILO Manual for Rapid Assessment 2003, p. 12).



### Lessons learnt:

Based on the opinion of experts in the Focus Group discussions a questionnaire was developed (see Annex 8) and applied to more than 1200 experts from Romania. The standardized questionnaire consisting mainly of closed questions turned out to be an added value for the study; the items and categories in the questions were based on the opinion of the experts participating in the FGD.

### ***4.5.2. Emphasis on ethical standards for involving children in the research***

Maintaining the highest standards of research ethics is an imperative for any project, but becomes pertinent in the case of research on children, particularly in research that requires their involvement in any stage of the research. There is a broad discussion whether or not or under what conditions the ethical participation of children is warranted in the research process in terms of violence and child trafficking; children shall be encouraged to have an active role in their own lives and not to remain passive victims or research subjects (Save the Children, So you want to Involve Children in Research? 2004). In fact, dissenting opinions mainly apply to concerns in connection with the potential exposure of children to further trauma but also in relation to a valid and reliable output<sup>23</sup>.

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<sup>23</sup>This information originates from the feedback of a FDG moderator in the course of the implementation of the Twinning Project RO2006/IB/JH 08. In some views it was considered that child participation in forms of

Arguments in favor of direct participation of children in research point out that each child's experience is unique, they are experts on their own environment, it contributes to children's empowerment by being taken seriously and that different views and perceptions presented from children provide important insights into what trafficked children endure, thus improving the quality of research findings (UNICEF, Innocenti Working Paper, Young People's Voices on Child Trafficking: Experiences from South Eastern Europe, 2008).

Apart from research considerations, the UN Convention on the Rights of the Child has established a formal right of children to have their view taken into account in matters that concern them<sup>24</sup>. Therefore, one way to assure their right to participation constitutes their involvement in research concerning their lives.

Children must decide freely on whether they want to get involved, to what degree and how. Still, the right to participation should be in fair balance with their right to be protected<sup>25</sup> and their right to privacy<sup>26</sup>. This applies in particular for the gathering of information about children at risk, which must be performed under the safeguarding not to cause greater risk for the children. Moreover, an assessment of the real need of data concerning the child should be undertaken (ILO/UNICEF Child Trafficking Training Manual 2009 – Textbook 1, p. 45f).

Discussions about given benefits to children participating in research underline protective aspects of their involvement, expressed by the teaching of children on how to access information, the emerging increase of self-confidence, the development of critical thinking abilities and a potential healing aspect in relation to traumatic experiences. Provided that the environment is designed in a supporting and understanding way, the process of involvement can be a way of dealing with past experiences and provide a tool out of victimization (Save the children, So you want to Involve Children in Research? 2004, p. 10 ff).

Benefits to the research itself would be a better data quality, as children's participation helps to focus the research, clarify the analysis and the interpretation of data and the possibility of presenting a picture that is freer of adult interpretation.

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interviews are not to the accurate method of fact finding due to the perception that children have their own reality how they see and convert experiences.

<sup>24</sup>Article 12 CRC, see chapter II..

<sup>25</sup>Article 4 CRC.

<sup>26</sup>Article 16 CRC.

However, before the decision upon child's involvement in research studies is made, researchers should familiarize themselves with ethical guidelines pertaining specifically to children, which have been developed by a number of child right's organizations (Children's Research Centre, *General Guidelines for Good Research Practices with Children*, Dublin 2006, p. 7ff; UNICEF Reference Guide Child Trafficking 2006, *Save the Children, So you want to consult with children?* 2003).

These guidelines are based on the commitment to children's well-being, the commitment of doing no harm, the commitment to a child-centered research approach and child's rights, including minimizing the risks children may be exposed to. To this end, parents or legal guardians should obtain information about the nature of the study and the methods involved how data will be used and information about confidentiality<sup>27</sup>. Written consents should be obtained from parents<sup>28</sup>. Also children should be informed as fully as possible about the nature of the study, given their age and maturity. Information for the child should be provided in a comprehensive and manner and the right to refuse to take part, to refuse to answer some questions and the right to withdraw from the project at any time shall be respected.

### **Checklist – ethical considerations**

- Assessment of potential risks for the child
- Treat children with dignity and respect
- Child-centered approach throughout the study
- Respect for the principle of “do no harm”
- Ensure highest standard of child protection
- Informed consent of all participants
- Informed consent of parents and/or legal guardians
- Ensure confidentiality
- Be aware of data protection and follow international standards and national law
- Inform child about the research in an understandable way

<sup>27</sup>Confidentiality is a fundamental principle of research ethics. Information provided is only used for the purpose of research and only shared with those involved in conducting the research (IOM Research manual, 2004).

<sup>28</sup>Guidelines for Letter of Consent can be found in the *General Guidelines for Good Research Practices with Children*, Children's Research Centre, Dublin 2006, p.10.

- Inform child about its rights as respondent
- Ensure the child's right to interrupt or stop the participation at any time.

### 4.5.3. Method description

In this chapter, four research methods are presented, with a continuous link to the phenomenon of human/child trafficking. Due to constraints in terms of time frame and scale, not all relevant methodology can be taken into account and researchers are referred to the literature named in the bibliography for further information<sup>29</sup>.



#### Lessons learnt:

In conducting the “Child Trafficking. Study on the recruitment process” we have chosen the descriptive study type based on both the existing information (statistics related to the number of trafficking victims) and the empirical methods to explore the reality knowledge from the point of view of quality (focus groups) as well and quantity (questionnaire based inquiry).



The research tools should have a unitary system for implementation, registration and collection.

#### 4.5.3.1. Secondary data and information analysis

Secondary research involves the collection, examination and analysis of documentary sources including books, journals, CD-ROMs, websites, newspapers, reports, memos, NGO and governmental publications and statistics.

Relevant information in the context of child trafficking might be available from ministries (health, labor, and social welfare), court statistics, databases and hotlines, police and immigration services, healthcare organizations such as hospitals and clinics (ILO/UNICEF Child Trafficking Training Manual 2009 – Textbook 1, p. 40).

<sup>29</sup> This selection resulted from a research study in the course of the Twinning Project RO2006/IB/JH 08. The presented methods were whether used or discussed in the process and therefore referred to by this handbook.



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Secondary research has the benefit that it identifies what kind of work has already been done in the area of the proposed research topic, it provides researchers the opportunity to reflect on key issues, critical questions, significant gaps, strengths and weaknesses in the existing state of knowledge (Save the children, p. 16).

Given the fact that the subject of trafficking has a complex nature, the search for reliable recourse is a rather challenging one. Documentary sources have to be examined in light of authenticity, meaning and credibility, including the accuracy, the context of the report and the status of the author.

In contrast to internet websites, where the lack of restrictions of what is published and its validity is of concern, government publications and official statistics lend credibility. At the same time, possible presence of vested interests in statistical revelations of official data must be considered.

Data sources for trafficking may comprise quantitative data on the incidence of trafficking and trafficking routes and otherwise qualitative information on paradigm and conditions of trafficking as well as victims' profiles and of trafficking rings (IOM Research manual, 2004, Chapter 4).

When reviewing data and information on children, it is necessary to ensure that a code of practice should be established covering measures to ensure that the data is stored and used in a way that an individual child cannot be identified (ILO/UNICEF, p. 46).

<b>Advantages of secondary data analysis</b>	<b>Disadvantages of secondary data analysis</b>
<ul style="list-style-type: none"><li>• Easy accessible</li><li>• Low costs</li><li>• Permanent and available nature of data</li></ul>	<ul style="list-style-type: none"><li>• Need of evaluation of source credibility</li><li>• Need of evaluation of source authenticity</li><li>• Secondary nature of data</li></ul>

(IOM "Research Manual", 2004, chapter. 4)

### 4.5.3.2. Focus Group Discussions (FGD)

A focus group discussion is a qualitative method and an exploratory tool with the purpose of gaining more in-depth information on a specific issue. Focus group discussions are in particular useful to identify existing knowledge, ideas, and perceptions of a certain group. The focus groups are comprised of a small group of people (6-12) with one facilitator/moderator guiding the whole discussion<sup>30</sup>. The discussions of the focus groups are low structured, and the emphasis is placed on a high level of interaction between participants and on the common view rather than the individual one (ILO Research Manual, 2004, p.87). Focus Group Discussions are appropriate methods when large studies are designed that aim at a better understanding of different perspectives of an issue. It is a valuable method for collecting qualitative information of various individuals but is weak in claim as the representative sample is small. The interactive nature also fosters the fact that views of less vocal or reelected people might be overlooked. The advantages of focus group discussions are that they are easy and efficient to undertake and it is a way to receive quick results in short time.

As a result of social interaction, people might express views they otherwise might not if they were asked as individuals and therefore come up with information that they would not reveal under other research methods. One of the FGD limits is the use of recording devices during the discussions, but the general reaction towards them is negative, which leads to a minimized spontaneity.

Moderators of focus group discussion have to be trained on special skills in stimulating and managing a guided group discussion. The skills of the moderator can have an essential impact of the research outcome. Another problem is the revelation that data achieved in the focus group discussions can be difficult to summarize, analyzed and interpreted. If a quantitative method is used alongside FGD, the linkage between the results of the methods can be challenging.

In the context of trafficking, the best way to conduct focus group discussions is to invite a wide range of regional and local experts in this field, like NGO members, police, health care etc. to enable multilateral and vivid discussions and exchange of perceptions.

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<sup>30</sup>Some of the used information referring to FDGs is taken from a workshop for training the data collectors within Activity A.3.2 of the Twinning Project RO2006/IB/JH 08.

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FGD – Advantages	FGD – Disadvantages
<ul style="list-style-type: none"><li>• Quick results in short time</li><li>• Expression of views which would otherwise not have emerged</li><li>• Social interaction- complex responses</li><li>• low costs, not time-consuming</li></ul>	<ul style="list-style-type: none"><li>• Moderator requires special skills</li><li>• Difficult to fix a date for a whole group</li><li>• Data is difficult to summarize and analyze</li><li>• Group pressure can influence the discussion</li></ul>

(Project RO2006/IB/JH 08, Activity A.3.2 Workshop for data collectors' training)

### 4.5.3.3. Questionnaires

Questionnaires are generally a quantitative method and a good tool to reach a wide coverage of respondents and spread over wide geographical areas. It is suitable for straightforward, brief and uncontroversial questions complemented by standardized responses.

The collected information falls into two categories: fact-based or opinion-based information. The former category is straightforward data such as one person's age or profession. Opinion-based information relates more likely to attitudes, perceptions or views of the respondents.

Depending on the question structure and stimuli, three types of questionnaires have been identified: with closed-ended (pre-coded) questions, open-ended questions and open and closed ended questions (S. Chelcea, "Methodology of the sociological research", 2000, p. 186).

In the case of closed-ended questions, there can be identified dichotomist answers, with "yes" or "no" and multiple pre-coded answers implying several response options by selecting a pre-established category.

The collected information is easily quantified and analyzed, but at the same time not fully reflects on the respondents' views. It is important to include sufficient response options in order not to be too restrictive in relation to the respondents' freedom of expression.

Multiple pre-coded questions require the detailed knowledge of the specific research and the studied reality as in this type of questionnaire all response options should be recorded as possible (S. Chelcea, "Methodology of the sociological research", 2000, p. 189).

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Open-ended questions give freedom to answer without restrictions in terms of length and content of the answers. The advantage of open-ended questions is that information is more detailed and in the respondent's own words.

Generally, questionnaires are easy to set up, require low costs and produce pre-coded answers and, therefore quick data collection and analysis, and provide a wide supply of data. On the other hand, the lack of interaction with respondents means unverified answers without the ability to include visual or behavioral cues (IOM Research manual, 2004, Chapter 6).

To produce valid results in the area of human/child trafficking, a questionnaire survey must be based on considerable prior research in order to establish the context and to develop hypotheses about the situation. It can take substantial time to draft and pilot-test a questionnaire. Experiences of persons who are dealing with trafficked children, like social workers, shelter staff and health professionals should be used as resources in developing the questionnaires. Due to the complex nature of the phenomenon of child trafficking, it is recommended not to apply questionnaires as the only and central research tool, but to use it alongside a qualitative method to complement one another.

<b>Questionnaires - Advantages</b>	<b>Questionnaires – Disadvantages</b>
<ul style="list-style-type: none"><li>• Wide coverage</li><li>• Supply large amount of data, relatively low costs</li><li>• Easy to set up</li><li>• Pre-coded data, easy to analyze</li><li>• Elimination of "operator effects"<sup>31</sup></li></ul>	<ul style="list-style-type: none"><li>• Limited freedom of answers</li><li>• Lack of validation checks</li><li>• Incomplete answers</li><li>• Lack of interaction with respondents;</li><li>• Large number of non-responses</li></ul>

(IOM "Research Manual", 2004)

### 4.5.3.4. Interviews

In general, conducting interviews is one of the principal survey approach methods used in child trafficking research as the research questions are answered by detailed and in-depth information and the research design

<sup>31</sup> S. Chelcea, "Methodology of the sociological research", 2000

permits the reliance on fewer respondents. Interviews are best used when data collected is based on emotions, experiences and feelings. Interviews are more personal and therefore a suitable approach to sensitive issues. Interviews are also an information-gathering tool used supplementary to other collected data. Consequently, interview outcomes may amend or clarify information on questions raised from a previously implemented questionnaire (IOM Research Manual, 2004, Chapter 5).

The one-to-one interview is the most common form where one respondent and one interviewer come together. This method is convenient for topics of a sensitive nature since a trusting relationship is established between the interviewer and the respondent. The level of structure in one-to-one interviews can vary and differently categorized, according to the nature of questions contained in the guide and the degree of the interviewer's involvement in introducing the questions.

