

Children and Young Persons Victimised Through Trafficking – Regional Efforts to Ensure the Right to Protection, Care and Rehabilitation

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Summary

Within the cooperation on Children at Risk under the umbrella of the Council of the Baltic Sea States, a programme on Unaccompanied and Trafficked Children in the region of the Baltic Sea States have been set up by the Working Group for Cooperation on Children at Risk, WGCCR. This paper examines some of the issues and problems facing the implementation of the programme. It also looks at the dominating adult centred view of trafficking and the obstacles this poses for the protection of children and young persons below 18 victims of trafficking and in danger of exploitation. This paper also argues that the agency and activity of the young person should be put to use in both rehabilitation programmes and in preventive programmes in order to make them inclusive and not discriminative to groups of young people that do not fit into the “innocent victim” concept. Young persons in institutions in our region should sometimes be recognised as victims of trafficking. This paper argues that this is another area where the fight against trafficking is age specific, adult women are not to be found within institutions. The paper also argues that attention must be given to the contexts needed to rehabilitate children that are victimised and points to the fact that major attention has been given to the legal framework set up to curb trafficking without enough knowledge of the impact of the trafficking process on the affected victims. The paper further discusses what differentiates the rehabilitation of victims of trafficking from assistance given to victims of abuse or of violence and puts forward the proposal that one detrimental aspect of being victim of a trafficking process is becoming involved in the context that facilitates exploitation. All attempts at assistance should be tailored as to counteract this context that, the article argues, has a detrimental impact on the young person's development.

Introduction

The opening up of borders and the increased movement of people in the region of the Baltic Sea States affect children and young persons. The developing contacts between nations is a highly positive development and it is likely that young persons will increasingly use the opportunity to study and work in another country in order to widen their personal experiences and through this contribute to the dynamic development of all nations in the region. Different regional initiatives specifically address how to make it easier for young persons to study and find internships at companies and organisations in countries not their own. This positive trend must be supported, emphasised and maintained. When living in a country in which you are not a citizen becomes increasingly common for young persons, protection strategies of young persons and children need to be developed accordingly.

Children and young persons exposed to exploitation and abuse will also be among those that use the possibility of movement. Abusive experiences and social exclusion do not stop at national borders. Boys and girls who experience violence and exploitation in their lives will want to change their situation and may sometimes try to do so by leaving their country of origin. Boys and girls who lead lives where they see no future and detect no hope for improvement are also at risk of falling prey to other forms of exploitation. Traffickers in

children for purposes of sexual exploitation or for purposes of exploiting the child in criminal activity regularly focus on recruiting children who find themselves in difficult circumstances. In a study conducted by Save the Children and UNHCR unaccompanied children themselves were asked about the reasons for leaving their home country on their own. The majority stated that it was a violent and abusive life situation that forced them to seek a better life elsewhere².

Children in the region cross borders for several reasons: Some run away from war or warlike situations some from unbearable living conditions or exploitation. Some cross borders voluntarily and on their own, some pay adults to assist them. Others again are forced, coerced or deceived with promises of a brighter future in another country. Once in the new country some of these boys and girls are forced or threatened to commit crimes and some end up being exploited in the commercial sex market. The difficulty for the nations in the region to properly respond to both the protection needs and the rehabilitation needs of these young persons is clear. All countries in the Baltic Sea Region are affected as countries of origin, transit countries and/or host countries. Trafficking of human beings for the purpose of sexual exploitation has received considerable international and regional attention, and deservedly so. The deprivation of liberty and the following exploitation has serious impact on the individual exposed.

The majority of unaccompanied boys and girls in our region come from countries outside the Baltic Sea Region. If this is true also for children that are victims of trafficking is not known. Young persons without documents that lead a clandestine life in a country not their own, may or may not come from countries in the region³. A number of studies into how trafficked persons below the age of 18 travel and where they cross borders note that the more permeable the border is, the more children and young persons will pass the border, some of which as part of a trafficking process. The fact that borders between the CIS countries are not as vigorously guarded as borders into an EU member state has meant that the flow of children into Russia from Ukraine, Moldova, Belarus and other countries of the former Soviet Union have increased.

In many European countries registered asylum seeking children have disappeared from their residential centres⁴. This is true not only for asylum seeking children and not only for centres in traditional “receiving” countries. In Ukraine as many as 20% of the children placed in institutions; orphanages, transit institutions or educational institutions choose to run away to live in the relative freedom in the street.⁵ The fate of these young boys and girls is unknown and this is naturally a cause for great concern.

The importance of age

In developing responses to the trafficking in children, lessons learned from the fight against trafficking in women should naturally be considered and taken note of. The fight against trafficking in women for the purpose of sexual exploitation have a longer history and in the continent of Europe, several of the programmes implemented have proven that the recruitment, the transportation and the ensuing exploitation have followed patterns that all contribute to the detrimental and individually catastrophic effects the crime will have on victims and on communities hit hard by recruiters. All steps in the trafficking process have been duly mapped and measures have been taken to curb the trade. Recent reports from the south Eastern Europe indicate that the trafficking of women is decreasing. The attention from the police has naturally contributed enormously to this encouraging development.

