

LUMOS

**CRACKS IN
THE SYSTEM:**

**CHILD TRAFFICKING
IN THE CONTEXT OF
INSTITUTIONAL CARE
IN EUROPE**



ABOUT LUMOS

Lumos Foundation is an international non-governmental organisation, founded by the author J.K. Rowling, working to end the institutionalisation of children globally by 2050. To achieve this aim, Lumos works in partnership with governments, United Nations agencies, European Union institutions, civil society, communities, families, children and caregivers to transform outdated and ineffective systems that separate families. Together with partners, Lumos replaces institutions with family and community-based services that provide children with access to health, education, and social care tailored to their needs. This support enables families to provide the care their children need to develop to their full potential. Lumos delivers a combination of country programmes; sharing expertise and provision of technical assistance; research and documentation of best practices; advocacy and policy influencing at the highest levels of government, funders and the international community to change attitudes and drive positive change.

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FOREWORD

In my role as Executive Secretary of GRETA, the body responsible for monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, I am very familiar with the sad reality that children who are deprived of parental care are particularly vulnerable to trafficking.

I can think of few more vulnerable groups than those children who are living, away from their families, in various forms of institutional care. Child protection systems created to safeguard them from abuse often fail to do so, which means children's vulnerability to exploitation is increased both in and after leaving institutions – often with severe consequences. The risks of such children falling victim to trafficking and exploitation highlight the close relation between prevention, social support policies, timely identification and durable solutions.

For many years, it has been known that traffickers directly target children in the care systems of many countries for recruitment into trafficking and that care leavers are at increased risk of exploitation. This ground-breaking new research from Lumos is a vital addition to the evidence base and our collective understanding of how child trafficking manifests in diverse contexts. The report highlights the complexity and significance of the relationship between institutional care for children in Europe and exploitation and calls for further focused research and direct action.

Cracks in the System also provides valuable recommendations on how to address the specific vulnerability of children in or at risk of institutional care in Europe. Leaders and decision-makers across Europe should heed this research and take coordinated action to prevent exploitation and protect children.



Dr Petya Nestorova
Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings



INTRODUCTION

PURPOSE OF THIS REPORT

The aim of this research is to assess the evidence base and advance understanding of the dynamics and links of institutional care for children and human trafficking in Europe. Evidence points to institutional care as a driver as well as an outcome of trafficking, playing what appears to be a significant role in many instances of child exploitation. As the case continues to be made for care reform in Europe – and beyond – it is essential to recognise and understand how child trafficking presents an additional “harm” faced by children living in institutions in order to prevent exploitation and raise awareness of its prevalence. Actors working in anti-trafficking are not always aware of the harms of institutions, and those involved in the reform of institutions often lack specialist knowledge on trafficking. This risks leaving a “blind spot” in which children are at risk of abuse and exploitation.

Although children in institutional care are known targets for traffickers,¹ the current evidence base on institution-related trafficking is fragmented into various local or national studies, complicating the recognition of institutionalisation as a context of increased vulnerability for children among policymakers and donors. By sharing knowledge and learning, this report can inform policy, practice and advocacy around institution-related trafficking in order to strengthen the overall response to child trafficking. It will also encourage wider recognition of the issue and establish the need for – and the priorities for – a future research agenda in order to address outstanding gaps in the European evidence base.

SCALE AND HARM OF INSTITUTIONALISATION IN EUROPE

Millions of children worldwide live in residential institutions,² including so-called “orphanages” that deny their human rights and do not meet their needs.³ More than one million of these children are believed to live in the wider European region.⁴ It has been estimated that more than 90% of children in institutions in Central and Eastern Europe have at least one living parent.⁵ With the right family- and community-based care and support,⁶ most children could live with their birth or extended families.⁷

Nearly a century of research from around the world has demonstrated that living in institutions, deprived of loving parental care, can cause significant long-term harm to children’s health and development.⁸ The prevalence of physical and sexual abuse in residential care is higher than in other forms of care, even in countries where residential

care is better resourced with smaller numbers of children per facility.^{9 10} Reports from across the globe show that institutionalised children are often subjected to violence from staff and officials responsible for their well-being. This can include torture, beatings, isolation, restraints, rape, harassment, and humiliation.¹¹

Young adults leaving institutions are especially vulnerable to these risks because they have had fewer opportunities to develop the social skills and networks they need to live successfully and independently in the community.¹² These poor outcomes for children result in high potential social and economic costs to society.¹³ Nevertheless, children continue to be placed in institutions.

OVERVIEW OF CHILD TRAFFICKING IN EUROPE

Throughout Europe, the collection, analysis and dissemination of quantitative and qualitative data on victims of trafficking are not equally systematic and disaggregated.¹⁴ Few European governments provide official statistics on children who have been identified as victims of trafficking into, within or out of their territory, which makes it challenging to know the true number of children identified as victims of trafficking in countries in Europe.¹⁵

Official statistics suggest 20,500 victims of trafficking were registered in the European Union (EU) in 2015-16. A quarter of them were under the age of 18. Two of every three victims identified were women or girls.¹⁶ It is also widely established that unaccompanied children migrating to and within Europe are particularly vulnerable to trafficking.¹⁷

Children tend to be easier to control than adults, can be manipulated both physically and psychologically, and may not know how to react to or escape from exploitative situations. It is believed that children are more “profitable” to traffickers than adult victims: they have (or express) fewer needs, and sexual abusers are prone to pay more for an encounter with a child. A typical *modus operandi* of traffickers is to regularly engage victims’ families in the recruitment process or target children hosted in facilities such as orphanages and foster homes.¹⁸

Nevertheless, there is no consistent approach across the EU to address cases of children deprived of parental care and found in need of protection in an EU Member State other than their own, including child victims of trafficking.¹⁹

OVERVIEW OF LINKAGES

Laws and policies across Europe seldom connect the issues of child institutionalisation and child trafficking. For example, no legislation in Europe refers to the trafficking of children into and out of institutional care specifically. Yet, the heightened risk of exploitation to children in institutions is found across various guidance and best practice documents.

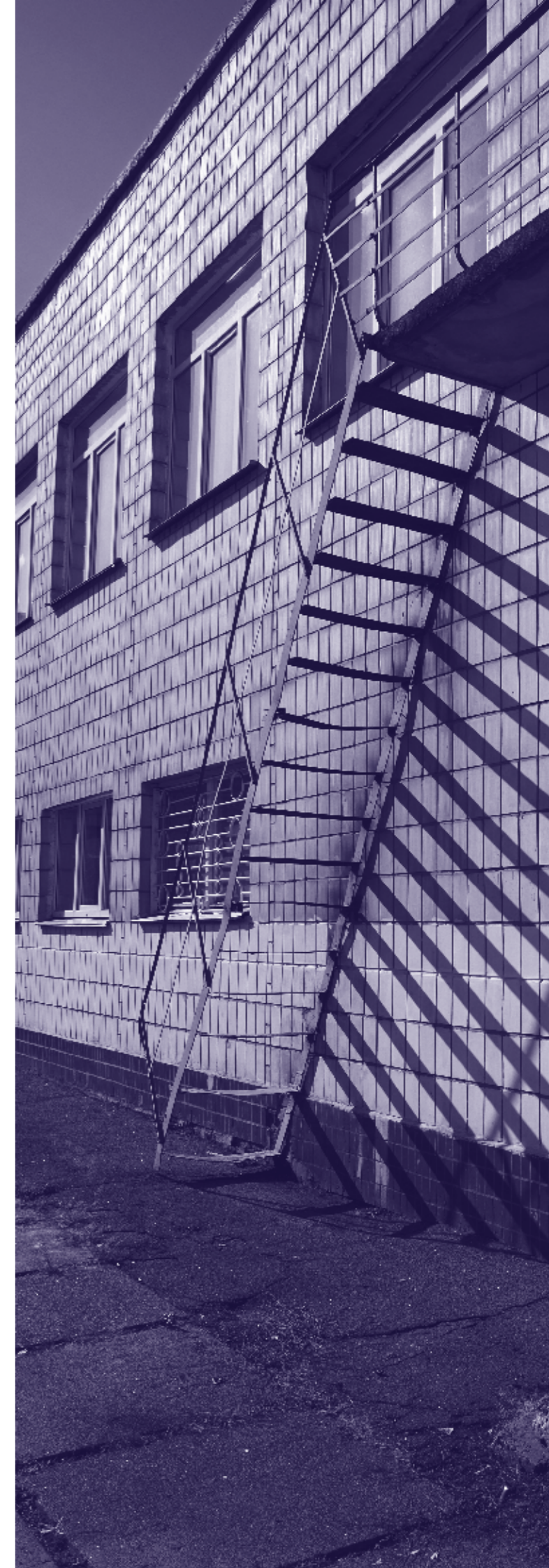
The research identifies four main ways in which trafficking is linked with institutions for children, which are described throughout the report as “**institution-related trafficking**”:

- Children are recruited and trafficked *into* institutions, solely for the purpose of financial profit (“**orphanage trafficking**”), and other forms of exploitation;
- Children are trafficked *from* orphanages/institutions into other forms of exploitation;
- Child trafficking victims and unaccompanied children are often placed in institutions for “protection”, which can put them at risk of trafficking and re-trafficking;
- Care-leavers are more vulnerable to exploitation and trafficking.

The current **Covid-19 pandemic** is expected to increase the prevalence of children being separated from their parents²⁰ and child exploitation.²¹ As recognition develops of the vulnerabilities of children in institutions to exploitation – and the overlaps between the two issues – it is imperative that law and policy evolves to reflect the growing linkages.

OVERVIEW OF THE RESEARCH

This report is the first of its kind to systematically explore the links between institutional care and child exploitation in Europe. It aims to synthesise, appraise and build on the current evidence base on this phenomenon and its manifestations in diverse contexts around Europe. It examines the various systems, laws and policies across Europe that are relevant to the issue of institution-related trafficking. It then divides into two thematic chapters that explore the scale, pattern and dynamics of institution-related trafficking and exploitation as well as the risks, drivers and vulnerabilities. It concludes with a summary of the findings and a series of recommendations designed to tackle institution-related trafficking in Europe.





METHODOLOGY

RESEARCH DOMAINS AND QUESTIONS

In this report's aim to synthesise, appraise and build on the current evidence base on institution-related trafficking in diverse contexts around Europe, four central domains of inquiry were identified and prioritised:

- **Definitions:** What are the key definitions that apply to institution-related trafficking?
- **Systems, Laws & Policies:** What are the systems, laws and policies that frame institutional care for children and child trafficking in all its forms in Europe?
- **Scale, Patterns & Dynamics:** How are children trafficked and exploited in the context of institutional care in diverse settings across Europe?
- **Risks & Drivers:** Why do children fall victim to institution-related trafficking in diverse settings across Europe?

SCALE & PATTERNS
& DYNAMICS

RISKS & DRIVERS

SYSTEMS, LAWS & POLICIES

DEFINITIONS

RESEARCH METHODS

To answer the research questions outlined above, four qualitative methods were used:

- A **literature review** focused primarily on academic and grey literature from the child protection and anti-trafficking sectors in Europe. Where gaps existed, these sources were supplemented by media articles and other relevant sources. To ensure a diversity of perspectives, the literature review was carried out in English, Dutch, French, German, Italian, Spanish and Chinese.
- Through a global **call for evidence**, the Lumos research team collected cases and evidence of trafficking in diverse contexts in Europe. Available in English, Bulgarian, Czech, Dutch, French, German, Italian, Portuguese, Romanian, Russian, Spanish, Arabic and Chinese, the call for evidence sought to capture knowledge, experiences and perspectives that are underrepresented in or absent from written sources. The call for evidence was sent to at

least 1,185 organisations and individuals from the child protection and counter-trafficking sectors across at least 95 countries around the world. Lumos received evidence submissions from 35 organisations and individuals across 16 European countries, with 27 submissions relating to evidence within Europe. The wealth of evidence and insights collected strongly complemented and supported the triangulation with the findings of the literature review.