Thus, there are *structured interviews* where the pre-established interview guide is controlled and standardized to a very high extent, while *semi-structured interviews* are moderately guided and allow more freedom of answers. This type is of a very flexible nature. Issues may be rearranged during the course of the interview and leaves responses open-ended, a design that encourages respondents to provide more details.

In *unstructured interviews*, the researcher simply introduces the topic and the respondent is free to develop his/her own thoughts. This method is often used for highly complex topics where the approach is rather to discover than to verify (IOM Research Manual, 2004, Chapter 5)<sup>32</sup>.

<b><i>Categories of conducting interviews</i></b>
<ul style="list-style-type: none"><li>• Structured interviews</li><li>• Semi-structured interviews</li><li>• Unstructured interviews</li></ul>



To summarize, interviews have the benefit of in-depth and detail information, valuable insights, flexibility of the interview, and personal interaction with the respondent, possibility of catching –up the non-verbal behavior through the interview operator's observations.

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<sup>32</sup> These categories of structured, semi-structured and unstructured interviews are also valid for the conducting of FDGs.

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On the other hand, the procedure is time-consuming and costly process. Data has to be accurately prepared, transcribed and coded after the collection in order to analyze the outcome, data analysis is difficult to undertake because interviews produce non-standardized responses. Furthermore, the data produced is highly depending on the specific perception and identity of the researcher and be influenced by him or her. To some extent, an interview as well means a certain invasion into the privacy of the respondent, which can be discomforting.

Interviews- Advantages	Interviews - Disadvantages
<ul style="list-style-type: none"><li>• Depth and detail information</li><li>• Valuable insight</li><li>• Respondent's perspectives</li><li>• Flexibility</li><li>• Practical for sensitive issues</li><li>• In-depth collected data</li><li>• Control over participants</li><li>• Observing the non-verbal behavior</li><li>• Small number of non-responses</li></ul>	<ul style="list-style-type: none"><li>• Time-consuming</li><li>• Data-analysis</li><li>• Reliability</li><li>• Invasion of privacy</li><li>• High costs</li><li>• Absence of representation</li><li>• „Interview operator effect”</li></ul>

### 4.5.3.5. Interviews with victims of child trafficking

Obviously, information collected from professionals does not provide a complete picture of the children's trafficking experience. Hence, interviewing a victim of child trafficking is a big step into a highly sensitive area and must therefore be prepared with much due diligence. Before deciding upon this challenging method, the eligibility of the designed research must be assessed in terms of time scale, the structural framework, involved actors, financial resources etc. Furthermore, an intensive confrontation with the aforementioned ethical principles is required.

A number of factors must be considered concerning the preparation and procedure of the interviews. The important role and responsibility of the interviewer is stressed. Only special trained professionals should interrogate a child victim; they should have previous experience in interviewing children

and have a good, up-to-date knowledge of child trafficking and exploitation (AGIS 2005, *Development of a child rights methodology to identify and support child victims of trafficking*, Final Report).

Below is a comprehensive list of important principles and guidelines for interviewing child victims<sup>33</sup>:

### Interview guidelines and principles

- Minimize risks of reprisals on children
- Get oral/written consent of the interviewee
- Be aware of any trauma that the child might be experiencing
- Inform the child about the aim of the interview and how the provided information will be used
- Ensure anonymity and confidentiality
- Encourage child participation
- Make sure the child feels safe and supported during the interview
- Preparation of appropriate interview setting
- Clarify, if another person is present during the interview
- Decide upon the use of one-in-one- or group interviews
- Avoid asking direct and confrontational questions
- The purpose of the interview must be clarified in advance
- Ensure discretion
- Interviewers, data handlers and analysts should be thoroughly trained in the skills and techniques of interviewing children
- Take into account that every child/adolescent is unique and has unique story
- Ensure data protection

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<sup>33</sup>Some of the mentioned principles are already mentioned in former chapter, what underlines their significance in the light of a child-centered approach. Resources for this list is composed of a list of principles from ILO/UNICEF Child Trafficking Training Manual 2009 – Textbook 1 and taken out from materials of a conducted workshop within the Project RO2006/IB/JH 08.

- The interviewer shall build up a good rapport in the beginning of the interview and keep a strong element of trust
- Sensitive approach and patience to the abilities of the interviewee
- Use open-ended questions
- Age, gender, ethnicity, religion and other relevant factor shall be taken into account
- Make sure the child knows he/she can interrupt the discussion for any reason at all and at any time.

### 4.6. Drawing-up a study plan

Before a research study can be implemented, a study plan has to be set up outlining the overall concept and proposed implementation for the research study and thus builds the basis for the further effective development of the study. The study plan sets up the research design and describes operating procedures. It has to be well prepared in order to ensure the research itself produces valuable information. As to design a study plan, discussion within the research team, assessments and stakeholder meetings are helpful tools to review existing proposals and to receive recommendations. The final version of the study plan should go very much in detail regarding research methodologies and include additional components in order to assess feasibility, progress, impact and estimated costs (IOM Research Manual, Chapter 2).

The study plan is an important tool for communicating the relevance and the needed finances of the research project. Each component should be written in detail so as to demonstrate the strength of the research concept.

In short, the study plan should contain:

- Executing agency/organization
- The conceptual framework
- The research purpose and expected outcomes
- The research questions and key sources of information
- Terminology



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- The research methodology, e.g. FDGs, Interviews, secondary data analysis
- Data protection considerations
- The draft structure of the Final Study report
- Bringing the research questions into operation - guidelines on operating research methods
- Budget
- Timeframe
- Annexes, e.g.: Sample of Data sheet, research protocol



### Lessons learnt:

Research coordinators should be aware of allocating enough time for developing the conceptual framework and the detailed study plan. Depending on the composition of the research team involved in that process, it could take time to reach a common understanding of what the research purpose should be and how to translate it into the research questions. Especially when research from different national and/or cultural backgrounds are involved, enough time must be considered for finding a common understanding on expectations, definitions etc.

## 4.7. Setting up a research field team

Researchers should be carefully selected before the project begins as they are the key persons for a successful implementation. The selection shall be done according to certain criteria, such as: expertise in the field, educational background, professional experience and other skills (communication skills, flexible and sociable person). Informal criteria as personal characteristics and organizational skills should be considered as they may be significant to the quality of the research findings and contribute to an overall good co-operation during the process. In relation to child trafficking issues, these skills become even more crucial due to the sensitivity of the area. Even if selected researchers possess these qualifications, further trainings on specific research techniques and methods to apply the research tools for each research project are recommended.

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Interviewers and FDG-moderators have to be trained on the topic of the research and the guidelines properly. The training should cover the following aspects:

- Objective, final expected output and rules for conducting research with children;
- The tools to be applied;
- Selection criteria for respondents (in case there is not a previously defined list through sampling);
- Reporting information (interview notes; résumés, case studies etc).

It is recommended to hand over questionnaires and interview guidelines at least a few days prior to the training, so that Interviewers/moderators can comment on them or suggest improvements. The tools are ultimately finalized after the training.<sup>34</sup>



### Lessons learnt:

Examples of training received by the research team members:

- 2 research team members attended an internship course within the European Union Agency for Fundamental Rights in Vienna;
- 15 field team members received training in data collection and skills to apply research tools (focus group facilitators, conducting a questionnaire, interviewing rules for the purpose of research) ;
- 3 research team members attended a two-day course in order to learn or improve their knowledge on the analysis soft used in the field of social sciences, SPSS (Statistical Package for Social Science).

## 4.8. Standards for data protection

Maintaining highest standards of data protection is of utmost importance in the field of trafficking in human beings. Several state and non-state actors in Romania are involved in dealing with the prevention and fight against

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<sup>34</sup> Recommendations based on ILO Manual for Rapid Assessment 2003, p. 17

child trafficking, or fields relating to human/child rights protection, education and health, protection of and assistance to victims. In order to increase efficiency and effectiveness a better institutional cooperation, national and international, between agencies with responsibilities in the field is required. In many cases, trafficked persons, particularly children, are not aware of their rights under the data protection standards. Respect and independent supervision/monitoring of the way in which these rights are protected by the professionals, who at any time, come into contact with child victims, is crucial.

According to the Data Protection Framework Decision, 2008, *“personal data”* means *any information relating to an identified or identifiable natural person (“data subject”); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity”*. (Article 2 lit. a)

Regarding the protection of the right to privacy, when collecting and processing such data, the following general principles of data protection extracted from the existing European standards can be enumerated:

- Fair and lawful processing of personal data
- No processing of data without a legal, clearly defined basis
- Strict economy of data collecting
- Confidentiality of processing: ensure processing only by staff or on instruction of competent authorities
- Security of processing: ensure an appropriate level of technical and organizational measures to protect personal data
- Transparency of procedures, provide appropriate remedies and safeguards
- Establish an independent data protection authority for deciding on legal remedies and controlling/independent public supervisory authority for monitoring the application of the EC-Directives
- Effective penalties to be imposed in case of infringements of data protection provisions
- Transfer of personal data to a third country only if it ensures an adequate level of protection

Processing of the data shall be lawful and adequate, relevant and not excessive in relation to the purposes for which they are collected (principles of lawfulness and proportionality), meaning that personal data may be only:

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- Collected by a competent authority for specified, explicit and legitimate purpose in the framework of their tasks,
- Processed for the same purpose for which data were collected,
- Processed for historical, statistical or scientific purposes provided they are made anonymous.

The processing of personal data revealing particularly (but not exclusively) racial or ethnic origin, political opinions, religious or philosophical beliefs or trade-union membership and the processing of data concerning health or sex life “shall be permitted only when this is strictly necessary and when the national law provides adequate safeguards”. (Article 6, Council Framework Decision 2008)

Storage of collected personal data is only permitted as long as it is necessary in order to pursue the legitimate purposes provided for by law; afterwards they have to be erased or made anonymous and not traceable.

Furthermore, data protection standards include provisions on the quality of data, which should be correct, relevant and not excessive in relation to its purpose. Therefore, personal data shall be:

- Rectified, completed or updated if inaccurate,
- Erased or made anonymous when they are no longer required for the purposes for which they were lawfully collected or are lawfully further processed,
- Blocked instead of erased if there are reasonable grounds to believe that erasing could affect the legitimate interests of the data subject (and further processed only for the purpose which prevented their erasure);
- Not transmitted or made available if they are inaccurate, incomplete or no longer up to date.

Data subjects have specific individual rights to ensure their right to personal data protection; this applies equally to trafficked persons, including children. Any collection and processing of personal data, especially of sensitive data (e.g. on the trafficked person’s health status), strictly requires the unambiguous written consent of the individual and a corresponding State obligation to supply information about the purposes.

When dealing with children, the legal guardian has to be duly informed on the issue of consent and the predefined specific activity of data processing, taking into account also the principle of the best interests of the child. By way of derogation, in case information of the individual about data

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collection or processing in advance represents a threat to the legitimate aim pursued by the State, subsequent information shall be permitted.

Furthermore, every data subject shall have the right to be informed regarding the collection or processing of personal data, whether they have been rectified, completed or up-dated, by confirmation from the national supervisory authority.

The national law may provide measures restricting access, where such a restriction is necessary and proportional to avoid prevention, detection, investigation and prosecution of criminal offences or for the execution of criminal penalties.

In relation to the above State obligation, the data subject also has an individual right to rectification, erasure or blocking of incorrect data and a right to compensation for damage suffered as a result of an unlawful processing operation.

Trafficking in children is an extensive social phenomenon; a large variety of individuals are involved along its developing stages as well as in the victim identification and recovery processes: the minor victims, their parents or legal tutors, relatives and friends, anti-trafficking professionals (police officers, prosecutors etc.), child rights protection experts, educational and health specialists .

In order to protect the victims' right to privacy and physical and mental recovery as well as all the other rights to which a trafficking victim is entitled, the legislative instruments shall fully comply (*see the chapter on legislation*).

Therefore, all research should ensure voluntary participation of the targeted group in activities. In the case of research designed to involve minors, it is compulsory that the consent of the individuals as well as parents or tutors be obtained. Where the targeted group comprises children, information about the steps of the research shall be carried out through methods appropriate to their level of understanding and maturity.



The consent should provide information related to the purpose and objectives of the study, the responsible institution/institutions and the implications entailed by the participation in the research.



### Lessons learnt:

Within the recruitment study, due to the fact that the initial steps of the research are aimed at questioning former minor victims of trafficking in a semi-structural focused interview, (see Annex 5), two forms of consent were developed and given to the minor (see ANNEX 10) and his legal representative (see ANNEX 11).

## 4.9. Implementation of the research project

In previous chapters, different research methods have been presented according to their eligibility for the desired operating and output of the research. When it comes to the implementation of selected methods, technical guidelines for the procedure are of use.



### Lessons learnt:

In order to ensure the application of the research tools within the time frame and in accordance with the study plan, a good coordination and monitoring of the field team is required. Therefore, a detailed time and activity plan is recommended.

The time and activity plan within the study included daily scheduled activities:

- Setting up patterns in conducting questionnaires and selection criteria for running focus groups;
- Developing methodologies to use questionnaires and run focus groups;
- Getting in contact with the field team members and make the research tool application methodologies available to them for study;
- Contacting the participants and the respondents at territorial level;
- Enforcing the research tools at central and territorial levels;
- Supervision of the data collection;
- Centralization of tools by the research team members;
- Data electronic encryption and processing by using specific electronic programmes according to each type of research tool used.

### **4.9.1. Pilot test**

The choice of tools and corresponding categories of respondents is based on learning from the pilot-test that has to be carried out before starting the interviews. Especially when dealing with trafficked children, it is also necessary to learn about how the community of potential interviewees (maybe victims of child trafficking) is responding to the research (ILO Manual for Rapid Assessment 2003, p. 16).

### **4.9.2. Secondary data and information analyses**

With regard to child trafficking, the use of already existing data base from authorities (for instance police, child protection etc.), NGOs and other sources such as international organizations are recommended. This helps to identify existing trends and provide information about characteristics of the targeted group such as sex, age, level of education, location where trafficking occurred, routes of trafficking etc. When data from existing data bases are used, enough time shall be allocated in order to clarify the formal procedures on how to get permission and access to these data bases.



#### **Lessons learnt:**

ANITP research team made use of the SIMEV centralized statistical data as well as the data already existing in previous child trafficking related reports.

### **4.9.3. Focus Group Discussions (FGD)<sup>35</sup>**

Briefly, the procedure contains the following steps:

- Identifying and training moderators
- Building up the interview guide
- Selecting an appropriate location
- Recruiting participants

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<sup>35</sup>This information resulted from the workshop materials within Activity A.3.2 of the RO2006/IB/JH 08 Project.

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- Establishing the organizational details and groups' schedule
- Defining the time frame (2 to 3 hours)
- Introducing the participants
- Explaining the purpose
- Explaining the time frame and ensuring the confidentiality
- Starting the discussion
- Keeping records
- Reviewing the discussion
- Preparing and analyzing data
- Reporting

The moderator should have interviewing and mediation skills. He/she leads the discussion, keeps the conversation flowing and makes notes. At best, a second moderator shall be present to take comprehensive notes and handle the environmental conditions and any technical problems that may arise (keeping track of time, making participants comfortable and recording the conversation).

The moderator acts neutrally and does not take any position. It is not his or her role to resolve any issue, criticize or evaluate responses or resolve any controversial issues. After having conducted a number of focus group discussions, the next step is the transcription of the discussions with a summary of the findings in a compilation sheet, organizing the findings per topic for each category, organizing the information logically, according to the interview guide or the ability of the person that transcribes the data. This is to be followed by the systematic comparison between all groups on all topics, outlining major findings and report them in the FDG narrative.



### Lessons learnt:

It is highly recommended to make sure that certain practical standards are followed, such as:

- Proper training of moderators based on guidelines for carrying out the FDG;
- Recording all FDG discussion;
- Unified standards for transliteration of recorded FDG.





Recording of each FGD and highly detailed reports made by moderators are recommended.

### **4.9.4. Interviews**

As the interviewer is usually concentrated on the respondent during the process of questioning, his/her memory alone is not sufficiently reliable for research. Typical forms of record keeping are field notes, audio records and video records<sup>36</sup>. Besides the task of guiding the interview, interviewers should monitor the interview progress, keep track of the time and make sure all relevant issues are covered.

Interview transcription is an essential part of the data collection method and at the same time a highly time-consuming and extensive work. As soon as the interview has been transcribed, it should be shared with the respondent allowing him/her to verify that the written information corresponds to what was orally said. For publications, extracts should be used to support a certain point or illustrate a certain finding. When using extracts, it has to be sure that the interviewee's name is not disclosed, but at the same time sufficient and/or relevant background information of the person are provided.

### **4.9.5. Inquiry based on questionnaires**

Some relevant considerations mentioned here regard the choice of the tool, the level of representation and sampling criteria.

Concerning the **level of representation** the statistical problems were already discussed under sub-chapter 4.5.

Depending on the nature of the research, a clearly defined group of respondents or even the entire population can be included in the research.

If the research coordinators decide not to apply questionnaires to the entire population a sample has to be chosen according to scientific standards.

The most frequently used research tool is the standardized questionnaire with a variety of applications: either through a face-to face interview or in

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<sup>36</sup>For more detailed information about the different record methods is referred to the IOM Research manual 2004, p. 87f.

written form by mail, electronic mail or telephone etc. Researchers should be aware of the usual limitations when applying written questionnaires (low level of returned questionnaires). This can be solved by asking the assistance of regional/local authorities which can act as intermediaries by distributing questionnaires to the targeted groups in the area.

Another possibility would be to hire a professional opinion poll institute and outsourcing the survey.



### Lessons learnt:

Later in the research process the questionnaires were developed (see Annex 8 – model of questionnaire applied in “Child trafficking. Study on the recruiting process”) based on the FGDs. Over 1200 questionnaires were applied and 100 % were returned which is indeed a remarkable result based on the average return flow of questionnaires in surveys of 15 %.

This high return rate results from the fact that the regional centers of ANITP functioned as the main distributors of the questionnaires to the experts in their region. Since the work of the regional centers is based on a cooperative framework, with stakeholders this might have motivated experts to respond to the questionnaires.

In addition, four different methods were used for applying the questionnaires to the experts:

- 1) Direct contact to respondents and personal interview;
- 2) Questionnaires sent out by electronic mail;
- 3) Questionnaires sent out through post mail;
- 4) Telephone interviews.

## 4.10. Processing and interpretation of data

Different methods and software are chosen for processing qualitative and quantitative data.

Before choosing specific, software, it is necessary for the research team to familiarize themselves with the options and limitations of these programs. Usually programs for processing qualitative data are designed for analyzing rather semi-structured or in-depth interviews than, for instance, focus group discussions.

Interpretation should be done by the research team using appropriate methods familiar to all members in the team, according to scientific “state-of-art” procedures.



Interpretation of qualitative data is flexible and closely related to the analyzing and synthesizing capacity of the team members.



### Lessons learnt:

The study used the MAXqda program (professional text analysis and the management of knowledge) in order to evaluate the focus group reports and the SPSS program (Statistical Package for Social Sciences), to process and interpret the applied questionnaires.

## 4.11. Drawing up the study report

Once all methods are fully implemented, the research process is not completed until the findings are written into a study report. The study report is the main means of communicating the findings and disseminating them to the large public and the concerned institutions.

Drawing up the study report is a crucial step of the research process and has to be well guided and prepared. Four stages can be arranged:

- Planning
- Drafting
- Writing
- Proof-reading

It is essential to set up a time table even before the planning process as to ensure the execution of all the four stages mentioned above. The writing style of the study report shall be in accordance with the objective and purpose of the research: the research has been designed analytically, expository or in order to share and promote particular perceptions<sup>37</sup>. Additionally, the writing style also depends on where the study is intended to be published and the targeted audience.

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<sup>37</sup>For further information the author refers to the IOM, Research Manual, 2004, Chapter 7.

The framework of the study report should contain the following sections:

### Report Study Design

- Title, authors, organizations involved
- Abstract, Acknowledges
- Table of contents
- Executive summary
- Introduction
- Background information and context
- Justification and Purpose of the study
- Methods and research process
- Presentation of research findings
- Discussion and analysis of research findings
- Conclusions, lessons learned and recommendations
- Bibliography
- Annexes

The report writing constitutes the most essential part; it is the key for widening the knowledge base of the chosen topic. In the context of the child trafficking, every study report and research is an added value to understand its characteristics and trends.



Key findings and lessons learnt are component parts of the study report.

### 4.12. Follow up

The aim of this stage is to establish further actions. This includes the dissemination of the study report, reporting and presentations of conclusions to policy makers, concerned and responsible institutions in the field, as well as the media. Follow-up activities are crucial to ensure the

sustainable impact of the research purposes and objectives. In case of human/child trafficking, findings can be used in stockholder trainings, in school curricula. Also, guidelines for professionals and others can be introduced into National Action Plans to improve or/and supplement objectives. Impact assessments can be done to analyze lasting benefits of significant changes in people's live- positive or negative, intended or not-given by previous or further actions (Save the Children, *Child Rights Programming*, 2005). Unfortunately, research projects are frequently designed in a way so that the closing activity is the study report, without strategies or financial and time resources for a follow-up. Thus, there is a risk that many of the findings shall not have the expected impact and shall eventually lead to a waste of the previous efforts.

### 4.13. Monitoring and Evaluation

Monitoring and evaluation are essential elements to control the quality of research projects, including child trafficking studies, and ensure that all activities are according to the plan and achieve the desired result, constantly taking into account the child's best interest during the process (ILO/UNICEF Training Manual, Textbook 3).

Monitoring should take place during the research implementation in order to ensure consistent methods, since activities and measures taken can take several different forms. It can be done by mandated institutions, by those who implement the research activities, or by the project beneficiaries themselves. The aim of the monitoring process is to make sure the implementation occurs under favorable conditions according to the primary concept and provides expeditious solutions for changes in case emerging needs are identified.

In the child trafficking case, the overall-welfare of children involved and their best interests should be constantly monitored in order to avoid further trauma and ensure that their rights are protected (for more details see chapter 3).

The monitoring responsibility and the means to be used shall be decided upon at the very beginning of the research.

Evaluation is carried out at the end of the research process. It is best carried out by independent external evaluators who may have basic knowledge about the addressed issue but are not linked in any way to the project. Evaluation should consider the following aspects:

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- Has the purpose of the project been achieved?
- Have available resources (time, funds, personnel, materials) been used to a good effect?
- Has the project achieved relevant changes in terms of human/child trafficking?
- Has the initiative been the right one to undertake? Has the project been well designed?
- Has the project had the intended cause and effect? Has the problem accurately addressed?
- Have there been any unanticipated surprises during the implementation?
- Could something have been more effective if done differently?
- Are the results sustainable?

The evaluation should be entirely honest, and reflect lessons learned from both good and bad experiences as.





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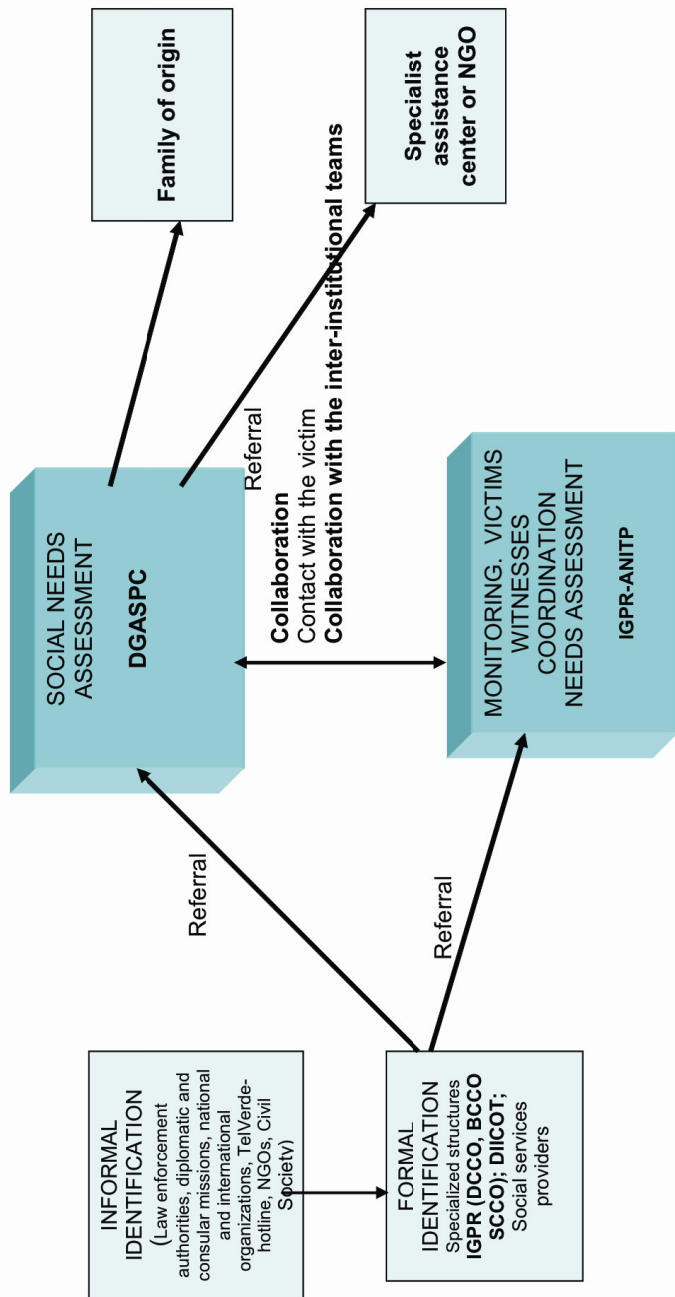


# ANNEXES



# 6. ANNEXES

ANNEX 1  
**DIAGRAM OF IDENTIFICATION, REFERRAL AND ASSISTANCE OF VICTIMS OF TRAFFICKING**





## ANNEX 2 SIMEV STATISTICS

<u>REPORTING OF MINOR VICTIMS OF TRAFFICKING IDENTIFIED IN 2007</u> TOTAL: 292 <sup>38</sup>	<u>REPORTING OF MINOR VICTIMS OF TRAFFICKING IDENTIFIED IN 2008</u> TOTAL: 186	<u>REPORTING OF MINOR VICTIMS OF TRAFFICKING IDENTIFIED DURING 01.01.2009-30.09.2009</u> TOTAL: 94
<b>1.AGE :</b> minors : 292of whom : 255 females 37males	<b>1.AGE:</b> minors 186of whom:163 females 23 males	<b>1.AGE :</b> minors: 94 of whom : 66 females 28 males
<b>2. PLACE OF ORIGIN:</b> 147 – rural 143 – urban 2 – capital city	<b>2. PLACE OF ORIGIN:</b> 91 – rural 87 – urban 6 – capital city 2 – not known	<b>2. PLACE OF ORIGIN:</b> 48 – rural 45 – urban 1 – capital city
<b>3. COUNTY OF ORIGIN:</b> 22 – MEHEDINTI 21 – IASI 18 – GALATI 16 – ARGES 15 – BRASOV, BUZAU 13 – PRAHOVA 12 – DOLJ 11 – VASLUI 10 – GORJ, DIMBOVITA 9 – ALBA, BOTOSANI, CONSTANTA, NEAMT 8 – TIMIS, GIURGIU, IALOMITA, CALARASI	<b>3. COUNTY OF ORIGIN:</b> 18 – IASI 13 – GALATI 12 – DOLJ 10 – CONSTANTA, ARGES 9 – BOTOSANI 8 – CLUJ, BRAILA 7 – HUNEDOARA, VASLUI, ALBA 6 – BUCURESTI 5 – CALARASI, TULCEA 4 – TIMIS, GIURGIU, IALOMITA, BACAU, BUZAU, BIHOR, BRASOV, PRAHOVA, SIBIU 3 – MURES, OLT, TELEORMAN	<b>3. COUNTY OF ORIGIN:</b> 9 – IASI 8 – BACAU 7 – OLT, CONSTANTA 5 – DIMBOVITA, ARGES, DOLJ 4 – GORJ, BOTOSANI 3 – SUCEAVA, IALOMITA, VASLUI, PRAHOVA, SIBIU, BRASOV, TULCEA 2 – CLUJ, MURES, BRAILA, NEAMT 1 – VRANCEA, GALATI, BIHOR, MEHEDINTI, MARAMURES, BUCURESTI, HUNEDOARA, CARAS- SEVERIN, SATU-MARE, CALARASI, TIMIS