- Lumos carried out **key informant interviews** with eight international experts working at the nexus between counter-trafficking and care reform. These interviews aimed to provide further insights that were not captured in the literature review or call for evidence.
- Based on an initial analysis of the literature review and call for evidence, three European countries were selected for **country case studies**. These explored how the research domains presented above manifest in concrete contexts. The country case studies consisted of a detailed literature review and semi-structured interviews with a total of 11 key informants active in the domains of child protection and counter-trafficking in the respective contexts. The Netherlands, Hungary and Ukraine were selected, because of the potential for rich, original and complementary learning.

See **separate Annexe – Methodology** for a more detailed overview of the research design and methodology used in the report.

RESEARCH LIMITATIONS

This research was conducted by Lumos between July 2019 and May 2020.

The primary purpose of this research is to discuss and analyse the current evidence base on institution-related trafficking in Europe by means of a qualitative and explorative research design. As this report connects two largely separated fields of knowledge and research, while identifying evidence gaps, it is limited in its ability to make generalisations about scale, patterns, dynamics, risks and drivers for the entire European region. More research is needed to examine the more quantifiable dimensions of institution-related trafficking to further build the evidence base.

As a result of the Covid-19 outbreak in 2020, the research team was unable to travel to the three countries selected for the country case studies. This limited the ability to undertake primary research in these countries. Interviews with key informants were instead carried out virtually.

DEFINITIONS

WHAT IS INSTITUTION-RELATED TRAFFICKING?

Institution-related trafficking is the umbrella term used in this report to refer to the various manifestations of human trafficking in the context of institutional care for children. This includes trafficking into institutions (so-called orphanage trafficking), out of institutions, the institutionalisation of child victims of trafficking and trafficking of care leavers.

WHAT IS CHILD PROTECTION?

A child protection system is the system of services to protect children who are suffering, or are likely to suffer, significant harm as a result of violence, abuse, neglect or exploitation.

WHAT ARE CHILDREN'S INSTITUTIONS?

An institution is any residential setting where an "institutional culture" prevails.²² This is generally characterised by:

- *Depersonalisation* (removal of personal possessions, signs and symbols of individuality and humanity);
- *Rigidity of routine* (fixed timetables for waking, eating and activity irrespective of personal preferences or needs);

- *Block treatment* (processing people in groups without privacy or individuality); and
- *Social distance* (symbolising the different status of staff and residents).²³

Not all children's institutions look the same or operate in the same way – some may be run by the state, others by private providers, some may be materially well resourced, others may struggle to provide basic amenities. The term covers a range of residential facilities, which may be known as orphanages, compound/cluster facilities, reception centres for unaccompanied migrant children, residential health facilities and psychiatric wards, residential "special schools", and some types of boarding schools.

WHAT IS RESIDENTIAL CARE?

While institutions are not an appropriate form of care, high-quality residential care is an important part of the continuum of care. This is ideally provided in small groups, within the community, with a highly trained workforce who support the children and, wherever possible, maintain strong relationships with the birth and extended family.

WHAT IS HUMAN TRAFFICKING?

Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000, (known as "the Palermo Protocol"), provides an internationally accepted definition of trafficking:

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

Following this definition, human trafficking comprises three core elements: the *act*, the *means*, and the *purpose*.²⁴ However, when a child is the victim of trafficking, the means element is not required, as per article 3(c) of the Palermo Protocol. This is not to say that coercion, abduction, and other trafficking means do not occur for child victims. The definition recognises that a child cannot give informed consent to his or her own exploitation, even if he or she agrees to it or understands what has happened.²⁵

Child trafficking has also been defined as "the profit-oriented and exploitative purpose of moving a child away from home into an isolated environment, with no support mechanisms, further exacerbating the child's susceptibility to manipulation."²⁶ This definition encapsulates the lived reality of many child victims of institution-related trafficking.

WHAT IS EXPLOITATION?

According to a definition cited by the United Nations Office on Drugs and Crime (UNODC), "to exploit a person is to use a weakness in order to gain substantial control over the person's life or labour."²⁷

The Palermo Protocol also sets out what is included under the "purpose of exploitation":

*Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*²⁸

Abuse is a different though related concept, including all types of physical, emotional and sexual abuse, as well as neglect by those with authority and power over children.²⁹ Although abuse does not have to be exploitative, it constitutes one of the possible means of trafficking.

WHAT IS ORPHANAGE VOLUNTOURISM?

Voluntourism is defined as "a type of holiday in which you work as a volunteer (= without being paid) to help people in the places you visit."³⁰ In the context of "orphanages" and other types of institutional care, voluntourism represents a spectrum of activities related to the support of institutions through financial or material resources or volunteering one's time.³¹

WHAT IS MEANT BY UNACCOMPANIED CHILDREN?

Unaccompanied children are children under the age of 18 who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.³²

WHAT IS FAMILY- AND COMMUNITY-BASED CARE?

Family-based care refers to care for a child in a family-like situation, as opposed to institutional or residential care. This includes kinship care and foster care. Community-based care refers to the spectrum of services that enable individuals to live in the community and, in the case of children, to grow up in a family or family-like environment. It encompasses mainstream services, such as housing, healthcare, education, employment, culture and leisure, which are accessible to everyone regardless of the nature of their impairment or the required level of support. It also refers to specialised services, such as personal assistance for people with disabilities, respite care and others. In addition, the term includes family-based and family-like care for children, including substitute family care, preventative measures and family support.³³

THE LINKAGES BETWEEN TRAFFICKING AND INSTITUTIONS

CHILDREN
TRAFFICKED
INTO
INSTITUTIONS



CHILDREN
TRAFFICKED
OUT OF
INSTITUTIONS



CHILDREN WHO
HAVE BEEN
TRAFFICKED ARE
PLACED BACK



CARE LEAVERS
AT INCREASED
RISK OF BEING
TRAFFICKED



LAWS, POLICIES AND SYSTEMS

A variety of international laws, policies and instruments exists in the realm of children's rights, specifically around child abuse and exploitation, separated children and children deprived of parental care. This chapter provides a summary overview of the various international frameworks that govern the areas of child institutionalisation and child trafficking. It also takes a brief look at separated and unaccompanied children who are "particularly vulnerable"³⁴ to trafficking.³⁵

OVERVIEW OF LAWS AND POLICIES CONCERNING INSTITUTIONAL CARE

International Frameworks

Over the past few decades, the human rights instruments and policies of the United Nations (UN) have evolved to promote the right to family life and the importance of keeping families together, as well as the needs of children at risk of separation from their families, and the needs of children currently living outside family-based care.

The Convention on the Rights of the Child (CRC) established a binding international law that stipulates the right for children to remain with families or in family settings. It states: *"The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding."*³⁶

The Convention on the Rights of Persons with Disabilities (CRPD)³⁷ and the Guidelines for the Alternative Care of Children,³⁸ both emphasise additional protections for vulnerable children, including institutionalised children, children with disabilities, and children from ethnic minority groups. The Guidelines also call for a process of care reform.

European Frameworks

In Europe there have been significant developments in care reform, with the EU playing a leading role in driving the transition from institutional care to family- and community-based systems of care in several countries.³⁹ This has been achieved through the introduction of an ex-ante conditionality in a regulation for the use of the European Structural and Investment Funds (ESIF). As a consequence, approximately €2.7 billion has been moved away from institutions and allocated instead to reforming care systems.⁴⁰ The EU Action Plan on Human Rights and Democracy (2020-2024) has further reaffirmed this progress by prioritising the development of

quality alternative care and the transition from institutional to quality family- and community-based care for children without parental care.⁴¹ In addition, the EU has made its commitment to the care reform agenda clear through frameworks such as the EU Charter of Fundamental Rights, the EU Agenda for the Rights of the Child, the European Disability Strategy and the European Pillar of Social Rights.

OVERVIEW OF LAWS, POLICIES AND SYSTEMS CONCERNING CHILD TRAFFICKING

International Frameworks

A range of instruments exists to criminalise child exploitation, in all its forms, and protect its victims. These include, but are not limited to, the following:

- The Palermo Protocol requires states to criminalise trafficking and provides the internationally agreed definition of human trafficking, including child trafficking.⁴²
- The 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs)⁴³ provide a framework with three goals (5, 8, 16) with specific targets that reference child trafficking and exploitation.
- The CRC requires State Parties to *"take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form"*.⁴⁴ Article 21 states that in individual cases where national solutions are not suitable and international adoption is necessary for the best interests of the child, it must not involve *"improper financial gain"*. Furthermore, Article 32 recognises the child's right *"to be protected from economic exploitation"*.
- The Optional Protocol to the CRC on the sale of children, child prostitution and child pornography⁴⁵ specifies particular forms of protection and assistance to be made available to child victims.

“THE CHILD, FOR THE FULL AND HARMONIOUS DEVELOPMENT OF HIS OR HER PERSONALITY, SHOULD GROW UP IN A FAMILY ENVIRONMENT, IN AN ATMOSPHERE OF HAPPINESS, LOVE AND UNDERSTANDING.”

THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

- The International Labour Organization (ILO) Worst Forms of Child Labour Convention⁴⁶ prohibits using children under 18 years of age for all forms of slavery or practices similar to slavery, trafficking, debt bondage, serfdom, forced or compulsory labour, and prostitution.
- The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (known as the “Hague Adoption Convention”) is the main instrument governing the issue of intercountry adoption. It prohibits “improper financial or other gain” from an activity related to intercountry adoption, noting that “only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid.”⁴⁷

European Frameworks

The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016 reflected the importance of developing EU guidance on integrated child protection systems to tackle trafficking and support victims. EU Member States are also obliged to protect children from all forms of violence.⁴⁸

In addition, the Council of Europe Convention on Action against Trafficking in Human Beings⁴⁹ covers a range of measures, including prevention, protection, prosecution and international cooperation. Article 5 calls upon State Parties to “take specific measures to reduce children’s vulnerability to trafficking, notably by creating a protective environment for them”. In the Convention’s accompanying explanatory report,⁵⁰ the concept of a protective environment has key components that include systems for reporting abuse, support for child victims of trafficking and ensuring the capacity of those in contact with children, families and communities to protect children.

Many European countries have adopted what is commonly referred to as a national referral mechanism (NRM)⁵¹ in order to fulfil their obligations under the Convention to identify and protect victims in their jurisdiction. The structure of an NRM can differ in each country; however, NRMs should be designed to formalise co-operation among government agencies and non-governmental groups dealing with trafficked persons. In many countries, victims are identified by the police, immigration authorities, child protection actors or NGOs – or a mixture of these. This leads to variance in the data and concerns over quality about decisions, particularly cases involving children where child protection matters are often devolved. Particular criticisms have included the perceived prioritisation of immigration status over victimhood⁵² and a focus on cross-border trafficking over cases of children trafficked in their own countries.⁵³

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as the “Lanzarote Convention”,⁵⁴ requires criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators. There is also a European Directive,⁵⁵ which provides binding legislation to prevent trafficking, to prosecute criminals effectively and to protect the victims better. This includes a revised definition of offences involving trafficking, to include practices such as illegal adoption and forced begging.

The vast majority of European countries have adopted a definition of trafficking in human beings framed by the Palermo Protocol. However, the exact scope of “exploitation” varies.⁵⁶ In Europe, different legal approaches are adopted when addressing trafficking in children. Fewer than half of European countries have included a distinct legal definition of child trafficking in their national law, which can result in cases being prosecuted under other related legislation and cases not being reflected in national trafficking statistics.⁵⁷ In practice, the definition of child trafficking can be confusing and difficult to apply because it may be hard to differentiate between child victims of trafficking and child victims of other forms of exploitation and abuse.⁵⁸ This likely adds to the underreporting of cases of institution-related trafficking, which means the phenomenon remains unrecognised and not a priority for governments.