<sup>38</sup> For some indicators the difference to the total for each period under reference can be explained by the existence of multiple situations (e.g. re-trafficking cases, victims with several types of abuse or exploitation)

<p>6 – MURES  5 – BACAU, BIHOR, TELEORMAN  4 – ARAD, BRAILA, SUCEAVA, CLUJ  3 – OLT, SALAJ, MARAMURES  2 – BUCURESTI, CARAS-SEVERIN, TULCEA, COVASNA, ILFOV  1 – VALCEA, SIBIU, VRANCEA, BISTRITA-NASAUD, HUNEDOARA</p>	<p>2 – NEAMT, ARAD, MEHEDINTI, SUCEAVA  1 – CARAS-SEVERIN, VALCEA, SATU-MARE, DIMBOVITA, MARAMURES, VRANCEA, BISTRITA-NASAUD  1 –foreign national</p>	
<p><b>4. EDUCATION(schooling years):</b>  172 – 5-8 grades  69 – 9-12 grades  39 – 1-4 grades  7 – vocational school  6 – no formal schooling</p>	<p><b>4. EDUCATION (schooling years):</b>  101 – 5-8 grades  42 – 9-12 grades  23 – 1-4 grades  14 –no formal schooling  4 – vocational school  2 –not known</p>	<p><b>4 EDUCATION (schooling years):</b>  52 – 5-8 grades  19 – 1-4 grades  14 – 9-12 grades  6 – no education  3 – vocational school</p>
<p><b>5. RECRUITING METHOD:</b>  207 –false promises  48 – job offers  20 – kidnapping  11 – bogus marriage  6 – newspaper ads</p>	<p><b>5. RECRUITING METHOD:</b>  124 – false promises  46 – job offers  11 – kidnapping  4 – newspaper ads  1 – not known  1 – bogus marriage</p>	<p><b>5. RECRUITING METHOD :</b>  24 – job offer abroad  19 – others  12 – begging  11 - prostitution  10 – job offer in the country  6 –kidnapping  5 – travel  4 – bogus marriage  2 - adoption  1 – treatment</p>
<p><b>6. TYPE OF EXPLOITATION:</b>  21 –LABOR of whom  - 16 agriculture  - 4 constructions  - 1 hotel services</p>	<p><b>6. TYPE OF EXPLOITATION:</b>  20 –LABOR of whom - 20  agriculture  137 – SEXUAL of whom - 35  dwellings</p>	<p><b>6. TYPE OF EXPLOITATION:</b>  8 –LABOR of whom - 8  agriculture  55 – SEXUAL of whom - 7 clubs  - 25 streets</p>

<p>220 – SEXUAL of whom - 89 dwellings - 83 streets - 34 clubs - 14 hotels - 1 brothels</p> <p>35 – BEGGING 5 – FORCED INTO CRIMINAL ACTIVITIES (THEFT) 5 – ATTEMPT 4 – CHILD PORNOGRAPHY 2 – INTERNET PORNOGRAPHY</p>	<p>- 47 streets - 37 clubs - 12 hotels - 10 brothels</p> <p>12 – UNSPECIFIED 10 –BEGGING 4 - FORCED INTO CRIMINAL ACTIVITIES (THEFT) 2 – CHILD PORNOGRAPHY 1 – INTERNET PORNOGRAPHY</p>	<p>-21 dwellings - 2 hotels</p> <p>18 – BEGGING 5 – UNSPECIFIED 4 – FORCED INTO CRIMINAL ACTIVITIES (THEFT) 2 – ORGAN TRADE 2 – CHILD PORNOGRAPHY</p>
<p><b>7. DESTINATION OF EXPLOITATION:</b></p> <p><b>129 - ROMANIA</b> (107 sexual, 12 begging, 4 labor, 4 child pornography, 2 internet pornography)</p> <p><b>98 - ITALY</b> (70 sexual, 16 begging, 5 labor, 4 theft, 3 unspecified)</p> <p><b>32 - SPAIN</b> (22 sexual, 6 labor, 3 begging, 1unspecified)</p> <p><b>7 – NETHERLANDS</b> (7 sexual)</p> <p><b>5 - FRANCE, the CZECH Republic</b> (3 sexual, 2 begging/5labor)</p> <p><b>4 - GERMANY, GREECE</b> (3 sexual, 1 begging/3 sexual, 1 labor)</p> <p><b>3 - AUSTRIA, GREAT BRITAIN</b> (1 theft, 1 begging, 1 sexual/3 sexual)</p> <p><b>2 - MACEDONIA, TURKEY, PORTUGAL</b> (2 sexual/2 sexual/2 sexual)</p>	<p><b>7. DESTINATION OF EXPLOITATION:</b></p> <p><b>93 –ROMANIA</b> (75 sexual, 6 unspecified, 5 begging, 2 theft, 2 labor, 2 child pornography, 1 internet pornography)</p> <p><b>31 –ITALY</b> (29 sexual, 2 unspecified)</p> <p><b>25 –SPAIN</b>(11 sexual, 11 labor, 2 begging, 1theft)</p> <p><b>8 –GREECE</b> (4 sexual, 3 labor, 1 begging)</p> <p><b>5 – GREAT BRITAIN, GERMANY</b> (5 sexual/4 sexual, 1 unspecified)</p> <p><b>3 – not applicable</b></p> <p><b>3 – PORTUGAL, FRANCE</b> (2 sexual, 1 theft/1 sexual, 1 labor, 1begging)</p> <p><b>2 –AUSTRIA, NETHERLANDS, CZECH Republic, BELGIUM</b> (2 sexual/2 sexual/2 labor/1 sexual, 1begging)</p> <p><b>1 – TURKEY, DANMARK, CYPRUS</b> (1</p>	<p><b>7. DESTINATION OF EXPLOITATION:</b></p> <p><b>57 – ROMANIA</b>(34 sexual, 11 begging, 3 labor, 3theft, 2 not applicable, 2 organ trade, 2 child pornography)</p> <p><b>14 –ITALY</b> (10 sexual, 2begging, 1 labor, 1 unspecified)</p> <p><b>9 – SPAIN</b> (3labor, 3 sexual, 2 begging, 1unspecified)</p> <p><b>6 –GREECE</b> (2 sexual, 2 begging, 1labor, 1unspecified)</p> <p><b>5 –FRANCE</b> (5 sexual)</p> <p><b>2 – NETHERLANDS, GREAT BRITAIN</b> (2 sexual/1 sexual, 1theft)</p> <p><b>1 – IRELAND, GERMANY</b> (1 sexual/1 begging)</p> <p><i>*11 persons trafficked in more than one country</i></p>

<p>2 – not applicable 1 - CROATIA (1 sexual)</p> <p><i>* 33 persons trafficked in more than one country</i></p>	<p>sexual/1 sexual/1labor)</p> <p><i>* 6 persons trafficked in more than one country</i></p>	
<p><b>8. ABUSES SUFFERED:</b></p> <p>122 - emotional 71 – physical 49 – sexual 16 – debt bondage / financial penalties 14 –withholding and destruction of documents 9 – isolation, confinement 8 – not applicable 4 – deprivation of water, food, hygiene and recovery facilities</p>	<p><b>8. ABUSES SUFFERED:</b></p> <p>56 – emotional 39 – sexual 39 – physical 18 – debt bondage / financial penalties 11 – isolation, confinement 9 – withholding and destruction of documents 9 – deprivation of water, food, hygiene and recovery facilities 7 – not applicable 1 – not known</p>	<p><b>8. ABUSES SUFFERED:</b></p> <p>32 – emotional 26 – physical 13 – sexual 10 – debt bondage / financial penalties 7 – not applicable 3 – withholding and destruction of documents 3 – isolation, confinement</p>
<p><b>9. STANDING OF VICTIMS IN TRIAL :</b></p> <p>225 – injured party 47 – witness 20 – non-involved</p>	<p><b>9. STANDING OF VICTIMS IN TRIAL:</b></p> <p>133 – injured party 43 – witness 7 – non-involved 3 –not known</p>	<p><b>9. STANDING OF VICTIMS IN TRIAL:</b></p> <p>75 – injured party 16 - witness 2 – not known 1 – non -involved</p>
<p><b>10. RETURNED:</b></p> <p>267 – no 12 – foreign authorities 10 – international organization 2 – NGO 1 –not applicable</p>	<p><b>10. RETURNED:</b></p> <p>122 –no 57 –not applicable 4 – embassy 2 – foreign authorities 1 – international organization</p>	<p><b>10. RETURNED:</b></p> <p>51 –not applicable 39 –no 2 – foreign authorities 1 – embassy 1 – international organization</p>

<p><b>11. REFERRAL TO:</b>  132 – refuse assistance  104 – public institution  30 – family of origin  19 –NGO  6 – protected witness  1 –not known</p>	<p><b>11. REFERRAL TO:</b>  83 –public institution  75 – refuse assistance  16 – family of origin  8 – NGO  4 – protected witness</p>	<p><b>11. REFERRAL TO:</b>  45 – public institution  29 – refuse assistance  14 – family of origin  4 – NGO  1 – not known  1 – witness protection program</p>
<p><b>12. AGE GROUP:</b>  Under 6 years – 1  7- 9 years – 3  10 -13 years – 19  14 -17 years – 269.</p>	<p><b>12. AGE GROUP:</b>  Under 6 years – 2  7-9 years – 1  10-13 years – 10  14-17 years – 174</p>	<p><b>12. AGE WHEN TRAFFICKING STARTED:</b>  Under 6 years -1  7-9 years -4  10-13 years-8  14-17 years -81</p>

**ANNEX 3**

**Extract from  
Recommended Guidelines on Human Rights and  
Human Trafficking, 2002, p.7-8**

**Guideline 3: Research, analysis, evaluation and dissemination**

**Effective and realistic anti-trafficking strategies must be based on accurate and current information, experience and analysis. It is essential that all parties involved in developing and implementing these strategies have and maintain a clear understanding of the issues.**

**The media has an important role to play in increasing public understanding of the trafficking phenomenon by providing accurate information in accordance with professional ethical standards. States and, where appropriate, intergovernmental and non-governmental organizations should consider:**

1. Adopting and consistently using the internationally agreed definition of trafficking contained in the Palermo Protocol.<sup>39</sup>
2. Standardizing the collection of statistical information on trafficking and related movements (such as migrant smuggling) that may include a trafficking element.
3. Ensuring that data concerning individuals who are trafficked is disaggregated on the basis of age, gender, ethnicity and other relevant characteristics.
4. Undertaking, supporting and bringing together research to trafficking. Such research should be firmly grounded in ethical principles, including an understanding of the need not to re-traumatize trafficked persons. Research methodologies and interpretative techniques should be of the highest quality.

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<sup>39</sup> The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime, defines trafficking in persons as: "... the recruitment, transportation, transfer, harboring 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs (article 3 (a)). The Protocol further states that the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth above (article 3 (c)).

5. Monitoring and evaluating the relationship between the intention of anti-trafficking laws, policies and interventions, and their real impact. In particular, ensuring that distinctions are made between measures which actually reduce trafficking and measures that may have the effect of transferring the problem from one place or group to another.

6. Recognizing the important contributions that survivors of trafficking can, on a strictly voluntary basis, make to developing and implementing anti-trafficking interventions and evaluating their impact.

7. Recognizing the central role that non-governmental organizations can play in improving the law enforcement response to trafficking by providing relevant authorities with information on trafficking incidents and patterns taking into account the need to preserve the privacy of trafficked persons.

**ANNEX 4****Extract from****Committee on the Rights of the Child****Fifty – first session, Geneva, 25 May – 12 June 2009****GENERAL COMMENT No. 12 (2009)****The right of the child to be heard, p. 29-31****D. Basic requirements for the implementation of the right of the child to be heard**

132. The Committee urges States parties to avoid tokenistic approaches, which limit children's expression of views, or which allow children to be heard, but fail to give their views due weight. It emphasizes that adult manipulation of children, placing children in situations where they are told what they can say, or exposing children to risk of harm through participation are not ethical practices and cannot be understood as implementing article 12.

133. If participation is to be effective and meaningful, it needs to be understood as a process, not as an individual one-off event. Experience since the Convention on the Rights of the Child was adopted in 1989 has led to a broad consensus on the basic requirements which have to be reached for effective, ethical and meaningful implementation of article 12. The Committee recommends that States parties integrate these requirements into all legislative and other measures for the implementation of article 12.

134. All processes in which a child or children are heard must be:

- (a) Transparent and informative - children must be provided with full, accessible, diversity sensitive and age-appropriate information about their right to express their views freely and their views to be given due weight, and how this participation will take place, its scope, purpose and potential impact;
- (b) Voluntary - children should never be coerced into expressing views against their wishes and they should be informed that they can cease involvement at any stage;
- (c) Respectful - children's views have to be treated with respect and they should be provided with opportunities to initiate ideas and activities. Adults working with children should acknowledge, respect and build on good examples of children's participation, for instance, in their contributions to the family, school, culture and the work environment. They also need an understanding of the socio-economic, environmental and cultural context of children's lives. Persons and



- organizations working for and with children should also respect children's views with regard to participation in public events;
- (d) Relevant - the issues on which children have the right to express their views must be of real relevance to their lives and enable them to draw on their knowledge, skills and abilities. In addition, space needs to be created to enable children to highlight and address the issues they themselves identify as relevant and important;
  - (e) Child-friendly - environments and working methods should be adapted to children's capacities. Adequate time and resources should be made available to ensure that children are adequately prepared and have the confidence and opportunity to contribute their views. Consideration needs to be given to the fact that children will need differing levels of support and forms of involvement according to their age and evolving capacities;
  - (f) Inclusive - participation must be inclusive, avoid existing patterns of discrimination, and encourage opportunities for marginalized children, including both girls and boys, to be involved. Children are not a homogenous group and participation needs to provide for equality of opportunity for all, without discrimination on any grounds. Programs also need to ensure that they are culturally sensitive to children from all communities;
  - (g) Supported by training - adults need preparation, skills and support to facilitate children's participation effectively, to provide them, for example, with skills in listening, working jointly with children and engaging children effectively in accordance with their evolving capacities. Children themselves can be involved as trainers and facilitators on how to promote effective participation; they require capacity-building to strengthen their skills in, for example, effective participation awareness of their rights, and training in organizing meetings, raising funds, dealing with the media, public speaking and advocacy;
  - (h) Safe and sensitive to risk - in certain situations, expression of views may involve risks. Adults have a responsibility towards the children with whom they work and must take every precaution to minimize the risk to children of violence, exploitation or any other negative consequence of their participation. Action necessary to provide appropriate protection will include the development of a clear child-protection strategy which recognizes the particular risks faced by some groups of children, and the extra barriers they face in obtaining help. Children must be aware of their right to be protected from harm and know where to go for help if needed. Investment in working with families and communities is important in order to build understanding

- of the value and implications of participation, and to minimize the risks to which children may otherwise be exposed;
- (i) **Accountable** - a commitment to follow-up and evaluation is essential. For example, in any research or consultative process, children must be informed as to how their views have been interpreted and used and, where necessary, provided with the opportunity to challenge and influence the analysis of the findings. Children are also entitled to be provided with clear feedback on how their participation has influenced any outcomes. Wherever appropriate, children should be given the opportunity to participate in follow-up processes or activities. Monitoring and evaluation of children's participation needs to be undertaken, where possible, with children themselves.

## ANNEX 5

## Research purposes and conceptual framework – general presentation

Extract from the study plan: “Child Trafficking in Romania. Study on the recruiting process”

		Conceptual framework							
Research purposes:	Expected outcomes:	Over-arching concepts and considerations: * Child rights approach (right holder/duty bearer), international/CoE standards * EU acquis * Romanian national legislation							
1) Improved understanding of child trafficking	* Identify new trends/ emerging issues * Improved identification of vulnerable groups	=> Focus on: <u>Internal /domestic trafficking</u>	=> Focus on: <u>Recruitment, including:</u>	<ul style="list-style-type: none"> <li>• Recruitment process</li> <li>• Recruitment methods</li> <li>• Link between recruitment and forms of exploitation</li> </ul>	<i>Independent variables:</i>				
						Relevant influential factors:			
						<i>Views of the Child</i>	<i>Impact of social environment</i>		* Gender
						* expectations/ opportunities	*role of the family		* Age groups
						* information/ level of understanding	* peer group		* Socio-economic situation of families
						* pressure from outside	* school		* Situation of Roma
						* manipulation	* local community		* National/regional dimension
	* police		* Urban/rural dimension						

				* church		* Education/years of schooling
				* media		* Prevalence of violence/abuse
<b>2) Improved prevention of child trafficking</b>	* better targeted prevention strategies					
<b>3) Basis for further research</b>	* Research Agenda developed (for ANITP and beyond)					
<b>4) Improving research capacity of ANITP</b>	* Improved data collection, indicators					

**ANNEX 6****GUIDE FOR INTERVIEWING A MINOR VICTIM OF TRAFFICKING**

- **Living conditions prior to trafficking**
  - a. Family background
  - b. Peers
- **Personal acquisitions and aspirations**
  - a. Educational status
  - b. Independent life skills
  - c. Level of knowledge/understanding of life and working conditions abroad, trafficking in children etc...
  - d. Existence of a life strategy (e.g. desire to escape the family, to leave the community, country etc..., desire for personal autonomy and financial independence)
  - e. Risk taking
- **Premise of recruitment/ circumstances under which trafficking occurred**
  - a. Conditions in which the offer was made (existence of the intent to leave, motivations, opportunities)
  - b. Nature of offer made by a third party (attractiveness of the offer, foreseen benefits from the victim's perspective)
  - c. What needs, expectations, problems, and difficulties did the offer meet /respond to?
  - d. What methods were used to accept the offer/offers made (pressure, manipulation, and coercion)?
  - e. Decision-making mechanism
- **Social actors in recruitment**
  - a. Identification of key actors in the recruiting process (social status, relation to the victim)
  - b. The role played by each of these actors
  - c. Victim's role in recruitment (active/passive)
- **Stages in the recruiting process**

Describing the steps of the recruitment since the problem/intent/offer showed up to departure time, in the light of the victim's trafficking experience

## ANNEX 7

## FOCUS GROUP DISCUSSION

## Topic: Recruitment of minors into trafficking

## Group interview guide

- **Living conditions of minors victims before trafficking**
  - a. Family background
  - b. Peers
  - c. Regional socio-economic situation
- **Personal acquisitions and aspirations of child victims of trafficking**
  - a. Educational status
  - b. Independent life skills
  - c. Level of knowledge/understanding on life and working conditions abroad, trafficking in children etc...
  - d. Existence of a life strategy (e.g. desire to escape the family, to leave the community, country, etc..., desire for personal autonomy and financial independence)
  - e. Risk-taking capacity
- **Pre-requisites of recruitment/ circumstances under which trafficking occurred**
  - a. **Conditions** in which the offer was made (existence of the intent to leave, motivations, opportunities, etc)
  - b. **Nature** of offer made by a third party (attractiveness of the offer, foreseen benefits from the victim's perspective)
  - c. What **needs, expectations, problems, and difficulties** does the offer generally meet /respond to?
  - d. What **methods** were used to accept the offer/offers made (pressure, manipulation, and coercion)
  - e. Decision-making mechanism
- **Social actors in recruitment**
  - a. Identification of key actors in the recruiting process (social status, relation to the victim)
  - b. The role played by each of these actors
  - c. Victim's role in recruitment (active/passive)

- **Stages in the recruiting process**

Describing the steps of the recruitment since the problem/intent/offer showed up to departure time, in the light of the victim's trafficking experience

## **Methodology for the application of the discussion guide**

### **I. Main points to be followed by the organizers of focus groups (FGD)**

Participants to FGD shall be specialists with child trafficking specific knowledge acquired either through involvement into child life due to the nature of their work (teaching staff, doctors or priests etc.) or as informed individuals (representatives of competent authorities dealing with child victims of trafficking (CVoT)).

Therefore, the Group should comprise representatives of the following institutions:

- Police (from various departments at county or other level, particularly the organized crime fighting units);
  - Public prosecution;
  - Educational system (teachers, school counselors);
  - Directorate General for Social Assistance and Child Protection (DGASPC);
  - the church
  - the media
  - NGOs working in the field of protection of and assistance to CVoT (including related fields, such as NGOs working with street children).
- a. The optimum number of FGD members is 8 (minimum 6, maximum 10).
  - b. The average duration of the discussion is 2 hours.
  - c. The ideas expressed during the discussions can be recorded on tape or in writing by a second person – other than the moderator – in the FGD report.

Prior to the interview, the moderator should inform the participants of the following aspects:

- Nature and objectives of the study (Child Trafficking in Romania – the recruiting process);
- Who is undertaking the study (ANITP, MAI)

- FGD organization (explaining the recording procedure<sup>40</sup> or the role of the two persons present: one asking the questions, the other writing down the answers);
- Confidentiality (the data received during the FGD shall be used for analysis purposes only; certain information shall not be related to names of specific individuals – victims, specialists);
- Legal issues (operational data/ of police interest should be reported for further investigations);
- Data storage (copies of the documents – transcripts of the discussions shall be kept for 2 years as provided by the law and kept in a special and secure place).

## II. FGD moderation

1. **Discussion shall focus on victims' life prior to trafficking.**
2. In order to obtain comprehensive answers to the research questions, a complete going through the guide and detailed description of all the above mentioned aspects is recommended.

Hence, it is recommended that each chapter be generically dealt with using open questions in order to encourage participants to voice their knowledge and opinions openly and freely.

In case the information provided by the participants does not cover every topic, additional questions adapted to the specific case shall be asked.

3. The moderator should encourage free expression of opinions and enable participants to maintain their views even on controversial issues by keeping an equidistant attitude and, most importantly, efficiently managing the discussion timeframe so that all topics are covered. The moderator's role is to bring the discussion back within the topic limits and prevent other participants from monopolizing the discussion
4. With regard to the contents of the discussion guide, the following 5 key dimensions were identified as relevant to a better understanding of the recruiting process and its circumstances:

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<sup>40</sup> The moderator has the option to either audio record the discussion, having obtained the participants' consent or, for the lack of the technical equipment and the participants' refusal, FGD shall be carried out by two specialists: the moderator asking the question and conducting the discussion and the assistant moderator writing down the answers.



- Personal acquisitions and aspirations
- Key contributing factors (internal/external) to recruitment
- Social actors with a significant role (abusive and/or protective) in the recruitment
- Stages in the recruiting process

### 1. Living conditions of the victim prior to recruitment

This discussion aims to enable a better understanding of the **victim's situation prior to the actual recruitment**. Here, the emphasis should be placed on the circumstances "paving the way" to child trafficking.

All questions asked should consider the socio-demographic and economic characteristics of the region where the FGD takes place.

At this point, it is necessary to obtain information related to:

- Main sources of income, unemployment situation in the area/region, particularly within the families the victims come from;
- The typical family structure (mononuclear/single parent/ migratory patterns/ role of the extended family/average number of members in a household);
- Existing family problems (violence – types of violence, alcohol abuse, lack of finances, health problems, divorces, deaths etc.); difficulties confronted with by children not living at home when recruited;
- Social life and integration (recreational opportunities for young people or isolation of specific youth groups);
- Education (types of educational units in the area, average level of education of victims' parents and trafficked children);
- Mobility (accessibility of public transportation in the area).

In order to understand the circumstances the recruitment occurred and the nature/peculiarities of the offer, **recruitment contributing factors**, both internal – relating to the victim's desires and expectations – and external, should be pointed out as much as possible.

### 2. Personal acquisitions and aspirations of child victims of trafficking

This section addresses the role of the children and their capacity to respond and aims to obtain the views of adult experts in relation to children's abilities to assess risks and opportunities and take their own decisions, e.g. to leave the country.

The role played by the victims should also be discussed, to what extent they are aware of what is happening to them, or otherwise said, to what extent are they “masters” of their own lives.

It is significant to understand the adults’ perception on the child’s role in the recruiting process, his/her level of understanding and options to decision-making, his/her own risk assessment.

Consequently, from the adult/specialist perspective, the following key dimensions have to be taken into account:

- Victims’ estimated expectations and opportunities;
- Level of knowledge/understanding (including whether the victim could have noticed the efforts to raise awareness to child trafficking prior the his/her trafficking situation);
- External pressures (e.g. from family members to help cover the financial needs);
- Manipulation (e.g. false promises, “successful stories”, role models of other children working abroad);
- Access to the support network (e.g. friends, trustworthy adults, assistance and public information services);
- School experience (school failure/success, violence, marginalization) and outcomes (dropping out or qualifications);

Example of an open question:

- “We are considering things from a child’s perspective: what do you think, what are the reasons the child eventually accepts the offer made by the recruiter?”

With a view to allow the research to further improve the prevention strategies, it is very important that information from specialists as to their level of understanding of the phenomenon should be obtained, whether they had ever received training to enable them to respond and provide support to potential victims in order to protect themselves against attempted trafficking. Moreover, how do they, as specialists, think this training should be conducted?

The following type of question could be useful in this respect:

“Have you attended any workshop or training seminar on child trafficking? What training do you think actors working with children should receive in order to be able to prevent their recruitment?”

### **3. Premise of recruitment/ Conditions in which recruitment occurred**

This is the main topic of group discussion and the outcomes should lead to an in-depth understanding of the methods to recruit minors into trafficking.

Starting from the premise of the existence of circumstances under which recruitment was conducted, we should go into more detail about the structure of the minor's acquisitions and aspirations prior to the offer, under the form of a motivational and /or action framework carried out through awareness of certain problems or difficulties (relating to family, friends, school etc.) with a view to find solutions for overcoming them and design a life strategy, the existence of the desire or intention to go away etc.

As a follow up to the first part of the group discussion regarding the living conditions prior to recruitment, the participants will be asked to draw up a list with the main factors triggering recruitment. The factors are linked to specific offers and the discussion should point out the features and types of offers, the push and pull factors in the context of such offers (e.g. attractiveness of the offer and what needs of the potential victims it meets). At the same time, the analysis of the relationship between methods to contact and entice victims into trafficking as well as the victims' psycho and social characteristics from the specialists' point of view is recommended.