INSTITUTION-RELATED TRAFFICKING

The increasing visibility of institution-related trafficking was acknowledged by the 2019 UN resolution on children in alternative care, co-drafted by the EU and Uruguay on behalf of the Group of Latin America and Caribbean Countries, which was unanimously adopted by 193 Member States.⁵⁹ Not only did this recognise the harm of institutional care and promote family-based care, it also highlighted that many reasons, including trafficking, led to millions of children globally growing up deprived of parental care.

Importantly the resolution encourages states to take “appropriate measures to protect children who are victims of trafficking and are deprived of parental care, as well as enacting and enforcing legislation to prevent and combat the trafficking and exploitation of children in care facilities, and supporting children who are victims of human trafficking in returning to their families and in receiving appropriate mental health and psychological assistance that is victim-centred and trauma-informed and taking appropriate measures to prevent and address the harms related to volunteering programmes in orphanages, including in the context of tourism, which can lead to trafficking and exploitation.”⁶⁰ This was a significant step as it represented the first time that UN Member States had recognised the risk of institution-related trafficking. In addition, it acknowledged the harm of orphanage “voluntourism”,⁶¹ its link to child exploitation, and the need for child victims of trafficking to have family-based care.

The emerging form of child exploitation commonly referred to as “orphanage trafficking”, which is often linked to the issue of orphanage voluntourism, is not explicitly referred to in any European country’s legislation. “Orphanage trafficking” typically involves the false construction of a child’s identity as an orphan, known as “paper orphaning”, and can be driven by the practice of orphanage tourism and volunteering.⁶² There is significant anecdotal evidence to suggest that European countries “make a considerable contribution to the supply chain of people, money and resources that continue to sustain and foster the orphanage industry worldwide.”⁶³ Australia became the first country to recognise this type of exploitation in its Modern Slavery Act (2018).⁶⁴ An independent review⁶⁵ of the UK’s Modern Slavery Act recommended that policy guidance be introduced to ensure “orphanage trafficking” could be prosecuted under the scope of the Act.

UNACCOMPANIED MIGRANT AND REFUGEE CHILDREN IN EUROPE

Thousands of refugee children are unaccounted for with many feared to have been trafficked.⁶⁶ Under the CRC, all children, regardless of their nationality, migration or asylum status, have the right to care and protection.⁶⁷ The Council of Europe decreed that children should never be held in detention, but should receive appropriate care, preferably foster care.⁶⁸ Despite this, unaccompanied children in Europe are still held in detention.⁶⁹ Recent research has identified an “over-reliance on institutional care” in several European countries⁷⁰ and instances where unaccompanied children are placed in care systems which do little to recognise and support their individual needs.⁷¹ Evidence suggests that traffickers may use residential care home systems where unaccompanied children are often placed as “holding pens” in order to target children.⁷²

NATIONAL SYSTEMS

To ensure effective implementation of the laws and policies mentioned above, a well-functioning national child protection system is needed. However, child protection systems differ significantly across Europe and can even vary within countries. Across Europe, there are different approaches to accountability and monitoring systems, standards, and identification and reporting procedures.

In most EU Member States, there are no specific provisions for the frequency of reviews and checks following an initial vetting of staff working in residential care.⁷³ There may be no particular provisions addressing the situation and the vulnerability of children in alternative care and their right to issue complaints, including against personnel working in alternative care settings. Even when provisions exist, children are not adequately and systematically informed about their rights.⁷⁴ This leaves children vulnerable to abuse and can lead to incidents going unreported.



SCALE, PATTERNS AND DYNAMICS

The scope of trafficking in the European context is broad and complex. Limitations surrounding domestic capacities, resources, processes and political will result in data gaps across the region, which make it challenging to explore trafficking flows and the linkages with institution-related trafficking. This section focuses on the cycles and elements of institution-related trafficking, including the critical areas of activity, statistics of persons trafficked across the region, and the models of institutional care across Europe and their linkages to child trafficking, as well as prevalent forms of exploitation.

TRAFFICKING GEOGRAPHY AND TRAFFICKING FLOWS

This study examines four geographic contexts of the typical trafficking process: source regions, transit regions, destination regions, and points of entry. It focuses on two primary types of trafficking flows: domestic trafficking and transnational trafficking.

TRAFFICKING GEOGRAPHY

Source/origin regions: In these areas, a multitude of factors expose vulnerable persons to risks around exploitation or create the need for illegal movement.

Transit regions: These areas operate as hubs for the part of trafficking and re-trafficking that includes transportation, transfer and harbouring. They are characterised by high levels of illegal migration.

Points of entry: These are European countries that have emerged as transit and destination regions for trans-regional trafficking. Countries like Italy and Greece are categorised as points of entry and transit for trafficked persons coming from outside Europe.⁷⁵

Destination regions: These are areas characterised by economic stability where broader markets and clientele are more accessible.

TRAFFICKING FLOWS

Domestic trafficking: This form of trafficking encompasses localised exploitation within a country's borders. Domestic trafficking is often difficult to identify because it intersects with other aspects of criminality at the local level. Consequently, the outcomes of trafficking, such as sexual exploitation, are categorised as regular forms of criminality.

Transnational trafficking: This form of trafficking encompasses the transporting of people from their country of origin for the purpose of exploitation. This includes transportation across regional and continental borders.

While the factors surrounding transnational trafficking are easier to label as trafficking, the process of tracking victims is complex. Once victims of human trafficking are transported from their countries of origin and moved across borders, it becomes challenging to track destination points, transit points or identities.

80%

OF DETECTED VICTIMS OF TRAFFICKING ARE FEMALE, IN CENTRAL AND SOUTH-EASTERN EUROPE

GAPS IN REPORTING

The process of reporting and documenting incidences of trafficking is complicated for several reasons. First, some countries possess more sophisticated mechanisms for creating and implementing national action plans on reporting and documenting trafficking than others.⁷⁶ Countries like Lithuania and the Netherlands provide annual statistics on persons trafficked domestically and transnationally.⁷⁷ Other countries, like Belarus or Russia, either lack the resources or the political will to monitor and document this problem.⁷⁸ Secondly, while there are agreed-upon global definitions of trafficking, in some countries, acts that constitute trafficking are not categorised as such. As a result, some trafficked persons are not ascribed victim status and are not included in incidences.⁷⁹

ESTIMATED SCALE OF THE PROBLEM

Accurate statistics on human trafficking in Europe are scarce, and few countries provide official statistics on children who have been identified as victims of trafficking.⁸⁰ As noted above, around 20,500 victims of trafficking were registered in the EU in 2015-16, with a quarter of those being under 18 years old. There is no data on the prevalence of institution-related trafficking.

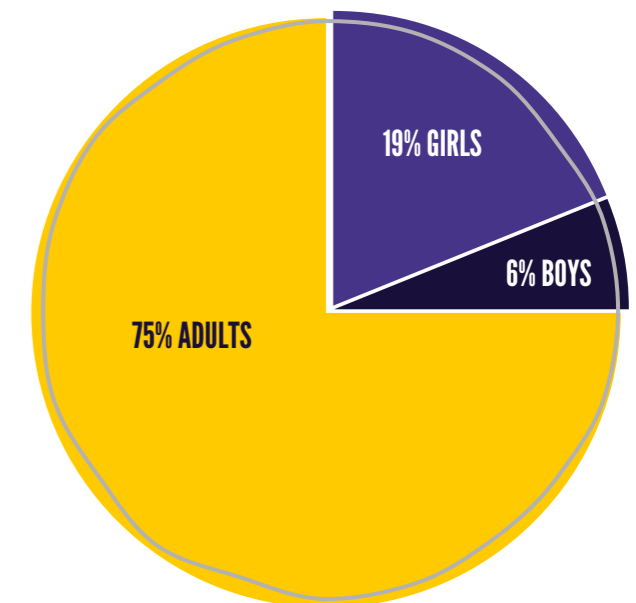
In 2018, the UN annual report on the trafficking of persons reported that in western and southern Europe, 25% of people trafficked were children – 19% girls and 6% boys. Sexual exploitation appears to be the most detected form of trafficking, followed by forced labour. Of persons trafficked for the purpose of sexual exploitation, 18% are girls and 3% are boys.

In central and south-eastern Europe, the report holds that four in five detected victims of trafficking are female; 70% of victims are trafficked for the purpose of sexual exploitation, and 17% for labour exploitation. Overall, the number of girls being trafficked in the region has increased since the last evaluation in 2016. Children account for 34% of all persons trafficked. A third of those trafficked for the purpose of sexual exploitation are children – 28% girls and 5% boys.⁸¹

The vast majority of the perpetrators of trafficking are male, in both subregions. Foreign perpetrators (from other European countries) account for 59% convictions in western and southern Europe and 20% in central and south-eastern Europe.⁸² Overall, the European region had a prevalence of 3.9 people in *modern slavery*⁸³ for every 1,000 people.⁸⁴

25%

OF DETECTED VICTIMS OF TRAFFICKING IN WESTERN AND SOUTHERN EUROPE ARE CHILDREN



Linkages Between Institutions and Trafficking

As mentioned previously, Lumos has identified four recurring linkages between institutions for children and trafficking:

- 1 Children are recruited and trafficked into institutions, solely for the purpose of financial profit and other forms of exploitation – also known as “orphanage trafficking”;
- 2 Children are trafficked from orphanages/institutions into other forms of exploitation;
- 3 Child trafficking victims and unaccompanied children are often placed in institutions for “protection”, which can put them at risk of trafficking and re-trafficking;
- 4 Care-leavers are more vulnerable to exploitation and trafficking.

The following sections elaborate on the forms of institution-related trafficking and include examples of each.

TRAFFICKING INTO INSTITUTIONS

“CHILDREN IN INSTITUTIONS ARE ONE OF THE MOST VULNERABLE GROUPS BECAUSE OF THE ENVIRONMENT AROUND THEM OR LACK OF SERVICES. BUT THEY [THE INSTITUTIONS] ARE SEEN AS DOING GOOD. THIS IS ALMOST THE ‘PERFECT COVER’.”⁸⁵

In this form, the child is trafficked into institutions, for the purpose of exploitation in the institution. The institution can also become a transit point for re-trafficking to new destination points. While “orphanage trafficking” is not as prevalent in the European context as in other parts of the world, there are cases in which children are placed in institutions to elicit additional funds from governmental coffers.⁸⁶ Additionally, although children are not initially placed in institutions with trafficking as the reason or as the end goal, sexual exploitation and forced labour still occur within the confines of institutional spaces, perpetrated by other children or members of staff.⁸⁷ Transnational trafficking adds a layer to the problem, as in some cases children are trafficked into institutions – the transit point – in non-European regions, solely to be trafficked to European countries – the destination point – for exploitation.⁸⁸

Sexual Exploitation of Children in Institutions

“GIRLS AND BOYS FROM ORPHANAGES ARE THE INVISIBLE VICTIMS OF THE SEX INDUSTRY.”⁸⁹

There is evidence of children being sexually exploited while living in institutions. In one Romanian case, a 14-year-old girl was directly recruited from an institution and regularly sexually exploited. After school hours, the girl would be assaulted by more than ten men, before being brought back to the institution at night.⁹⁰ In 2015, the Lithuanian government investigated claims of complicity and negligence related to allegations of sex trafficking of girls and boys within state-run orphanages.⁹¹ The orphanage’s director defended her institution by saying such activity is common in all Lithuanian orphanages. The widespread nature of this exploitation and abuse resulted in the government’s decision to phase out the orphanage system in favour of a foster care system.⁹² High-profile cases have also been seen in Ukraine.⁹³