Example of questions:

- d. "Let's go back to the recruiting process. Continuing with the previous discussion on living conditions, which you consider would be the most contributing factors to child trafficking?"
- e. "From the child's perspective, would be the most important contributing factor?"

#### **4. Social actors in the recruiting process**

This point aims to identify the persons that played a role in the recruitment and directly or indirectly assisted the child to enter the trafficking. As a rule, the persons may play two roles: abusive and harmful (passively or actively supporting recruitment for trafficking) or protective (providing counseling, assistance etc.), or even both roles at the same time (when, for instance, parents sincerely believed that the actions that ended up in trafficking were actually in the best interest of the child). Generally, the individuals in this stage – protective or harmful or both – can be: family members, other relatives, peers, friends, teachers, community members, police officers, clergymen, media officials (through advertisements), and strangers.

Examples of questions regarding recruiters or individuals likely to be involved:

- f. “Who are, as a rule, the individuals recruiting minors for exploitation?” (open question relating to the abusive role played by specific individuals)
- g. “Who could have played a significant role in preventing the minor’s recruitment?” (open question relating to the protective/preventive role played by specific individuals)
- h. “Are parents generally aware of the proposals made to their children? If yes, what is their role in the recruitment?”

## 5. Stages in the recruiting process

This final issue can be seen as a summary of the group discussion. In order to clarify the circumstances in which the recruitment occurred, participants will be asked to describe the typical stages of the recruitment.

From a methodological point of view, it is suggested a shift in the discussion method from group discussion to a more practical work group method.

The participants will be asked directly:

- Which are the stages common to the recruiting process?”

Afterwards, they will be provided with a sheet of paper and required to identify those stages and chronologically arrange them.

The practical exercise previously mentioned can also be used in a second stage for the identification of the following stages in trafficking and the subsequent development of a given trafficking case.

Again, the participants can be asked:

“After recruitment, which are the key stages in child trafficking?”

In the end, the moderator will thank the participants for their availability of taking part in the research and possibly offer them information on how they could learn about the findings of the research they contributed to.

## III. Drawing up the report

Based on the discussions, a narrative report shall be drawn up and structured in accordance with the points in the guide interview.

The report shall not disclose the names of the participating experts, but the positions they are holding, respectively, institutional representatives, or their profession.

It is recommend that the report contain quoted passages; unless the information provided or the opinions expressed by the participants are relevant and best illustrate one of the aspects in the guide, it is essential that they be entirely taken as such.

The final part of the report shall contain the moderators' conclusions and own observations regarding both the type and structure of the discussions, and the participants' ideas.



**III. Do you think that the following factors are the foundation of the minor's decision "to escape" or to accept the "offer" made by the recruiter?**

1. immigration "successful stories";  
**1. Yes            2. No**
2. financial gains opportunity;  
**1. Yes            2. No**
3. emotional blackmail („lover boy”);  
**1. Yes            2. No**
4. violence, coercion and threats from the recruiter;  
**1. Yes            2. No**
5. violence, coercion and threats from the family;  
**1. Yes            2. No**
6. desire for independence and self-autonomy and the motivation to pursue a better life elsewhere;  
**1. Yes            2. No**
7. desire to acquire consuming goods that he/she could not afford otherwise (shoe wear, clothes, cosmetics);  
**1. Yes            2. No**
8. dropping out of school and lack of motivation for education;  
**1. Yes            2. No**
9. minor with physical or mental disabilities;  
**1. Yes            2. No**
10. desire to save money for others;  
**1. Yes            2. No**

**IV. One of the topics under group discussion with specialists in the fields of human trafficking and the protection of the child's rights was the role played by the recruiter in the minor's RECRUITMENT, respectively by his/her group of friends and family, the media and the internet, the community and the minor himself/herself.**

**How can you rate the role played by each of these actors on a scale from 1 to 3, where 1 is the "main role", 2 is the "secondary role" and 3 is "no role".**

	Main role	Secondary role	No role
Recruiter	<input type="text" value="1"/>	<input type="text" value="2"/>	<input type="text" value="3"/>
Peers/group of friends	<input type="text" value="1"/>	<input type="text" value="2"/>	<input type="text" value="3"/>
Parents	<input type="text" value="1"/>	<input type="text" value="2"/>	<input type="text" value="3"/>
Other family members	<input type="text" value="1"/>	<input type="text" value="2"/>	<input type="text" value="3"/>

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Internet	1	2	3
Mass media (printing media, TV)	1	2	3
School	1	2	3
Community	1	2	3
Care institutions	1	2	3
Minor	1	2	3

**V. What steps do you estimate would be efficient for the reduction in number of minors trafficked for exploitation?**

1. prevention activities with children as targeted groups;  
1. Yes      2. No
2. information activities in schools for teachers, school counselors and educators about child trafficking associated;  
1. Yes      2. No
3. appropriate and continuous developmental training for specialists who come or may come into contact with child victims of trafficking;  
1. Yes      2. No
4. identification of minors at risk of trafficking, their monitoring and development of child trafficking oriented measures among groups of children;  
1. Yes      2. No
5. involvement of child victims of trafficking in programs addressing minors at risk; “peer to peer training”  
1. Yes      2. No
6. professional motivation programs among young people;  
1. Yes      2. No
7. incrimination of a higher number of recruiters;  
1. Yes      2. No
8. media campaigns to raise awareness of the risks of RECRUITMENT;  
1. Yes      2. No

County: \_\_\_\_\_

Date of completion: \_\_\_\_\_

Occupation: \_\_\_\_\_

Institution: \_\_\_\_\_

Phone number: \_\_\_\_\_

email address: \_\_\_\_\_



## ANNEX 9

### Research questions and key information sources

*“Extract from the study plan: Child trafficking in Romania. Study on the recruiting process”*

Research questions:	Additional questions	Key sources and informants
1) Which are the living conditions of the trafficked victims?		<ul style="list-style-type: none"> <li>* Existing research and statistics</li> <li>* ANITP database, information supplied by the regional Centers, Authority for Child Protection</li> <li>* Focus Group Discussions (FGD)</li> </ul>
2) Which are the main contributing factors (internal/external) to the recruiting process?	* Defining “recruitment” (Terminology chapter)	<ul style="list-style-type: none"> <li>* Existing research</li> <li>* FGDs</li> <li>* Former child victims of trafficking (CVoT)</li> </ul>
3) What actors played a major role (abusive/protective) in the recruiting process?	<ul style="list-style-type: none"> <li>* Who are the recruiters?</li> <li>* What is the relationship between the child and the trafficker?</li> <li>* Defining „family“</li> </ul>	<ul style="list-style-type: none"> <li>* ANITP (SIMEV) database</li> <li>* Existing research</li> <li>* FGDs</li> <li>* Former CVoT</li> </ul>
4) What is the child’s role as agent in the process?	<ul style="list-style-type: none"> <li>* How does the child assess the risk?</li> <li>* Child protection standards during the interview; consent of the child’s parents/ guardians; debriefing</li> <li>* Data protection standards during interviews</li> </ul>	<ul style="list-style-type: none"> <li>* Former CVoT</li> <li>* FGDs</li> <li>* Existing research</li> <li>* EU/ international legislation and standards on data protection</li> </ul>
5a) Which are the typical stages of the recruiting process? 5b) Which are the typical stages of the internal trafficking process subsequent to recruitment?	* Which were the turning/triggering points that led to trafficking?	<ul style="list-style-type: none"> <li>* FGDs</li> <li>* Former CVoT</li> <li>* information supplied by the regional Centers, Authority for Child Protection</li> <li>* Existing research</li> </ul>

**ANNEX 10****RESPONDENT CONSENT FORM**

The National Agency against Trafficking in Persons dealing with the study of the trafficking phenomenon and monitoring of enforcement of policies in the field of protection of and assistance to victims of trafficking, is undertaking a study on trafficking in children, their living conditions prior to recruitment and the means by which they ended up as subjects of traumatizing experiences generated by the vicious chain of child trafficking. Within the study we intend to conduct a series of interviews with children willing to share their experiences. Children's participation in the interview and their concrete answers will help to better understand the phenomenon and direct preventive policies and activities in the field.

During the interview, the following data shall be collected:

- year of birth
- area/place of origin
- sex
- marital status
- family status/situation
- education level
- health condition
- living conditions when recruited
- history and stages of recruitment

All information collected following the interview shall be used **ONLY** for statistical purposes and outlining of the research findings; your identification data shall **NOT** be disclosed at any time throughout the research and shall be kept as aggregated information in places designated for classified information; your identification shall not be possible at any time.<sup>41</sup>

Information collected through interviewing shall be treated as confidential and the interview operator shall ensure your anonymity.

At the same time, confidentiality regarding physical, material or mental damage against you or other persons which could be disclosed after the interview can not be guaranteed.<sup>42</sup>

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<sup>41</sup> Based on the form used in "IMCPD Handbook on Anti-Trafficking Data collection in South-Eastern Europe", Annex 6

<sup>42</sup> Based on "General Guidelines for Good Research Practice with Children, Section 6: Ethical Guideline of the Children's Research Center", Trinity College Dublin, Center for Child Research

## Annexes

I, the undersigned .....  
Agree with the above and consent that the answers I shall give during the  
interview be used for the purpose of research on child trafficking.

Date.....

Signature.....

**ANNEX 11****PARENT/GUARDIAN CONSENT FORM**

The National Agency against Trafficking in Persons dealing with the study of the trafficking phenomenon and monitoring of enforcement of policies in the field of protection of and assistance to victims of trafficking, is undertaking a study on trafficking in children, their living conditions prior to recruitment and the means by which they ended up as subjects of traumatizing experiences generated by the vicious chain of child trafficking. Within the study we intend to conduct a series of interviews with children willing to share their experiences. Children's participation in the interview and their concrete answers will help to better understand the phenomenon and direct preventive policies and activities in the field.

During the interview, the following data shall be collected:

- year of birth
- area/place of origin
- sex
- marital status
- family status/situation
- education level
- health condition
- living conditions when recruited
- history and stages of recruitment

All information collected following the interview shall be used **ONLY** for statistical purposes and outlining of the research findings; your identification data shall **NOT** be disclosed at any time throughout the research and shall be kept as aggregated information in places designed for classified information; your identification shall not be possible at any time.<sup>43</sup> Information collected through interviewing shall be treated as confidential and the interview operator shall ensure your anonymity.

At the same time, confidentiality regarding physical, material or mental damage against you or other persons which could be disclosed after the interview can not be guaranteed.<sup>44</sup>

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<sup>43</sup> Based on the form used in "IMCPD Handbook on Anti-Trafficking Data collection in South-Eastern Europe", Annex 6

<sup>44</sup> Based on "General Guidelines for Good Research Practice with Children, Section 6: Ethical Guideline of the Children's Research Center", Trinity College Dublin, Center for Child Research

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I, the undersigned ..... in my capacity as ..... (parent, legal representative, guardian, or other) of .....(name of the minor participating in the interview), agree with the above and give consent for the above child to participate in the interview.

Date.....

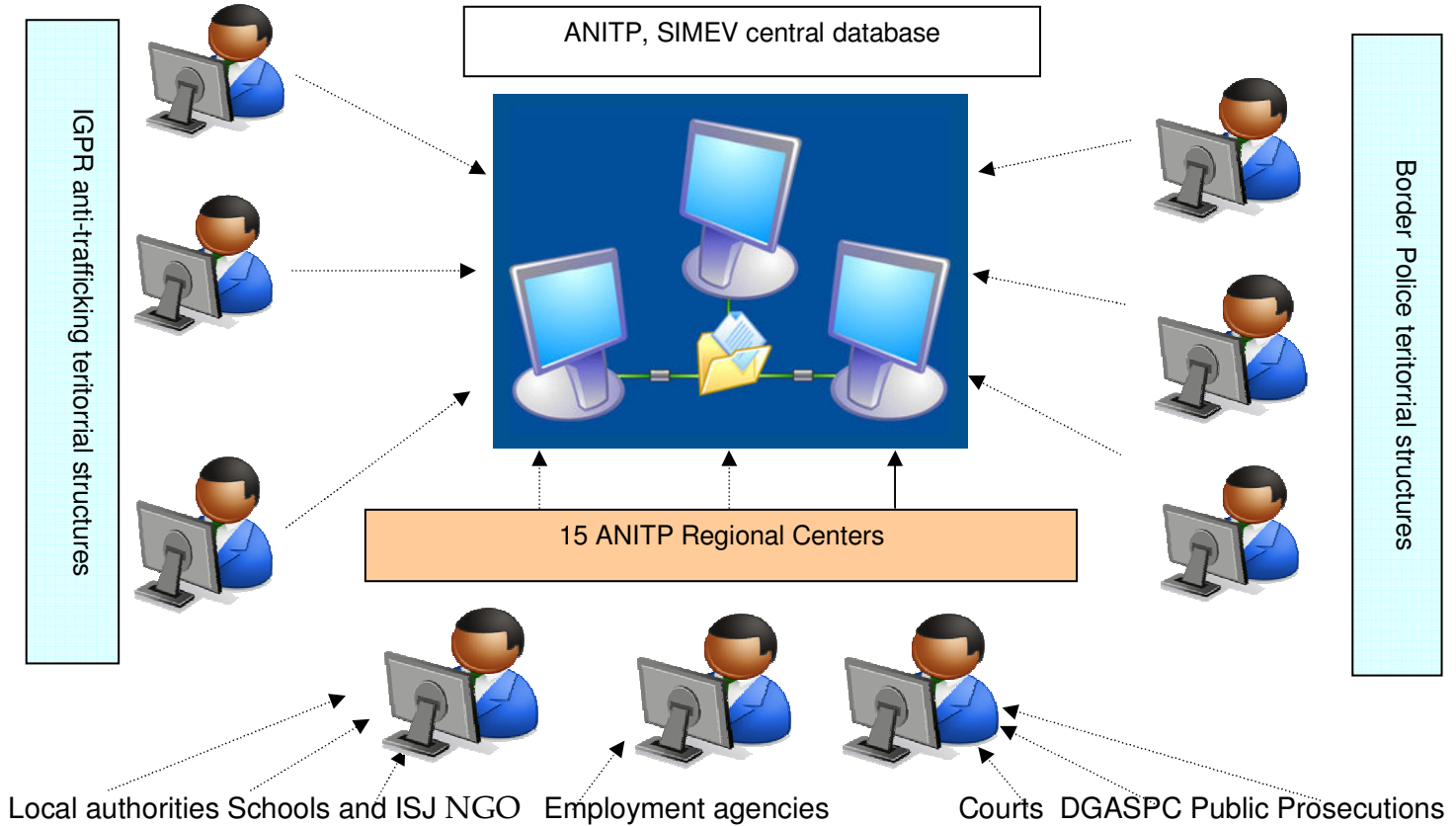
Signature.....