Forced Labour of Children in Institutions

Forced labour constitutes another common form of exploitation resulting from “orphanage trafficking”. Children living in institutions are known to be particularly vulnerable to exploitation in construction projects and domestic work.⁹⁴ In one orphanage for children with disabilities, staff forced children to assist in dangerous tasks, such as sterilising soiled mattresses, under the guise of “work therapy”. Children are often made to perform domestic work in houses in the surrounding village or labour on a farm.⁹⁵ Children in institutions are sometimes subjected to forced labour through the act of “selling their time” to others in order to elicit donations and sponsorship for the institution.⁹⁶ Through this process, children’s time and presence are commodified, often in the frame of their true or alleged orphanhood, to the commercial benefit of the commodifier rather than the individual child. Although this particular form of trafficking appears to be more prevalent outside of Europe, Disability Rights International (DRI) found that children with disabilities living in an institutional facility in Ukraine were often taken to the Czech Republic to perform fundraising concerts and host events for a network of high-profile donors.⁹⁷ In Poland, there have been indications of “lending” children over the age of 14 to foreign parents, for example, on holidays where they are frequently forced to work.⁹⁸

The use of children for begging is also considered a form of forced labour.⁹⁹ According to Europol, organised criminal gangs involved in trafficking children for forced begging specifically target children in orphanages.¹⁰⁰ This specific type of forced labour is known to occur in various European countries, such as Italy¹⁰¹ and Ukraine.¹⁰²

TRAFFICKING OUT OF INSTITUTIONS

“INSTITUTIONS CAN CREATE A PIPELINE OF CHILDREN TO BE USED BY [ORGANISED CRIME GROUPS].”¹⁰³

The trafficking of children out of institutions appears to be the primary linkage between institutions and trafficking across Europe. Children living in institutions in source and transit regions are particularly vulnerable to this practice.¹⁰⁴ Many source and transit regions are unable to meet the minimum standards for the protection of victims of trafficking.¹⁰⁵ However, even in regions where adequate protection mechanisms are in place, children in institutional care remain vulnerable to trafficking. In the context of transnational trafficking, perpetrators work to identify children in vulnerable circumstances, condition them, and subsequently coerce or deceive them into leaving the institutions for what many assume are places of safety.¹⁰⁶ Some conditioning tactics include the cultivation of romantic relationships with institutionalised children or the provision of financial support. Children and young adults who ran away from local orphanages and penal institutes in Romania and Albania have previously ended up as victims of sexual exploitation in Italy and Greece.¹⁰⁷

In the context of domestic trafficking flows, children are often trafficked out of institutions into their immediate communities. In cases of sexual or labour exploitation, the institution operates as a base, from which children are forced to leave and remain in the company of perpetrators for several hours or days before they are returned to the institution to be re-trafficked.¹⁰⁸

Alleged Sexual Assault in the Chelyabinsk Region, Russia

In an institution for children with disabilities in the region, several boys under the age of 14 alleged that visitors and orphanage staff have sexually exploited them. In some cases, visitors were allowed to take the children out of the facility to external locations where they were sexually exploited in the presence of orphanage staff. Allegedly some of these visitors paid the orphanage staff to gain access to the children. Additionally, the children claim that they were also sexually assaulted or had sexual acts performed in front of them within the facility by the orphanage staff. The authorities are currently investigating the case.

Exploitation of Children Trafficked out of Institutions

There is ample case evidence of children being trafficked out of state-run institutions for the purpose of sexual exploitation. In 2018, an individual from Romania was arrested after recruiting girls aged 7 to 11 directly from residential centres and engaging them in the recording of child sexual exploitation materials and restricting their freedom of movement.¹⁰⁹ In the Tartarstan Republic, Russia, a former police officer and manager of a child protection fund was found to be running a studio to record child sexual exploitation material with children from orphanages and boarding schools.¹¹⁰

Aware of the extreme vulnerabilities of children living in institutions, human traffickers across Europe are known to approach potential victims directly inside or in the close vicinity of the institution, often capitalising on their wish to run away.¹¹¹ A recent Belgian study highlighted the problem of young girls who live in institutions being found heavily drugged in buildings, hotels and cars after being exploited and abused by dozens of adults. Several institutions even recorded that at certain times 40 to 50% of their girls were victims of such sexual exploitation or abuse. Only a small number of institutions indicated that they never, or rarely, encountered this problem, or that they were not aware of it.¹¹² There is also some case evidence of children trafficked out of institutions being exploited to commit crimes. Sometimes, crimes may include the recruitment of new trafficking victims.¹¹³ In Russia, for example, there have been reports of children from state and municipal orphanages being lured via the internet and social networks to forced criminality and use by armed groups in the Middle East.¹¹⁴

There are limited reports of the trafficking of children from institutions for the purpose of organ harvesting, but they do exist. DRI identified cases in Ukraine where orphanages were targeted by organ harvesters.¹¹⁵ In one high-profile case in 2016, an orphanage worker, also in Ukraine, was found guilty of attempting to sell a girl in her care to organ harvesters for \$10,000.¹¹⁶ There have also been reports of children being trafficked from Albanian orphanages to Italy for this purpose.¹¹⁷

Illegal Adoption of Children Trafficked out of Institutions

The relationship between illegal adoption, child trafficking and institutions is a contentious topic in the analysed literature.¹¹⁸ Children are sometimes trafficked out of institutions for the purposes of illegal adoption, which may subsequently involve other forms of exploitation. In the early 1990s, there were numerous cases of children being trafficked out of Romanian institutions for the purpose of illegal adoption overseas, until a moratorium on international adoption was imposed in October 2001.¹¹⁹ There is evidence of Albanian children being swapped for television sets or watches¹²⁰ and sold and trafficked to Italy and Greece for adoption and organ transplantations.¹²¹

Evidence from Northern Ireland suggests that babies were trafficked into a home for the purpose of illegal adoption where prospective adoptive parents pay fees for what they assume are normal adoption processes. In some instances, identifications were falsified to show that the babies were given up for adoption willingly, despite evidence to the contrary. Additionally, evidence gathered “revealed the extensive movement of babies and women across state borders”.¹²² In 2011, an Italian woman was accused of having trafficked 40 children illegally from a Russian orphanage in Volgograd in order to then “sell them” for adoption in Italy. According to sources, she raised over \$2,500 per child through this system.¹²³ There is also evidence of illegal international adoption contributing to the placement of children in institutions, for example, in Georgia,¹²⁴ Kyrgyzstan¹²⁵ and Ukraine.¹²⁶

INSTITUTIONALISATION OF CHILD VICTIMS OF TRAFFICKING

Child victims of trafficking are regularly institutionalised, either as a child protection mechanism or in response to violations. In both instances, institutionalisation creates adverse outcomes.

Institutions as Part of the Child Protection System

Child victims of trafficking are sometimes placed into institutions for the ostensible purpose of protection and support, often for lack of viable alternatives. In practice, this creates risks for re-trafficking and re-traumatisation. In some cases, child victims of trafficking are placed in the same institutions from which they were trafficked. As a result, they are re-exposed to the very factors that facilitated trafficking in the first place. The institutionalisation of victims of trafficking thus magnifies vulnerability to future exploitation, perpetuating the intricate cycle of institutionalisation and trafficking.¹²⁷ Institutionalised child victims of trafficking sometimes run away from these facilities and risk becoming street-connected children, another group vulnerable to exploitation.¹²⁸

In the UK, as many as 150 child victims of trafficking from Vietnam have disappeared from care facilities. These child victims of trafficking are already traumatised, and re-institutionalisation exacerbates feelings of isolation and distrust. Following their disappearance, some of the children are re-trafficked. In one case, a missing child victim of trafficking was found to be working at a cannabis farm. In other cases, children were found to be working as domestic servants.¹²⁹

Institutions as a Response to Violations

Child victims of trafficking are also institutionalised as part of law enforcement processes. This may occur when child victims of trafficking forced into sexual exploitation or gangs are not accorded victim status through the law enforcement and justice systems. Consequently, these children are sometimes fined or placed in juvenile detention centres.¹³⁰

THE TRAFFICKING AND EXPLOITATION OF CARE LEAVERS

“ORPHANS ARE BEING PROFILED. WHERE THE SYSTEM ALLOWS IT, TRAFFICKERS KNOW WHERE TO GO. ORPHANAGES, CARE HOMES, ARE LIKE ‘HOLDING PENS’ FOR VICTIMS OF TRAFFICKING. IT’S PART OF THE METHODOLOGY.”¹³¹

Care leavers are particularly vulnerable to trafficking where there are limited services and support available to them for reintegration into society upon leaving the institution. Even when support is available, the conditions set in place by social welfare departments can be challenging to meet. For instance, in some cases, care leavers are required to have a job or attend higher education or possess a clean police record to access social welfare support.¹³² A lack of access to necessities like shelter and food places care leavers in circumstances that expose them to risks for trafficking and criminality. In these cases, young men and women may be forced into lives of sexual exploitation, begging or robbery to survive.¹³³ Care leavers can sometimes assume the role of perpetrators of institution-related trafficking. For example, in some cases children trafficked out of institutions are recruited and coerced by friends, who sometimes resided in the same institution themselves.¹³⁴

Care leavers are particularly vulnerable to sexual exploitation. Research by the International Organization for Migration (IOM) found that girls in Moldova who grew up in institutions were ten times more likely to be a victim of trafficking for the purpose of sexual exploitation than their peers raised in families.¹³⁵



KEY EVIDENCE ON SCALE, PATTERNS AND DYNAMICS:

- Across Europe, there is evidence of children being trafficked directly into and out of institutions.
- Children living in institutions are trafficked both domestically and transnationally.
- Sexual exploitation is the best-documented form of exploitation linked to institutions in Europe.
- Children in institutions often fall victim to exploitation through forced labour, including through selling children’s time and begging.
- The effects of institutionalised care are long-lasting and create vulnerabilities that expose care leavers to opportunities for trafficking and forced criminality.

GAPS IN THE EVIDENCE:

- There is a lack of consistent and robust data on the number of persons trafficked in the region, as some countries lack the capacity to ensure proper reporting and documentation.
- There is limited quantitative evidence on the number of persons trafficked within the region or externally. This hinders our understanding of the full scope of the problem.
- There may be other forms of trafficking not covered in this report that indirectly affect children who are victims of trafficking, such as rural–rural trafficking flows and trafficking through transnational criminal networks.
- There is limited evidence on other linkages between trafficking and institutions, such as care leavers as perpetrators of human trafficking or the institutionalisation of children whose parents are victims of trafficking.
- Limited case evidence exists on the linkages between institutional care and trafficking into forced criminality and organ harvesting.

RISKS AND DRIVERS

Poverty, disability and discrimination are some of the major factors which place children at risk of family separation and institutionalisation.¹³⁶ Children in conflict with the law and unaccompanied migrant and refugee children are also at risk of being placed in various forms of institutions by states.¹³⁷

OVERVIEW OF THE RISKS AND DRIVERS OF INSTITUTIONALISATION

The primary drivers of trafficking in Europe include poverty, abuse and neglect, and vulnerability created by migration status.¹³⁸ A study of high-risk groups for trafficking found that the following typologies represented an increased risk profile for children:¹³⁹

- Child victims of family violence, abuse and neglect, and poverty;
- Children on the move;
- Children with physical, learning and developmental disabilities;
- Children engaging in risky behaviour;
- Child victims of war, crisis and (natural) disaster (who often end up in Europe unaccompanied);
- Children from marginalised communities or neighbourhoods;
- Children left alone (children without parents or other relatives to take care of them may be living on the streets, in institutions for orphans or in the care of relative strangers).

However, despite the apparent overlap on the drivers of institutionalisation and the drivers of trafficking, there has been little empirical research into the risks and drivers of institution-related trafficking. This chapter examines the primary drivers of human trafficking as it relates to the institutionalisation of children in Europe.

Throughout this chapter, the term “risk” is used to describe an attribute or circumstance of the child which may increase their vulnerability to experiencing institution-related trafficking. The term “driver”, on the other hand, is used to describe structural processes which exacerbate the risk faced by children.