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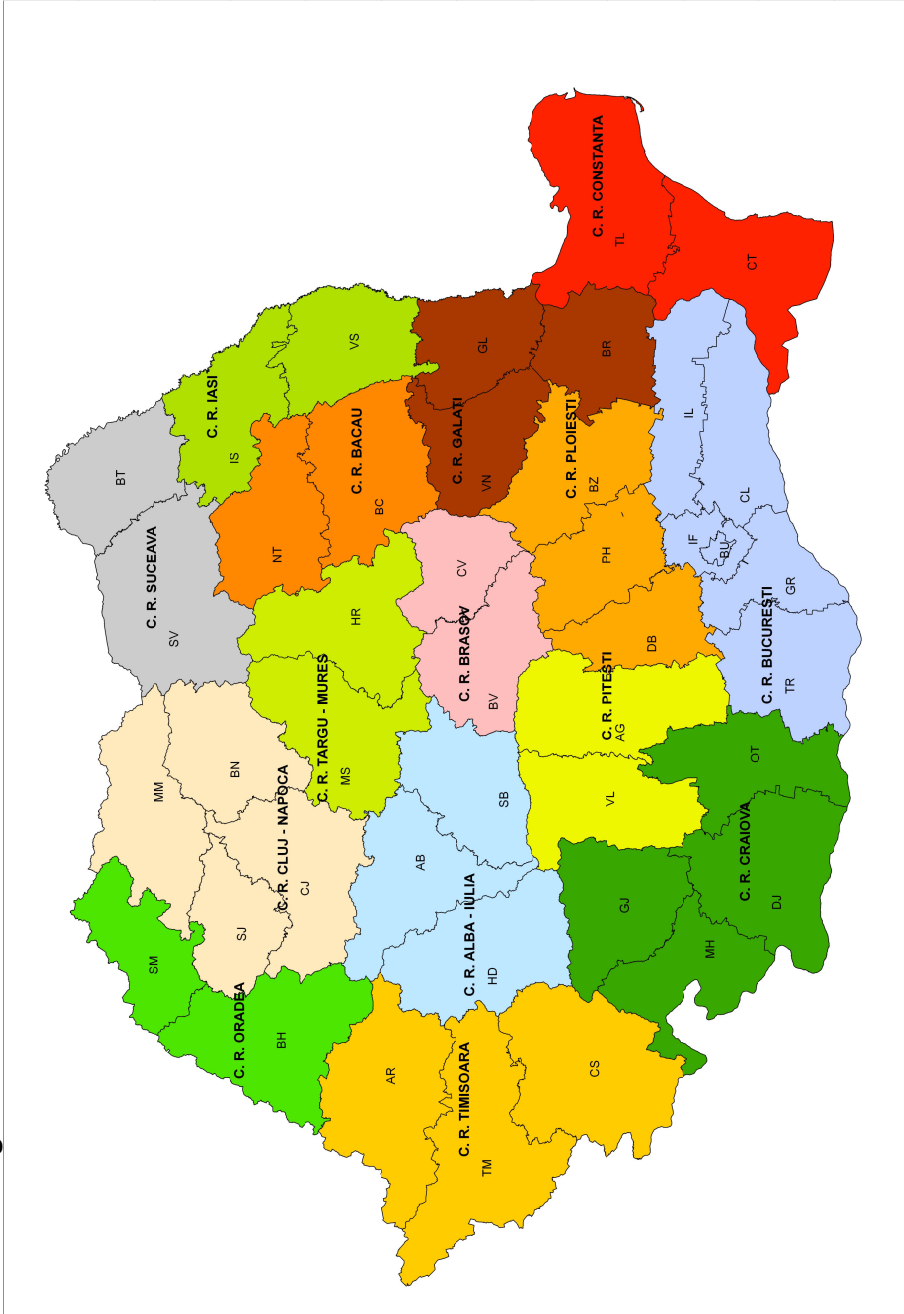
**Integrated System to Monitor and Evaluate Victims of trafficking (SIMEV)**

Secured communications network

Sociological Research Handbook On Child Trafficking



**ANNEX 13**  
**Map of ANITP Regional Centers**



**ANNEX 14**

**Extract from “ILO, Operational Indicators of trafficking in human beings”, 2009, p. 6-7**

**Indicators for trafficking of children for exploitation**

**INDICATORS OF DECEPTIVE RECRUITMENT**Strong Indicator

Deceived about the nature of the job or location

Medium Indicators

Deceived about access to education opportunities

Deceived about conditions of prostitution

Deceived about content or legality of work contract

Deceived about family reunification

Deceived about housing and living conditions

Deceived about legal documentation or obtaining legal

migration status

Deceived about travel and recruitment conditions

Deceived about wages/earnings

Deceived through promises of marriage or adoption

**INDICATORS OF COERCIVE RECRUITMENT**Strong Indicators

Abduction, forced marriage, forced adoption or selling of victim

Debt bondage

Threats of violence against victim

Violence on victims

Medium Indicators

Confiscation of documents

Isolation, confinement or surveillance

Threat of denunciation to authorities

Threats to inform family, community or public

Violence on family or threats

Withholding of money

**INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY**Medium Indicators

Abuse of cultural/religious beliefs

Abuse of difficult family situation

**INDICATORS OF EXPLOITATION**Strong Indicator

Excessive working days or hours

Medium Indicators

Bad living conditions

Hazardous work

Low or no salary

Lack of access to education

Violation of labor legislation or signed contract

Very bad working conditions

Manipulation of wages

**INDICATORS OF COERCION AT DESTINATION**Strong Indicators

Confiscation of documents

Debt bondage

Forced into illicit/criminal activities

Forced tasks or clients

Isolation, confinement or surveillance

Threats of violence against victim

Victim is under strong influence

Violence on victims

Medium Indicators

Forced to act against peers

Forced to lie to authorities, family etc.

Threat of denunciation to authorities

Threat to impose even worse working conditions

Threats to inform family, community or the public

Violence on family (threats or effective)

Withholding of earnings

**INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION**Medium Indicators

Dependency on exploiters

Difficulties in the past

Difficulty to live in an unknown area

Economic reasons

Family situation



## Annexes

Abuse of illegal status	Personal characteristics
Abuse of lack of education (language)	Relationship with authorities/legal status
Abuse of lack of information	
Control of exploiters	
Difficulties in the past	
Difficulty to organize the travel	
Economic reasons	
False information about law, attitude of authorities	
False information about successful migration	
Family situation	
General context	
Personal situation	
Psychological and emotional dependency	

Extract from “ILO, Operational Indicators of trafficking in human beings“, 2009, p. 6-7

### Indicators for trafficking of children for sexual exploitation

*Exploitation is inherent to the situation of children under 18 used for prostitution or pornography and there is no need for indicators to prove it. The indicators of additional exploitation below are given to characterize other elements of exploitation children may suffer. In addition, the Palermo Protocol specifically states that, in the case of children, there is no need to prove "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" in order to establish the crime of trafficking. Nevertheless, it was decided to retain indicators of deception, coercion and abuse of vulnerability in order to analyse trafficking in children with harmonised tools within Europe.*

#### INDICATORS OF DECEPTIVE RECRUITMENT

##### Strong Indicator

Deceived about the nature of the job or location

##### Medium Indicators

Deceived about access to education opportunities

Deceived about conditions of prostitution

Deceived about content or legality of work contract

Deceived about family reunification

Deceived about housing and living conditions

Deceived about legal documentation or obtaining legal

migration status

Deceived about travel and recruitment conditions

Deceived about wages/earnings

Deceived through promises of marriage or adoption

#### INDICATORS OF COERCIVE RECRUITMENT

##### Strong Indicators

Abduction, forced marriage, forced adoption or selling of victim

Debt bondage

Threats of violence against victim

Violence on victims

##### Medium Indicators

Confiscation of documents

Isolation, confinement or surveillance

#### INDICATORI AI EXPLOATĂRII ADIȚIONALE

Psychological and emotional dependency

Relationship with authorities/legal status

#### INDICATORS OF ADDITIONAL EXPLOITATION

##### Strong Indicator

Hazardous work

##### Medium Indicators

Bad living conditions

Excessive working days or hours

Low or no salary

No social protection (contract, social insurance etc.)

Very bad working conditions

Manipulation of wages

#### INDICATORS OF COERCION AT DESTINATION

##### Strong Indicators

Confiscation of documents

Debt bondage

Forced into illicit/criminal activities

Forced tasks or clients

Isolation, confinement or surveillance

Threats of violence against victim

Victim is under strong influence

Violence on victims

##### Medium Indicators

Forced to act against peers

Forced to lie to authorities, family etc.

Threat of denunciation to authorities  
Threats to inform family, community or the public  
Violence on family or threats  
Withholding of money

### **INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY**

#### Medium Indicators

Abuse of difficult family situation  
Abuse of illegal status  
Abuse of lack of education (language)  
Abuse of lack of information  
Control of exploiters  
Difficulties in the past  
Difficulty to organise the travel  
Economic reasons  
False information about law, attitude of authorities  
False information about successful migration  
Family situation  
General context  
Personal situation

Threat of denunciation to authorities  
Threat to impose even worse working conditions  
Threats to inform family, community or the public  
Violence on family or threats  
Withholding of earnings

### **INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION**

#### Strong Indicator

Dependency on exploiters

#### Medium Indicators

Difficulties in the past  
Difficulty to live in an unknown area  
Economic reasons  
Family situation  
Personal characteristics  
Relationship with authorities/legal status

## ANNEX 15

Extract from **Developing indicators for the protection, respect and promotion of the rights of the child in the European Union**, European Union Agency of Fundamental Rights (FRA), 2009, p. 30-37

Indicator area	<b>5.2. Protection against exploitation and violence</b>
Indicator group	<b>CHILD TRAFFICKING</b>
Why it is important to measure	The EU has produced a number of measures relating to child trafficking in recent years. These are primarily a criminal justice response to the issue, aimed at strengthening co-ordination and co-operation between investigative authorities. However, protecting children is not their primary focus, such that EU provisions for child victims of trafficking remain inadequate and ineffective.
CRC references	<ul style="list-style-type: none"> <li>• CRC: Articles 32 (protection from economic and sexual exploitation, sale of children); 2, 3, 6, 12 (CRC general principles); 19, 37 (protection from all forms of violence, exploitation, torture and other forms of inhuman treatment), 39(rehabilitation), 27, 24, 26, 28, 29, 31 (adequate living standard, access to health services, social security, education, rest); CRC General Comment No. 6 (2005)-Treatment of unaccompanied and separated children outside their country of origin (including prevention of trafficking and exploitation);</li> <li>• Optional Protocol on the sale of children, child prostitution and child pornography (2000)</li> </ul>
EU relevance	<ul style="list-style-type: none"> <li>• Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings</li> <li>• Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, and who cooperate with the competent authorities</li> <li>• Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography</li> </ul>

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	<ul style="list-style-type: none"> <li>• Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings</li> <li>• Council Resolution 2001/C 283/01 on the contribution of civil society in finding missing or sexually exploited children</li> </ul>
<b>Indicator sub-group</b>	<b>IDENTIFICATION OF VICTIMS</b>
Indicator type	Structural process/outcomes
<b>INDICATORS</b>	<ul style="list-style-type: none"> <li>• Total number of children trafficked per EU MS per year, in relation to forms of trafficking and with further disaggregating (see note below);</li> <li>• Evidence of specialized training for identification of trafficked children, including for police forces (border police as well), youth welfare officers and social workers (including those involved in inter-country adoption procedures), health professionals, NGO staff active in areas such as refugee protection and migration;</li> <li>• Existence of Guidelines for the protection of personal data of the trafficked child for youth welfare authorities, police, shelter organizations and other involved actors;</li> <li>• Existence of legal provisions aimed at immediate appointment of legal guardian (e.g. by youth welfare authority or court) for every separated child;</li> <li>• Existence of a comprehensive formalized National Referral Mechanism (or similar systematic, formalized and standardized instrument) for identification, cooperation and referral of trafficked persons, which specifically addresses the rights of trafficked children.</li> </ul>
<b>Indicator sub-group</b>	<b>PROTECTION OF VICTIMS</b>
Type of indicator	Structural/process
<b>INDICATORS</b>	<ul style="list-style-type: none"> <li>• Existence of legal provisions ensuring a right to stay to trafficking victims, irrespective of cooperation with police/courts;</li> <li>• Existence of legal provisions prohibiting administrative detention/detention pending deportation for children;</li> <li>• Evidence of a formalized best interest determination process, which directly involves the child concerned, for identification of appropriate interim care and of durable solutions, including risk and security</li> </ul>