EXPLANATION OF THE DIFFERENT LEVELS

Understanding that children are affected by different layers of vulnerability can help gain a better comprehension of the interplay between the various risks and drivers. This chapter draws on a vulnerability model developed by IOM.¹⁴⁰ This is an ecological framework which proposes that children can potentially face four different levels of vulnerability:

- 1 Individual/child level** – these are factors which impact the individual child, over which the child has no control, and may include aspects such as gender or disability.
- 2 Family or household level** – these are factors relating to the circumstances of the child’s family and may include abuse, neglect or poverty.
- 3 Community level** – children may be impacted by various factors relating to the circumstances of the community in which they live. This could include the process of discrimination if they are part of a minority group or the impact of community-level poverty on the individual child.
- 4 Structural level** – structural-level factors relate to the political context in which the child is living, and the different infrastructures which may affect the child, for example, the justice system as it relates to children or measures for the protection of unaccompanied migrant and refugee children.

CHILD LEVEL RISKS AND DRIVERS

Gender

Gender can impact the vulnerability of children in multiple ways. This study did not find any evidence that children were more likely to be victims of institution-related trafficking as a result of their gender. Nonetheless, women and girls are generally known to be at an increased risk of trafficking.¹⁴¹ What was evident is that the forms of exploitation most common for boys and girls tend to vary. For girls, there is an increased risk of being trafficked for purposes of sexual exploitation.



Case studies from across Europe presented evidence of girls being trafficked from institutions for the purpose of sexual exploitation. In Latvia, “young women from socially disadvantaged families, orphanages, and care institutions” have been described as the group most at risk of being trafficked.¹⁴² Furthermore, it has been observed in Albania that the risk of pregnancy for young women and girls compounded their vulnerability, as it was easier for traffickers to control their behaviours if they became pregnant.¹⁴³ Boys from institutions may be at risk of being trafficked for different purposes, in particular for the purpose of criminal activity, such as begging or theft,¹⁴⁴ or to carry out physical labour.¹⁴⁵ The differences in the forms of exploitation experienced by boys and girls may be affected by cultural or societal norms around gender in a particular country.

Disability

Globally, children with disabilities are particularly at risk of institutionalisation.¹⁴⁶ The principal reasons for this usually relate to social stigma surrounding disability, poverty, as well as lack of support for parents and inclusive education services in the local community.¹⁴⁷

For children with disabilities living in institutions, the risk of trafficking is often much higher than for those children who do not have a disability. Due to their increased vulnerability, as they are often even more cut off from their families than their peers.¹⁴⁸ This trend is compounded by gender, and there is evidence that girls with disabilities are particularly at risk of being trafficked for the purpose of sexual exploitation inside or outside the institution.¹⁴⁹ This is corroborated by patterns observed in Latvia which showed that the girls who were most at risk of being exploited were those who had intellectual disabilities.¹⁵⁰

Nevertheless, evidence shows that all children with disabilities living in institutions are at risk of exploitation, regardless of their gender. In some countries, institutions have been found to require children with disabilities to take part in “work therapy”. In reality, this is a form of labour exploitation, often requiring children to do difficult and dangerous work, in order to save money for the institution.¹⁵¹

The risks posed to these children and young people are exacerbated by a lack of opportunities in their communities after they become adults. Care leavers who have disabilities are particularly at risk of poverty and homelessness due to discrimination in the job market, and this poverty can be exploited by traffickers.¹⁵² In some cases, young adults will stay in institutional care for many years after they have reached adulthood, remaining at risk of being exploited.

Social Isolation

“Traffickers target the background of victims. They give victims a degree of control, respect or confidence... Something that they are missing in their lives. It goes back to circumstances such as an abusive family background, family breakdown, being out of school... traffickers aim to provide what victims need.”¹⁵³

In many cases, social isolation puts vulnerable children at risk of institution-related trafficking. The lack of a family support network may be compounded by stigmatisation from their community as a result of their status as care leavers. Social isolation can be interlinked with other risk factors, such as discrimination against minority groups, or abuse and neglect in the home. It can also be a tactic employed by traffickers to prevent victims from seeking assistance.¹⁵⁴

Children who are deprived of parental care are particularly at risk of exploitation. Institutionalisation is the default response to children without parental care in many countries and care leavers may have a weaker support network, resulting in exacerbated social isolation. For example, orphans including “social orphans”¹⁵⁵ in Russia have been described as a group that is particularly vulnerable to trafficking, especially on leaving orphanages.¹⁵⁶

Social isolation is particularly relevant for unaccompanied migrant and refugee children, where a lack of local community can create particular risks for children.¹⁵⁷ This can be compounded by language barriers faced in their destination country, making children vulnerable to manipulation by those who speak their native language.¹⁵⁸

FAMILY LEVEL RISKS AND DRIVERS

Poverty

Children who grow up in families that experience poverty are at an increased risk of institutionalisation. These children are particularly vulnerable to being trafficked into institutions, as institution directors may pressure or pay parents to send their children to institutions in the hopes of a better life. In reality, in these situations, the children are trafficked into the institution to solicit donations or increase the institution’s state funding.¹⁵⁹ Evidence of this trend taking place in Europe has been gathered in Ukraine.¹⁶⁰

It is also common for those living in impoverished communities to have reduced access to other kinds of state support, particularly those living in remote or rural communities.¹⁶¹ A lack of services and support in the community often means parents are forced to place their child in an institution, where they believe the child will be more likely to have access to education and healthcare.¹⁶² Studies in Albania have shown that children living in poverty are more likely to be placed in institutions, and once placed there, are more vulnerable to traffickers.¹⁶³ A similar pattern can be identified in Hungary and Latvia, where children from low-income families are more likely to be removed from their families and sent to live in institutions. Once in institutions, they are at a higher risk of being trafficked.¹⁶⁴

Abuse and Neglect

Abuse and neglect within the family can be a significant risk factor of both institutionalisation and institution-related trafficking.¹⁶⁵ This can happen directly after the child is removed from their family or after they run away from home and become

homeless. According to one report, “when [these children] are placed in a child care institution, they already are vulnerable and have a higher risk to be trafficked because of their history of neglect, abuse or insecurity.”¹⁶⁶ A study of children in England and Wales who had experienced sexual abuse and exploitation linked to residential care found that the majority of the research participants had also experienced violence and neglect in the home before being placed in a residential institution.¹⁶⁷ Furthermore, many children experience abuse in institutions, and so become increasingly vulnerable in the institution itself.¹⁶⁸ Victims of abuse can often suffer from feelings of isolation or mental health problems as a result of their trauma – factors which can be easily exploited by traffickers.¹⁶⁹

COMMUNITY LEVEL RISKS AND DRIVERS

Minority Ethnic Background and Discrimination

It has been observed through this study that children from minority ethnic backgrounds are a high-risk group for trafficking and institutionalisation, as well as institution-related trafficking. There is strong evidence that Roma children, in particular, are vulnerable to trafficking within their communities.¹⁷⁰ This is one of the reasons that Roma children are frequently placed in institutions or other forms of alternative care, where they again face a risk of trafficking.¹⁷¹ Even when there is no known risk of trafficking within their communities, the proportion of Roma children in institutions in many countries tends to be disproportionately high. For example, in Hungary, the proportion of Roma children living in institutions is significantly larger than the percentage of Roma children in the Hungarian population as a whole.¹⁷² According to one researcher, “Roma women and girls who grow up in Hungarian orphanages are highly vulnerable to internal forced prostitution,” referring to domestic trafficking.¹⁷³

While this issue has been particularly well documented in Hungary, across Europe Roma children are especially vulnerable to being removed from their families and to subsequently being trafficked. Evidence shows that Roma children in Moldova are especially at risk of trafficking due to segregation in the school system.¹⁷⁴ Empirical data shows that Roma children in Albania are particularly vulnerable, due to the drivers of social stigma and discrimination within the educational system, which cause high numbers of Roma children to drop out of school.¹⁷⁵

Ill Health

Globally, illness has an enormous impact on children’s wellbeing. In the Global South, in particular, HIV/AIDS has increased the number of children in alternative care, due to discrimination against children with HIV or as a result of HIV-related deaths of primary caregivers.¹⁷⁶

In Europe, up to this point, there is little evidence of any particular diseases having a significant impact on children living in institutions in recent decades. However, the current context of the Covid-19 pandemic may change this. Past pandemics have had devastating effects on the children living in those communities which are impacted by them. An

NGO working in Liberia described the impact of the Ebola epidemic: “Following the Ebola epidemic there has been an increased number of orphaned children in the country, which has stressed an already weak social welfare system.”¹⁷⁷ The impact of Covid-19 is predicted to precipitate a rise in the number of children across Europe living in institutional care, and their vulnerability to trafficking will increase as a result.¹⁷⁸ In addition, in many countries children in institutions have been sent back to their families in response to the virus. These measures were often taken very quickly with little time for preparation, and without the best interests of the child being taken into account. This means that some of these children may have been returned to unsafe family environments, where they could be at risk of being trafficked or abused by family members.¹⁷⁹

STRUCTURAL LEVEL RISKS AND DRIVERS

Migration and Refugee Flows

For young people on the move, trafficking is often a risk, and this is also the case for those unaccompanied children and young people who are placed in shelters or detention centres. In both Italy and the Netherlands, it has been found that high numbers of children will disappear from such facilities, often in the hopes of travelling to other European countries where their families are staying.¹⁸⁰ Evidence from the UK demonstrates that unaccompanied migrant and refugee children who were staying in dedicated facilities, such as shelters, were particularly likely to be trafficked or go missing. According to ECPAT, 15% of unaccompanied children went missing from care in the UK in 2017.¹⁸¹ Reports from Scotland show that many young people who had travelled to the UK from Vietnam and who were living in the care of local authorities were being exploited by traffickers.¹⁸² Other sources emphasise that language barriers increase the vulnerability of these young people in the UK.¹⁸³

Unaccompanied migrant and refugee children are particularly vulnerable to trafficking due to their isolation, their desperation to reach or remain in a particular country, as well as the discrimination they face. This vulnerability is compounded in detention and reception centres, where children and young people are at increased risk of trafficking.¹⁸⁴ Children who are placed in shelters for “protection” are also frequently victims of trafficking. These children may face institutionalisation, as well as the risk of being re-trafficked out of the shelter. It has also been reported that child marriage and child labour were frequently happening to children living in refugee camps and detention centres for unaccompanied children.¹⁸⁵

Another intersection between institution-related trafficking and migration is apparent for a particular group of children deprived of parental care known as “home-alone children”, also referred to as “children left behind” or “orphans of labour migration”. They are often left behind to be raised by extended family members when their parents migrate to find work. This phenomenon has been reported as a growing problem in several eastern European countries, such as Bulgaria, Poland and Romania.¹⁸⁶

Conflict with the Law

Coming into conflict with the law can seriously increase the vulnerability of children and young people to traffickers. In the UK, for example, criminalisation has been listed as a significant risk factor for the exploitation of children in care settings.¹⁸⁷ Juvenile justice systems can be drivers of institution-related trafficking, as they place children who might not otherwise be in institutional care in institutions, increasing their vulnerability. In situations where children and young people are placed in prisons with adults, this experience can represent their introduction to trafficking networks, thus placing them in harm's way. Children and young people who are victims of trafficking can be prosecuted for crimes they were forced to commit, and as a result will end up in detention, sometimes together with human traffickers.

Conflict and Community Violence

The impact of community violence and conflict in a European context was most recently witnessed in Ukraine, which has experienced ongoing conflict since 2014. This conflict has increased the numbers of children in institutions, often following internal displacement, as well as the number of child victims of trafficking.¹⁸⁸ In particular, since the beginning of the conflict, there has been a reported rise in the number of young men and boys who have been trafficked for the purposes of labour exploitation and enforced criminality. There are also examples of boys as young as 15 being recruited into militarised youth groups.¹⁸⁹ While children from many different backgrounds are at risk of trafficking, it is clear that institutionalised children are particularly vulnerable.¹⁹⁰

Previous Victimisation and Impact of State Protections for Victims of Trafficking

Placing a child victim of trafficking in an institution, even with the intention of protection, can result in children and young people being left vulnerable to being re-trafficked, sometimes even multiple times, in what can become a vicious circle for children.¹⁹¹ Research from the UK found that child victims of trafficking went missing from care settings on average 7.2 times in 2017 alone.¹⁹² Although not every instance of a child going missing necessarily suggests a case of trafficking, missing children will be more vulnerable to exploitation during that time. According to research carried out in Belgium, shelters are often not sufficiently equipped to break the bond between the victim and the trafficker, leaving the victim open to further exploitation.^{193 194} Similar issues were identified in the Netherlands, where there was some concern that the shelters in place to care for victims of trafficking were not tackling the underlying problems.¹⁹⁵ In some cases, these shelters may put in place restrictions on the personal liberty of children to protect them from trafficking, but these restrictions can do more harm than good by creating an incentive for young people to leave the shelters by any means necessary.¹⁹⁶ The failure of many states to provide a more robust support structure for child victims of trafficking than institutionalisation is itself a driver of the cycle of trafficking and re-trafficking faced by many vulnerable children.

HARMFUL OUTCOMES OF INSTITUTIONALISATION AND TRAFFICKING

“THE SYSTEM OF INSTITUTIONALISATION IS HARMFUL FOR CHILDREN AND HARD TO CONTROL. IT IS NOT POSSIBLE TO MAKE THE LIVES OF THE CHILDREN IN INSTITUTIONS BETTER, UNLESS WE REMOVE THEM FROM THE INSTITUTIONS.”¹⁹⁷

The numerous harmful outcomes associated with growing up in institutional care increase the vulnerability of children to trafficking.¹⁹⁸ In turn, trafficking and exploitation of children in the context of institutions, as presented throughout this report, is itself also characterised by systematic physical and psychological abuse, violence and neglect. Research has shown that almost all child victims of sexual exploitation develop serious problems, including tendencies for self-harm, aggression, difficulties in forming relationships and a low sense of self-esteem.¹⁹⁹ Other known outcomes of exploitation are involvement in criminal behaviour as well as various mental health impacts, notably suicidal thoughts and attempts.²⁰⁰

Being subjected to trafficking and abuse is particularly hurtful for children, who, once freed, often struggle to build a new independent life.²⁰¹ This adverse impact consequently places child victims of trafficking at an increased risk of being (re)institutionalised, even though an institutional placement is likely to only exacerbate such conditions. Some 80% of young people in British institutions who were exploited as children have post-traumatic stress disorder and struggle to establish trust.²⁰² Research from Albania on child labour in institutions points out the consequences on children's education and health as well as physical, mental, spiritual and social development.²⁰³ The compounding harms caused by institutionalisation and exploitation on child wellbeing and development help explain the ongoing vulnerability of care leavers and past victims of trafficking and the vicious cycle of exploitation and abuse in which they often find themselves ensnared. However, further empirical research is needed to examine the specific impact of institution-related trafficking on the wellbeing and development of children.

KEY EVIDENCE ON RISKS AND DRIVERS

- Poverty is a significant driver of institutionalisation across Europe. Other risks and drivers are mostly either a result of, or compounded by, family and community poverty, which prevents children from being cared for in family- and community-based settings.
- Marginalised groups, in particular children with disabilities, Roma children, and unaccompanied migrant and refugee children, are particularly at risk. This is due to a combination of stigma and discrimination, and a dearth of necessary social services and accessible universal services such as education and healthcare within their communities.
- Both human trafficking and institutionalisation are harmful to children's wellbeing and development, which in turn increases their vulnerability to ongoing and future exploitation.
- Children who experience abuse or neglect, be it in the family or the institution, as well as past victims of trafficking can be trapped in cycles of abuse and exploitation which are very difficult to break. Effective interventions from the state are needed to keep these children safe.
- Many of the systems and structures which vulnerable children are likely to interact with, including the child protection system, legal system and “specialist” services for victims of trafficking and unaccompanied children, are not able to effectively protect these children from trafficking and may increase trafficking drivers.

GAPS IN THE EVIDENCE

- More research is needed on the impact of gender on institution-related trafficking, in particular the level of risk posed to boys.
- More rigorous data collection on the rates of trafficking related to state shelters for child victims of trafficking and unaccompanied migrant and refugee children is needed to understand how states can adapt their approach to caring for these vulnerable groups.
- It will be vital to monitor the impact of the Covid-19 pandemic on the rates of institution-connected trafficking.
- Research on the compounding harmful short- and long-term outcomes experienced specifically by victims of institution-related trafficking and their role in exacerbating vulnerabilities has been mostly qualitative.

COUNTRY CASE STUDIES

Children account for nearly one-third of all victims of human trafficking globally.²⁰⁴ To further illustrate how institution-related trafficking manifests in diverse contexts, three country case studies were carried out in Hungary, Ukraine and the Netherlands.

The US Department of State Trafficking in Persons report categorises countries into four tiers, according to the government's efforts to combat trafficking. The 2019 report classified countries as follows:

Tier 1: Countries whose governments fully meet the minimum standards of the Trafficking Victims Protection Act (TVPA).

Tier 2: Countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

Tier 2 Watch List: Countries mirroring the same characteristics as Tier 2 countries, with the addition of: an increase in the number of victims experiencing severe forms of trafficking; an inability to provide evidence-based outcomes of increased actions to combat severe forms of trafficking as promised in prior years; and the incapacity to meet future commitments to address the issue.

Tier 3: Countries that are not cooperating in the fight against trafficking.

Hungary, a Tier 2 Watch List country and a source-transit region, was selected to illustrate the over-representation of children of minority populations in the institutional care system. The case study examines the pattern of children being trafficked out of institutions, as well as the institutionalisation of child victims of human trafficking.

Ukraine, a Tier 2 country and a source-transit region, was selected to examine the complicity of institution staff in the trafficking of children into institutions. Additionally, the case considers the vulnerabilities surrounding the trafficking of institutionalised children for exploitation as child soldiers.

The **Netherlands**, a Tier 1 country and a destination region for trafficking, was selected to analyse the common pattern of trafficking and sexual exploitation of institution runaways and care leavers, in particular teenage girls. The case study highlights the existence of institution-related trafficking patterns in a relatively well-resourced and deinstitutionalised child protection system.



HUNGARY

CASE STUDY



CONTEXT

While the Hungarian government continues to make a significant effort to comply with standards to combat human trafficking within its borders, many challenges remain. Hungary, categorised as a Tier 2 country in 2016, has in the last three years been downgraded to a Tier 2 Watch List country in the US State Department's annual Trafficking in Persons Report. Because of its geographic position as a link between eastern and western Europe, Hungary has emerged as a significant transit region for illegal migration. This development contributes to the problem of human trafficking. The country is listed along with three others, Bulgaria, Romania and Nigeria, reporting some of the highest levels of sexual exploitation of women and girls linked to trafficking in the last few years. Additionally, Hungary is also a source country for trafficking as it relates to labour exploitation.²⁰⁵

Institutional care is the primary response to child protection concerns in Hungary. The institutions are owned, operated and funded by the government. Although categorised as essential child protection programmes, these institutions are often under-funded and short-staffed. Additionally, child protection personnel are often ill-equipped to adequately address the many urgent needs of children belonging to this vulnerable group.²⁰⁶

SCALE, PATTERNS AND DYNAMICS

Trafficking Flows and Patterns

Child trafficking in the Hungarian context is particularly gendered. Girls are much more likely to be coerced into sexual exploitation.²⁰⁷ Domestically, girls are trafficked to regions within the country where selling sex is legal.²⁰⁸ However, although prostitution is permitted in designated areas, some acts of prostitution are illegal, including soliciting of clients.²⁰⁹ In the context of transnational trafficking, girls are often taken to western European countries for sexual exploitation where prostitution is broadly legalised, and there is a larger pool of clientele.²¹⁰

Trafficking out of Institutions

Several factors facilitate the trafficking of children out of institutions, including existing loopholes in care policies and practices, such as broad powers that allow child welfare personnel to remove children from their homes. These are coupled with the easy access that perpetrators have to children and the opportunities for long-term grooming.

These institutions operate in a way that allows children to engage with the community at large and visit their homes during weekends and holidays. However, limitations in staff capacities mean that it is often difficult to monitor children, and those with whom they are engaging on the outside. Consequently, this creates the opportunity for children to run away from the institutions during perceived home visits or be cajoled into leaving with external partners. Access to children in this regard means that perpetrators can identify young people who are particularly at risk. For example, perpetrators may cultivate "romantic" relationships or friendships based on financial support with vulnerable young people, and then work to condition and coerce them over time for the purpose of sexual exploitation.²¹¹

Institutionalisation of Victims of Trafficking

The existing support for victims of trafficking is primarily accessible to adults. Children often face two outcomes. The first entails their placement in institutions for support and protection. Sometimes these are the very institutions from which they were once trafficked. Staff often lack the training needed to rehabilitate child victims of trafficking or help them access essential additional support services. This creates opportunities for re-traumatisation, and in the worst-case scenario, opportunities for re-trafficking. The second outcome subjects child victims of trafficking to the proceedings of the judicial system. For example, girls who are trafficked for sexual exploitation and then arrested on prostitution charges are asked to pay expensive fines, or they are placed in juvenile justice facilities.²¹²

Trafficking Exploitation of Care Leavers

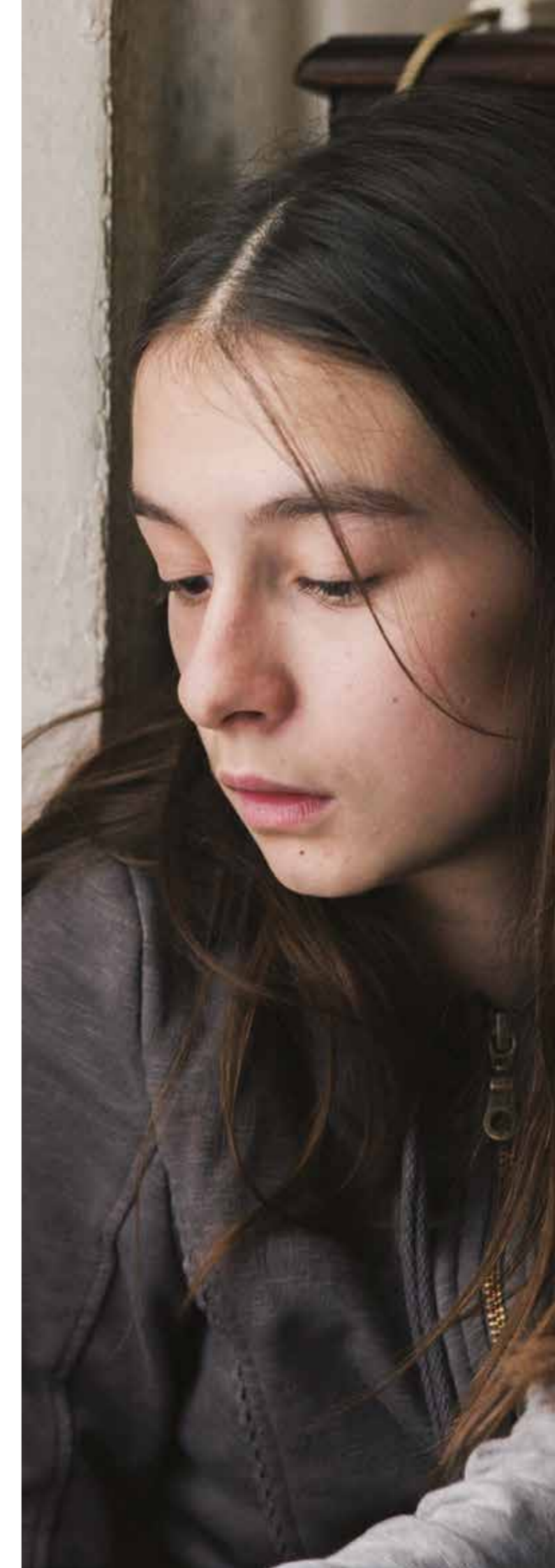
Once young people age out of these institutions, there are limited resources accessible to help facilitate independent living as adults. The Hungarian government provides aftercare for young people until the age of 24.²¹³ However, these services are based on stringent conditions that are often difficult to meet, including having employment, attending higher education institutions, or maintaining a clean police record. As a result, when young people leave the care system, they often either return to the same unsafe areas that they were removed from as children or, in some cases, turn to criminality, including sexual exploitation via trafficking rings.