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	<p>assessment prior to a possible return of the child to the country of origin;</p> <ul style="list-style-type: none"> <li>• Existence of assessment mechanisms on quality of services (accommodation, access to health care, access to education, occupation), which directly involves the children concerned.</li> </ul>
<b>Indicator sub-group</b>	<b>PROSECUTION OF PERPETRATORS</b>
Type of indicator	Outcomes
<b>INDICATORS</b>	<ul style="list-style-type: none"> <li>• Number of convictions based on child trafficking cases per year/over the last five years, in relation to cases reported to the police, with disaggregation/breakdown;</li> <li>• Amount of compensation paid to trafficked children, on average of cases per year, with disaggregation/breakdown.</li> </ul>
<b>Indicator sub-group</b>	<b>PREVENTION OF CHILDTRAFFICKING</b>
Type of indicator	Process
Key Data (all sub-groups)	<ul style="list-style-type: none"> <li>• Evidence of support programs for direct participation of local communities and/or "vulnerable" and minority groups, such as Roma and Travelers, in efforts to prevent child trafficking;</li> <li>• UN OHCHR Treaty bodies database, CRC/OPSC State reporting procedure, NGO monitoring ("shadow") reports;</li> <li>• UNODC 2009 Global Report on Trafficking and other UNODC/UN.GIFT data collection efforts;</li> <li>• UNICEF IRC Trafficking Research Hub;</li> <li>• ILO Conventions and ILO/IPEC data on trafficking/worst forms of child labor;</li> <li>• Evaluation reports on national implementation of the Trafficking Framework Decision;</li> <li>• FRA reports on child trafficking;</li> <li>• Review of DAPHNE best practices reports;</li> <li>• CoE Conventions on Cyber crime and on the Protection of Children against Sexual Exploitation and Sexual Abuse;</li> <li>• OSCE Decisions, Assessments, Legislative database;</li> <li>• Information from international Trafficking databases (such as IOM's Counter Trafficking Module Database), ECPAT International</li> </ul>

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	<p>Database and ECPAT National Monitoring Reports;</p> <ul style="list-style-type: none"> <li>• National Rapporteur on Trafficking reports, National trafficking databases;</li> <li>• National statistics (police, courts, statistical offices – e.g. data on number of trafficked persons, where available and disaggregated by age group, data on residence permits;</li> <li>• Review of relevant national laws and policies.</li> </ul>
<b>INDICATOR GROUP</b>	<b>SEXUAL AND ECONOMIC EXPLOITATION OF CHILDREN</b>
Why it is important to measure	<p>This group deals with two different forms of child exploitation at European level: sexual exploitation, (including child prostitution, "sex tourism", child abuse images/pornography), and economic exploitation. EU actions to facilitate free movement of persons within the EU through the gradual erosion of internal barriers, coupled with the emergence of ever more sophisticated technologies, make children more vulnerable to these forms of abuse.</p>
CRC References	<ul style="list-style-type: none"> <li>• CRC: Articles 32 (economic and sexual exploitation, sale of children); 2, 3, 6, 12 (CRC general principles); 17 (role of media), 19, 37 (protection from all forms of violence, exploitation, torture and other forms of maltreatment), 39 (rehabilitation), 27, 24, 26, 28, 29, 31 (adequate living standard, access to health services, social security, education, rest); CRC General Comment No. 6 (2005) - Treatment of unaccompanied and separated children outside their country of origin (including prevention of trafficking and exploitation);</li> <li>• Optional Protocol on the sale of children, child prostitution and child Pornography, 2000.</li> </ul>
EU Relevance	<ul style="list-style-type: none"> <li>• Article 29 TEU</li> <li>• Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography;</li> <li>• Council Resolution 2001/C 283/01 on the contribution of civil society in finding missing or sexually exploited children;</li> <li>• Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings;</li> <li>• Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work;</li> </ul>

	<ul style="list-style-type: none"> <li>• Decision No 1351/2008/EC of the EP and the Council of 16 December 2008 establishing a multi-annual Community program on protecting children using the Internet and other communication technologies (Safer Internet Program 2009-2013).</li> </ul>
<b>Sub-group indicators</b>	<b>IDENTIFICATION OF VICTIMS</b>
Type of indicator	Process
<b>INDICATORS</b>	<ul style="list-style-type: none"> <li>• <b>Child sexual exploitation:</b> Existence of data collection and detection mechanism (e.g. systematic training of youth welfare authorities) to identify children at risk of sexual exploitation (e.g. in the context of missing children, children known to authorities with domestic violence background, children without residence permits), allowing for disaggregation;</li> <li>• <b>Child economic exploitation:</b> Existence of data collection and detection mechanism (e.g. systematic training of youth welfare authorities) to identify children at risk of economic exploitation (e.g. in the context of children working in family farms and businesses, in the restaurant and hotel sector, children engaged in the competitive sports business, street children and children dropped out of school, trafficked children without residence permits in the country), allowing for disaggregation.</li> </ul>
<b>Indicator sub-group</b>	<b>PROTECTION OF VICTIMS</b>
Type of indicator	Structural/process/outcomes
<b>INDICATORS</b>	<ul style="list-style-type: none"> <li>• <b>Child prostitution:</b> Availability of social work support and rehabilitation services, for girls and boys, which include development of realistic economic alternatives, developed jointly with the child exploited in prostitution, with disaggregation.</li> <li>• <b>Child abuse images:</b> Existence of a policy on care and psychological support to children victim of child pornography/child abuse images (e.g. protection from privacy infringements by the media, psychological treatment), for girls and boys, which directly involves the children concerned.</li> <li>• <b>Child abuse images:</b> Existence of legal provisions requiring Internet service providers, mobile phone companies, search engines and other relevant actors</li> </ul>



	to report to the authorities and remove websites and services containing child pornography/child abuse images, including chat rooms ‘grooming’ children. <ul style="list-style-type: none"> <li>• <b>Child economic exploitation:</b> Number of labor inspection visits focusing on concerns about protection of young people at work (e.g. in relation to working hours, safety and health) in relation to total number of labor inspection visits, with disaggregation.</li> </ul>
<b>Indicator sub-group</b>	<b>PROSECUTION OF TRAFFICKERS</b>
Type of indicator	Structural/outcomes
<b>INDICATORS</b>	<ul style="list-style-type: none"> <li>• <b>Child sexual exploitation:</b> Number of cases prosecuted under extraterritorial legislation addressing "sex tourism" (offences related to sexual exploitation of children committed abroad), with disaggregation.</li> <li>• <b>Child abuse images:</b> Existence of legal provisions making the production, distribution, receipt and possession of child pornography/child abuse images through virtual images and sexually exploitative representation of children a criminal offence.</li> </ul>
<b>Indicator sub-group</b>	<b>PREVENTION OF CHILD EXPLOITATION</b>
Type of indicator	Process
<b>INDICATORS</b>	<ul style="list-style-type: none"> <li>• <b>Child abuse images:</b> "Online safety" information and awareness raising as a mandatory part of the regular school curriculum (to coincide with IT training).</li> <li>• UN OHCHR Treaty bodies database, CRC/OPSC State reporting procedure, NGO monitoring ("shadow") reports;</li> <li>• UNICEF Multiple Indicator Cluster Surveys (MICS) 3 (child labor);</li> <li>• ILO SIMPOC surveys (at least as a model for EU Member States);</li> <li>• Understanding Child Work Inter-Agency project data;</li> <li>• Monitoring results of CoE Conventions on Cyber crime and on the Protection of Children against Sexual Exploitation and Sexual Abuse; CoE ESC Monitoring reports;</li> <li>• ECPAT International Database, Reports published at ECPAT Code of Conduct website (on private sector compliance);</li> </ul>
Key Data	

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	<ul style="list-style-type: none"> <li>• Reviews of Corporate Social Responsibility Statements by the private sector;</li> <li>• Policy statements of internet service providers, telecommunication companies;</li> <li>• Annual reports of hotlines for reporting online child abuse images;</li> <li>• Analysis of national legislation and case-law;</li> <li>• National Action Plans, National policy documents;</li> <li>• National statistics (police, courts, statistical offices; HIV prevalence data);</li> <li>• Labor inspectorate reports;</li> <li>• (Annual) Reports of child welfare authorities, child ombudspersons, relevant NGOs (such as ECPAT National Monitoring Reports);</li> <li>• Review(s) of school/teacher training curricula.</li> </ul>
<b>INDICATOR GROUP</b>	<b>VIOLENCE AGAINST CHILDREN</b>
Why it is important to measure	<p>The EU has already embarked for many years on child protection from violence efforts, most notably through its Daphne funding program. The most recent Decision on Daphne III <sup>45</sup>stressed the need ‘to prevent and combat violence against children, young people and women and to protect victims and groups at risk’.</p> <p>Article 2 of the Decision sets out the EU’s general objective to "contribute, especially where it concerns children, young people and women, to the development of Community policies, and more specifically to those related to public health, human rights and gender equality, as well as to actions aimed at protection of children's rights, and the fight against trafficking in human beings and sexual exploitation".</p> <p>Some more specific objectives (Art. 3) include: expansion of evidence-based information and the knowledge- base, awareness-raising and promotion of the "adoption of zero tolerance towards violence", encouraging support for victims and for the reporting of incidences of violence to the competent authorities.</p>

<sup>45</sup> Decision No. 779/2007/EC, of 20 June 2007

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CRC References	Art. 19 (protection from all forms of violence); Art. 2, 3, 6, 12 (CRC general principles); Art. 24 (right to health); Art. 28/2 (school discipline without violence); Art. 37 (protection from torture and other forms of inhuman treatment or punishment); Art. 39 (rehabilitation), Art. 9, 20 (separation from parents, alternative care), Art. 25 (regular review of placement) Art. 27, 24, 26, 28, 29, 31 (adequate living standard, access to health services, social security, education, rest); General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.
EU Relevance	<ul style="list-style-type: none"> <li>• Article 152 EC</li> <li>• Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography;</li> <li>• Council Decision of 29 May 2000 to combat child pornography on the Internet;</li> <li>• Decision of the European Parliament and of the Council of 20 June 2007 on the Daphne III Program.</li> </ul>
<b>Indicator sub-group</b>	<b>IDENTIFICATION OF VICTIMS</b>
Type of indicator	Structural/outcomes
<b>INDICATORS</b>	<ul style="list-style-type: none"> <li>• Designated national budget for data collection and research on prevalence/dimensions/forms of violence against children/impact of services to children;</li> <li>• Number of children reported to child welfare authorities for reasons of neglect of children, as a proportion of the total number of child protection cases reported to the child welfare authorities, with disaggregation.</li> </ul>
<b>Indicator sub-group</b>	<b>PROTECTION OF VICTIMS</b>
Type of indicator	Structural/outcomes
<b>INDICATORS</b>	<ul style="list-style-type: none"> <li>• Existence of legal provisions banning all forms of violence as a means of discipline for children at all settings (including at home, in schools, in care and justice institutions);</li> <li>• Availability to children of information and confidential counseling services in day care institutions, primary and secondary education (e.g. through specially</li> </ul>

	<p>trained teachers), with disaggregation;</p> <ul style="list-style-type: none"> <li>• Existence of legal provisions granting a child victim of violence and exploitation a legal right to psychosocial assistance and therapeutic services.</li> </ul>
<b>Indicator sub-group</b>	<b>PROSECUTION OF PERPETRATORS</b>
Type of indicator	Structural/process/outcomes
<b>INDICATORS</b>	<ul style="list-style-type: none"> <li>• Number of cases of violence against children (including physical violence and sexual abuse) reported to police in relation to number of convictions on cases of violence against children, with disaggregation;</li> <li>• Existence of legal provisions aimed at ensuring child- and gender-sensitive procedures at court for child victims/witnesses of violence (such as designated, adapted interview rooms, video statements to avoid direct confrontation with the perpetrator).</li> </ul>
<b>Indicator sub-group</b>	<b>PREVENTION OF VIOLENCE</b>
Type of indicator	Structural/process
<b>INDICATORS</b>	<ul style="list-style-type: none"> <li>• Evidence of designated public funding for positive parenting education campaigns (addressing non-violent forms of discipline, and aimed at reducing spanking of infants, shaking of babies etc), which have been implemented with active participation of children;</li> <li>• Existence of specific policy of cooperation among youth welfare authorities, police, media, on missing children, including children "gone into hiding" (removing themselves from services);</li> <li>• Existence of legal provisions requiring schools to have adopted a child protection policy, addressing also bullying of children at schools and of requirement to assess anti-bullying policies.</li> </ul>
Key Data	<ul style="list-style-type: none"> <li>• UN OHCHR Treaty bodies database, CRC/OPSC State reporting procedure, NGO monitoring ("shadow") reports;</li> <li>• UNICEF Multiple Indicator Cluster Surveys (MICS) 3 (child protection);</li> <li>• UNICEF IRC Report Cards, Bradshaw/Hoelscher/Richardson, EU Index on Child Well-being (based on existing data, for cross-national comparison);</li> </ul>

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|  | <ul style="list-style-type: none"><li>• UNICEF 2008 Trans MONEE database;</li><li>• WHO, HBSC and PISA databases on child mortality, violence, bullying;</li><li>• CoE ESC Monitoring reports; ECHR Article 3 and derived jurisprudence;</li><li>• Review of EU Daphne programs best practices reports;</li><li>• Analysis of national legislation and case-law;</li><li>• National statistics (police, courts, statistical offices);</li><li>• National Action Plans;</li><li>• National policy documents/ educational strategies;</li><li>• Child budgeting analysis;</li><li>• (Annual) Reports of child welfare authorities, ombudspersons, relevant NGOs (e.g. Save the Children organizations).</li></ul> |
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