RISKS AND DRIVERS

Trafficking in the context of institutions in Hungary is primarily driven by socio-economic factors. However, other compounding psychological issues like trauma and violence, as well as social and policy factors like racism and weak child protection practices, exacerbate the problem. Existing government policies give social welfare personnel the authority to remove children from "unfit" families and place them in protection spaces, including institutions for children. Although the CRC states it is unlawful to separate children from their families based on poverty, in practice, children in Hungary are reported to be removed from their homes if their parents are unable to provide the right financial circumstances for them.²¹⁴ This practice is particularly problematic for minority populations (Roma communities), the majority of whom live in poverty and are struggling to achieve some sense of financial stability in a society prejudiced against them.²¹⁵ Consequently, this means that minority children are over-represented in the institutional care system in Hungary.²¹⁶

COUNTER-TRAFFICKING MEASURES

In the last decade, the Hungarian government has created policies that offer some level of protection for victims of human trafficking. In 2012, the government amended the 2005 Crime Victim Support and State Compensation legislation, to include the creation of a guide for identifying victims of trafficking.²¹⁷ In 2013, the government established a national action plan against human trafficking for the period 2013-2016.²¹⁸ The plan included the creation and operation of an adequate "victim identification, referral, and protection system";²¹⁹ a curriculum that facilitates prevention strategies and builds awareness about the issue; and identifying "opportunities for safe return and reintegration at the government level etc."²²⁰ In 2019, the government passed legislation that child victims of trafficking who are being sexually exploited can no longer be arrested on charges of prostitution.²²¹ This law will go into effect in July 2020. Additionally, the government is actively engaged in joint investigations with neighbouring EU countries to improve reporting and increase arrests of perpetrators.²²²



UKRAINE CASE STUDY



CONTEXT

Contextualising Institutions in Ukraine

In Ukraine, approximately 100,000 children are living in residential institutions.²²³ Institutional care is the dominant form of alternative care in the country. Of these institutions, most common are the various forms of boarding schools.²²⁴ The majority of these are schools for children with disabilities, most of which are specialised to care for children with special needs.²²⁵ However, around a third are general education schools, for those children who are without parental care, or whose families are impoverished. In total, there are around 650 institutions in Ukraine. The vast majority are government-run facilities, but there are a small number of NGO-run institutions as well.²²⁶

Contextualising Trafficking in Ukraine

Trafficking is a problem in Ukraine, with victims being trafficked domestically and internationally to be subjected to sexual exploitation, forced labour and forced begging.²²⁷ Those belonging to the Roma community and low-skilled labourers are two of the most at-risk groups.²²⁸ In most cases, Ukrainian victims of trafficking are trafficked to Russia, Poland or Turkey.²²⁹ The children most vulnerable to trafficking in Ukraine are those aged 13-18, particularly girls with only one parent.²³⁰ There has also been increasing media attention in recent years on the issue of trafficking within the surrogacy industry, as Ukraine has become a popular destination for couples seeking surrogate mothers. This practice is often unregulated and open to exploitation by traffickers.²³¹ The Covid-19 crisis has also left many of these babies trapped in Ukraine as their adoptive parents are unable to reach them, leaving them potentially very vulnerable.²³²

Contextualising the Conflict Situation in Ukraine

The state of conflict that has afflicted Ukraine since 2014 has had an enormous impact on children's rights as well as human trafficking patterns in the country. Since the conflict began, more than 750 schools and other educational facilities have been damaged as a result of fighting,²³³ and several key informants referred to the impact of the presence of military propaganda and soldiers in schools.²³⁴ The conflict situation in Ukraine has also driven the institutionalisation of children, particularly as over a million people have become displaced as a result of the fighting, increasing the likelihood of family separation.²³⁵

According to studies, trafficking in Ukraine increased in the years following the beginning of the conflict, and those living in areas directly impacted by the conflict are particularly vulnerable as a group to traffickers.²³⁶ Since the beginning of the conflict, the profile of victims of trafficking has shifted to include more young men and boys, who are trafficked for the purpose of forced labour and criminality. Children as young as 12 have been actively involved in and recruited into militarised youth groups.²³⁷

SCALE, PATTERNS AND DYNAMICS

Ukraine is a source, transit and destination country for traffickers. There has also been widespread domestic trafficking reported within Ukraine.²³⁸ There is evidence in Ukraine of children being trafficked into and out of institutions, and young people being trafficked after having left their institutions. However, children in Ukraine are likely to be impacted by each of the trafficking cycles, even where there is currently no data to reflect these cycles taking place.

Studies have shown that those living in institutions in Ukraine are particularly vulnerable to trafficking.²³⁹ There have been reports of children being trafficked out of institutions as well as concern that Ukraine's orphanages are being used as a "recruitment tool" for traffickers, who traffic children and young people from the institutions for the purposes of sexual and labour exploitation.²⁴⁰ Furthermore, there have been reports that girls have been effectively sold into sexual exploitation by their orphanages.²⁴¹

There is also evidence of the practice of children being trafficked into institutions by orphanage directors in order to receive increased funding from the government, and sometimes for the purpose of other forms of exploitation within the institutions. Care leavers are also highly at risk of being trafficked. One report into the scale of abuse taking place in Ukrainian institutions noted that "with no family or social ties in the community and few if any skills to face the world, those who graduate from orphanages at age sixteen are highly susceptible to being trafficked."²⁴²

There has never been a study into the practice of trafficking children into institutions in Ukraine. However, many reports into the problems of institutionalisation and trafficking have suggested that this practice may be taking place.

There is a risk that "the very existence of institutions forces their personnel to 'recruit' children and to issue dubious diagnoses."²⁴³ Another report suggested that "The risk of 'recruitment', itself, into these institutions, has become a perverted form of 'reverse' internal trafficking."²⁴⁴ Furthermore, the level of abuse and exploitation which is evident in many Ukrainian institutions suggests that institution directors may be incentivised to recruit more children into their institutions.²⁴⁵ While this practice of recruitment may not constitute trafficking in every case, it is clear that children are highly vulnerable to trafficking and exploitation, given the prevalence of this system.

RISKS AND DRIVERS

According to key informants,²⁴⁶ state-run institutions, which constitute the majority of the institutions in Ukraine, will receive increased funding for each child, thus creating incentives for managers to increase the numbers of children living in their institutions. According to one key informant, the vast majority of money received by state institutions does not go directly towards childcare. Instead it is spent on building maintenance and staff salaries, meaning there is a risk that directors may be motivated by personal gain to increase the numbers of children living in their institutions.²⁴⁷

Who is being Trafficked and How?

Some institution directors are able to exploit impoverished communities in which families are struggling to care for their children. According to evidence given by a key informant working in the field, directors of institutions will launch "campaigns" during the summer season, when they will visit families who are coping with poverty and convince them to send their children to live in the institutions.²⁴⁸ This form of trafficking is likely to affect disproportionate numbers of children with disabilities, given the prevalence of institutions for children with disabilities in the country. It is not clear if this practice always constitutes child trafficking, but the risk of exploitation in such a system is high.

Unfortunately, thus far, very little research has taken place into this phenomenon in Ukraine, meaning that it is difficult to understand the full scale of this issue. However, it does seem clear that the system of institutionalisation means that this form of institution-related trafficking is a risk.

Impact of Volunteers

In many countries around the world, the practice of trafficking children into institutions is exacerbated by the presence of volunteers from other countries, who create a market for orphanages in which they can volunteer.²⁴⁹ In general, there is little evidence that voluntourism is a widespread practice in Ukraine; however, there are certainly some examples. There is evidence of voluntourism taking place in some institutions, with volunteers paying the institutions for the experience. There is concern that this "provides an incentive for institutions to keep their facilities looking desperate and needy – in order to more effectively attract international donations and volunteers."²⁵⁰



There are also reports of children being sent to live with families in other countries, for example in the UK or the US, as part of exchange programmes.²⁵¹ Interviewees expressed concern that these programmes were not carrying out sufficient background checks on the recipient families, and that children were being placed at risk as a result of this practice.

As evidenced in many other countries, the children in Ukraine most at risk of institutionalisation appear to be those living in poverty and those with a disability. The children most at risk of being trafficked out of institutions tend to be those who have complex disabilities or mental health problems, according to evidence given by a key informant.²⁵² Children with a history of abuse and neglect, be it in the institution or the family setting, are also likely to be more vulnerable to traffickers than those who have not had these experiences.

COUNTER-TRAFFICKING MEASURES

The Government of Ukraine has been making positive efforts towards combating human trafficking in recent years. In 2018, the definition of trafficking was updated in the Ukrainian criminal code, strengthening the law and bringing it closer to the standard of the Council of Europe's definition.²⁵³ Legislation has also been introduced to increase protections against trafficking for persons with disabilities, and in 2018, the national counter-trafficking budget saw a significant increase.²⁵⁴ Despite these efforts, significant issues remain, including relaxed sentencing for perpetrators,²⁵⁵ and gaps in data collection.²⁵⁶

Furthermore, Ukraine's care system is beginning to see change. In 2017 Ukraine adopted a National Strategy on Reform of Institutional Care System, thus starting the process of transition from institutional to family- and community-based care solutions for vulnerable children.²⁵⁷ However, there is still a long way to go before this strategy is fully implemented. There is also evidence of positive practice to reduce the vulnerability of care leavers to trafficking, such as a project that provided care leavers with training courses to help them to find employment on leaving institutions and job placements.²⁵⁸

NETHERLANDS CASE STUDY



CONTEXT

In 2018, 417,000 children in the Netherlands received support services through the national child and youth care system.²⁵⁹ Care provision is largely deinstitutionalised in the Netherlands, with 8% of children in the care system receiving residential support outside their own family setting (including foster care) and 2,135 children living in “closed institutions”²⁶⁰ in 2018.²⁶¹ Residential services tend to be provided in larger groups of 8-9 children; individualised care services in smaller residential settings are scarcer.²⁶²

The Netherlands is a transit and destination country. Although this case study looks at a particular type of domestic institution-related trafficking, other linkages between trafficking and institutionalisation have been identified involving unaccompanied migrant and refugee children, alarming numbers of whom have disappeared from protected asylum shelters in recent years.²⁶³

SCALE, PATTERNS AND DYNAMICS

Cycles of Institution-related Trafficking

In recent years, there has been increased attention on the widespread phenomenon of teenage girls who go missing from institutions and end up being sexually exploited by so-called “loverboys” or “teenage pimps”. In 2019, the Dutch NGO Defence for Children – ECPAT Netherlands conducted pioneering research on the effectiveness of the government’s response to this type of trafficking.²⁶⁴ A similar institution-related trafficking pattern has been identified in other western European countries and has been researched in Belgium.²⁶⁵

There is well-documented evidence of institution-related trafficking in the Netherlands. Based on the interviews carried out with experts with lived experience, the director of a support facility for victims of trafficking, an NGO lawyer and a public prosecutor in the field of child exploitation, five interlinked trafficking cycles can be identified:²⁶⁶

1 Child victims of trafficking (or those at a high risk of becoming victims) are sometimes placed in closed institutions for their own supposed protection.²⁶⁷ The trauma, vulnerabilities and lack of trust that already characterise the children’s lives can be exacerbated in

the institutional environment, which many children experience as corrective or clinical rather than victim-centred and personalised.

- 2 Children living in open or closed institutions sometimes run away and subsequently fall victim to sexual exploitation or other forms of trafficking. The Dutch police estimate that every year some 20,000 children abscond from institutions or do not return after leave.²⁶⁸ Knowing that the child has recently run away from the institution or intends to do so, the “loverboy” usually makes contact in order to lead them to believe they are embarking on a loving relationship or to promise a future of material wealth. The child is then often trafficked into a so-called “fluid” criminal network. Generally consisting of both offenders and victims, such networks are characterised by flexible yet hierarchical membership structures and operate across different criminal sectors.
- 3 There are cases where children are directly trafficked out of institutions. Human traffickers often target children in institutions because of their perceived vulnerability and longing for affection and identity. Internet and social media make it particularly easy for “loverboys” to contact these children, including those living in closed institutions, and lure them into the semblance of a loving relationship. By eliciting photos and videos, traffickers can easily blackmail and force girls into situations of exploitation.
- 4 Many children who grew up in institutions remain highly vulnerable to trafficking later in life. There is a structural lack of adequate care support services, infrastructure and subsidies for young people as soon as they turn 18 and leave the youth care system, making them particularly vulnerable targets for continued exploitation.
- 5 Young human trafficking offenders are themselves sometimes placed in institutions, sometimes even together with victims of trafficking. Moreover, some human traffickers have a history of institutionalisation or may themselves have been victims of trafficking in the past.

It is important to note that, in the lived experiences of victims of trafficking, these cycles often intersect and overlap. Most children who enter closed or open institutions already have a complex history of trauma, abuse, neglect and exploitation. In this context, children are often exploited sexually – and to a lesser extent criminally – without perceiving themselves as victims.

Case Law Data on Institution-related Trafficking

In 2020, Defence for Children carried out research into Dutch case law on sexual exploitation.²⁶⁹ It analysed all the publicly available judgements of child sexual exploitation cases from the period 2015-2019.²⁷⁰ A secondary analysis of all the 143 judgments was carried out to systematically examine the role institutional care plays in sexual exploitation cases. The main results are depicted in the table below.

Number of cases linked to closed institutions	14 (13.3%)
Number of cases linked to open institutions	4 (3.7%)
Number of cases linked to institution of unknown type	13 (12.1%)
Number of cases not linked to institutions or youth care services	78 (72.9%)
Total number of unique cases of sexual exploitation of children	107
Total number of convictions	143
Of which convictions of accomplices (not counted twice)	36

“ALARMINGLY, IN MORE THAN ONE OUT OF EVERY FOUR CASES OF SEXUAL EXPLOITATION, THE VICTIM (AND SOMETIMES THE OFFENDER) HAD A HISTORY OF INSTITUTIONALISATION.”

This finding demonstrates the extreme vulnerability of children in institutions, particularly those in closed settings, and is corroborated by the interviewees’ estimates of the prevalence of this problem.²⁷¹ This overrepresentation in case law is even more worrisome, given the fact that only a tiny proportion of the overall child population resides in such institutions and that many if not most cases of trafficking are not even prosecuted or convicted.

The case law data also sheds light on the prevalence of the various cycles of trafficking discussed above:

Victim trafficked inside institution	1 (3.2%)
Victim trafficked directly out of institution	12 (38.7%)
Victim trafficked after victim ran away from institution	9 (29.0%)
Victim known to be a care leaver	8 (25.8%)
Victim trafficked out of fear of being placed in institution	1 (3.2%)
Victim known to have been placed in an institution following the crime	1 (3.2%)
Offender known to be a care leaver	3 (9.7%)
Total number of unique cases of sexual exploitation of children linked to institutions	31

RISKS AND DRIVERS

One of the primary drivers of this type of institution-related trafficking and exploitation is identical to the underlying reason why so many children run away from institutions and are lured into situations of trafficking. The negative living environment that characterises (closed) institutions – often devoid of love, connection, identity, attention, adventure, future prospects and family²⁷² – can constitute a reason for wanting to run away.²⁷³ More than half of all girls experience closed institutions as an unsafe place with long-term adverse consequences.²⁷⁴ Although created ostensibly for the protection of children from “loverboys”, the institution then often reproduces such an adverse living environment and ultimately perpetuates the very drivers of this trafficking pattern. As Dutch professor of residential youth care, Peer van der Helm, explains: “[The negative living environment in the institution] makes that one boyfriend extra interesting, and more young people will run away. To prevent this, a double gate and a higher fence will be installed. This, in turn, has a negative influence on the living climate. Before you know it, a vicious circle has taken shape.”²⁷⁵ The appeal of the fluid network introduced to the victim by the “loverboy”, then, is its apparent role in offering an alternative family.²⁷⁶

Current policy structures help explain the continued placement of children in institutions, despite the known adverse effects and risk of trafficking. Some staff working in youth care service indicate that they are unable to provide children in need of support (and particularly victims of trafficking) with adequate care and often wrongly resort to placing them in closed institutions, ostensibly for their own safety.²⁷⁷ There is a significant lack of specialised support services following the recent decentralisation of the youth care system. Each municipality now offers the same general services, without sufficient structures and subsidies in place to ensure specialist and bespoke care provision at the national level.²⁷⁸

COUNTER-TRAFFICKING MEASURES

As a Tier 1 country, the Netherlands has a well-developed counter-trafficking response, with a range of national bodies, such as the National Rapporteur on Trafficking in Persons and Sexual Violence Against Children and the Centre against Trafficking in Children and Persons. In 2010, the National Youth Care Inspectorate expressed concerns about institution-related trafficking.²⁷⁹ A special parliamentary commission was set up to investigate the issue and published an Action Plan in 2014, outlining concrete steps to counter this criminal practice.²⁸⁰ Brought to life in order to enhance cross-sector collaboration, the Task Force for Tackling Trafficking in Persons is a network of various parties, such as the public prosecution service, the police, municipalities and the national child and youth care system, in addition to civil society. In recent years, the issue of institution-related trafficking has featured prominently on the agenda of these policy bodies, as demonstrated in the national action plan, although the problem continues to manifest throughout the country.²⁸¹



CONCLUSION AND RECOMMENDATIONS

Although, in general, there are robust frameworks in Europe to legislate against child exploitation, in practice these are failing to protect children from institution-related trafficking. Reasons include a lack of awareness and training, as well as limited recognition of the issue in law, policy and guidance.

This research has found that children are trafficked into and out of institutions, for different forms of exploitation, of which sexual exploitation is the best documented. In addition, children across Europe are placed in institutions (including unaccompanied children and child victims of trafficking), often as part of a misguided protective response, but these are usually not specialised or appropriate, and this institutionalisation can increase the risk of re-trafficking. Care leavers remain highly vulnerable to trafficking on leaving institutional care, with particular groups – such as those with disabilities and girls – being most at risk.

More broadly, weaknesses in child protection systems and a lack of accountability structures in institutional care in Europe leave children at increased risk of abuse and trafficking, from staff, volunteers, other children/residents and visitors. Issues with definitions of exploitation, variance in European child protection systems and a lack of accountability in these systems, particularly for children in alternative care, provide the “perfect storm” in which child abuse and trafficking can occur – and can go widely unchecked and unreported. Given the concerns raised in this research about institution-related trafficking, the extent to which residential care for children fulfils the legal obligation to create a protective environment that reduces children’s vulnerability to trafficking is unclear and warrants further investigation.

Despite progress in care reform and deinstitutionalisation, institutional care is still prevalent in Europe. Trafficking in this context will likely continue, particularly while there are no specific laws, policies and targeted programmes designed to address it. As recognition develops about the vulnerabilities of children in institutions to exploitation – and of the overlaps between the two issues – it is imperative that law, policy and practice evolve to reflect the growing linkages.

IMPLICATIONS OF COVID-19

At the time of writing, Europe, like the rest of the world, is still heavily affected by the Covid-19 pandemic. Evidence from previous outbreaks indicates that existing child protection risks are exacerbated, and new ones emerge. It is anticipated that the number of children at risk of separation and in need of alternative care will increase. As a result, and alongside general warnings of a rise in child exploitation, it is of deep concern that more children will be affected by institution-related trafficking.



FOR THE EUROPEAN COMMISSION

Care reform:

- Ensure EU funds are spent on the provision of family- and community-based care and not on residential institutions, including for specific at-risk groups, such as child victims of trafficking, unaccompanied children, children from ethnic minority groups, and children with disabilities. This also means that EU funds' investments in the refurbishing, building, renovating or extending of institutions should be explicitly excluded.
- Increase funding for programmes supporting the transition to family- and community-based care and the development of high-quality universal and targeted services.

Integrated child protection systems:

- Ensure improved collaboration and information-sharing between child protection actors, law enforcement and the courts across EU Member States for children deprived of parental care, particularly for child victims of cross-border trafficking, unaccompanied children and those children found in need of protection in an EU Member State other than their own.

Resources:

- Increase funding and investment for child protection and social inclusion initiatives, as well as for support programmes for care leavers and therapeutic interventions for child victims of institution-related trafficking.

Research and guidance:

- Support further research into the prevalence and dynamics of institution-related trafficking, for example, via the Horizon Europe 2021-2027 programme.
- Support research to understand better how the European Commission, via aid programmes and the activities of its citizens and companies, contributes to the issue of "orphanage trafficking".
- Recognise and require reporting on "orphanage trafficking" in any relevant guidance on supply chains.

Awareness:

- Recognise "orphanage trafficking" as a form of exploitation, and the wider risk to children of institution-related trafficking, in relevant anti-trafficking laws, policies, guidance and strategy, including the forthcoming Child Rights Strategy.
- Support development of tools and awareness-raising activities to ensure that European citizens and companies are not inadvertently contributing to child exploitation by participating in orphanage voluntourism – or implement other specific and accessible communication materials to inform on the harms of orphanage voluntourism.

Divestment:

- Encourage businesses and other entities to divest from funding "orphanage tourism" visits and establishing, funding, donating to or supporting residential institutions, and to redirect such support towards projects which provide children with family- and community-based care. It is recommended that any such individuals, businesses, organisations and other entities are supported by an independent committee to develop responsible divestment plans.

Volunteering:

- Explicitly outlaw volunteering in orphanages and similar institutions for children in the EU European Solidarity Corps 2021-2027.



FOR NATIONAL GOVERNMENTS

Prevention of family separation:

- Develop family support mechanisms, social work interventions, employment schemes, alternatives to institutional care, family-friendly immigration policies and broader policy measures to keep families together.

Data collection:

- Ensure institution-related trafficking is recorded and included in national referral mechanisms or equivalent mechanisms for identification of child victims of trafficking.
- Improve data collection and disaggregation so that all children are counted, by taking measures to enhance and expand methodologies so children living outside families are represented in disaggregated data.

Specialist support for child victims of exploitation:

- Ensure child-centric, integrated, individualised and trauma-informed support for suspected and identified child victims of trafficking, which prioritises family-based care over institutional options.

Durable solutions:

- Ensure all child victims of trafficking and unaccompanied children can have a durable solution that is based on a best interests determination of their individual needs.

Training:

- Provide accessible and regular training for child protection actors working in alternative care and institutional care on child trafficking.
- Provide care leavers with vocational training and work opportunities to help prevent the risk of trafficking.

Reporting and monitoring:

- Make provisions for the independent monitoring of care facilities and schemes through ombudspersons offices and child rights organisations.

Voluntourism:

- Develop national policy that outlaws the practice of volunteering in children's institutions, and issue travel advice for citizens about the harms of doing so and the link to child exploitation.

"Orphanage trafficking":

- Recognise "orphanage trafficking" as a form of exploitation, and the wider risk to children in institutional care, in anti-trafficking laws, policies, guidance and strategy.



RECOMMENDATIONS

FOR CARE PROVIDERS

Guidance:

- Issue practical guidance to staff that highlights the risk of child exploitation to children deprived of parental care, including on how to prevent, identify and respond to incidences of trafficking.

Child-friendly information:

- Provide children in alternative care and care leavers with appropriate information and advice about exploitation, including institution-related trafficking, as well as wider child rights and staying safe.

Right to report:

- Inform all children about their right to issue complaints and report abuse, and develop accessible, confidential and child-friendly reporting procedures in relevant languages.



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