In the context of discussing human trafficking the concept of age has been one that has been neglected. Regularly we see that the age of the victims of trafficking are between 16 and 25, sometimes the lower age is set as low as 13. All victims of trafficking however are considered in the same context, namely that of adult women. As police responses to trafficking have developed it has been considered important to emphasise the similarities, i.e. the crime itself, more than the differences between the affected persons, the victims. Young persons below 18 are a group strongly affected by the criminality and are therefore regularly referred to when the trafficking of human beings is under discussion. Usually as a strong incentive to try to stop the criminal activities as it is evident to everyone that a child should not be exploited and cannot consent to being exploited. One may argue that no person, adult or child can consent to being exploited but the situation for adult women involved in prostitution sometimes creates difficulties since some women that are victims of trafficking when “rescued” from bars or brothels after a while return to prostitution, seemingly without other pressure than their own wish to continue. Children have thus often been mentioned in the programmes emphasising the need for immediate and coordinated action. Often without specifying what special measures are needed in order to recognise child victims of trafficking, looking at how this specific form of criminality affects them and how they could be assisted when victimised.

All forms of preventive programmes aimed at young persons would need a thorough analysis of how the recruiters are targeting young persons and how the young person may find ways out of the trafficking process once in it. There is a need to look at the child specific forms of the recruitment, the transportation, the forms of deception used to target children, the contexts in the receiving countries that allows for exploitation to occur and how these may turn into facilitating contexts for exploitation of girls and boys. In each step of the trafficking process measures may be adopted in order to make the process complicated for the traffickers and to make the process easier for the young person to understand and possibly avoid, escape or leave. The identification of the specifics of child trafficking has however been lost, since the discussion has looked away from the issues that distinguish the trafficking of boys and girls from the trafficking of women and men.

In some countries the fight against trafficking is coordinated by the same governmental office that is responsible for the equality between men and women, a fact that sends a clear message that the trafficking in human beings is considered an equal rights issue. I do not believe that this is the case. So far most organisations and indeed also judicial authorities have treated trafficking of girls and boys as a sub section of trafficking of women. Some countries have listened to the call to include a special section on children in the action plans against trafficking in human beings. This is commendable in many ways but will again tend to cement the view that girls and boys are trafficked in the same way and for the same reason that adults are. This has consequences on how we act. In a recent research project the UNICEF Innocenti research centre have looked at how many countries that have special provisions in their legal texts relating to the trafficking of girls and boys⁶. The clear lack of specific plans of actions fighting trafficking in girls and boys is again proof of the fact that countries do not distinguish between children and adults.

- The view of trafficking of girls and boys as a sub section of trafficking in women
 - May lead to over generalisation of women’s experiences to what children are exposed to
 - May lead to adapting assistance and protection to the same resources that are in place for women that are trafficked

- Risk of not recognising the impact of exploitation, sexual and other on the development of children
- Risk of confusing the discourse of voluntary versus non voluntary prostitution with that of sexual exploitation of children
- May lead to non recognition of girls and boys trafficked and exploited in other forms than in the commercial sex market
- May lead to non application of laws regulating the protection of boys and girls from abuse and exploitation since trafficking becomes such a very special issue

In the following these issues will be explored and some ideas and views will be developed on how we may find new and better ways to include the experiences of girls and boys victims of trafficking in the fight against trafficking and other forms of exploitation of young persons.

The importance of impact

Crimes against a person should be considered in relation to the impact on the victim. A physical assault on a child renders a stronger punishment in most countries' legislation than an assault on an adult man, thus taking into account that children have less capacity to defend themselves and are likely to be more hurt, physically and mentally by the assault. The same is in many countries true of the trafficking crime, where it is considered an aggravating circumstance if the victim of the crime is a child. The emphasis on fighting the phenomenon of human trafficking through legal measures is a consequence of the fact each step in the trafficking crime contributes to the detrimental impact the entire experience has on women and men, girls or boys.

It is important to recognise that some forms of exploitation will have a more devastating impact on young girls than on adult women. In order for the impact of the exploitation and the trafficking experience to be adequately assessed we need to understand how exposed young persons themselves describe their experiences and what circumstances that may have increased their ability to avoid the exploitation. In the entire trafficking process there are moments where the exposed person may have been able to avoid and prevent the abuse or exploitation. This should naturally be cautiously said in order not to be misconstrued as giving the exploited person the responsibility to avoid exploitation. In some programmes where children are empowered to "say no" in order not to be sexually abused, the idea that the child or young person may avoid the victimisation has led to child victims actually feeling more responsible for the victimisation should it occur.⁷ In the case of young persons becoming dragged into trafficking situations this is even more of a danger as many of them will not be completely innocent. The boy who is taken to a city in order to steal things in shops may have experiences of petty criminality before being recruited. The young girl of 16 may have had experiences of selling sex in her home country before being persuaded to go across the border to a bar to work. All this means that we need to look at preventive programmes so as to be more sensitive to the fact that young persons they target are not all in their own eyes as innocent as the adult world would like to think. Programmes should take into account the fact that young persons are active agents in their own lives and some of the situations they move within may be situations making them vulnerable to becoming recruited into a trafficking process. Prevention and preventive actions need to be strategically set at a time when the individual is receptive to the message or the action. We know from many areas that victims of exploitation or of abuse have seen the warning signs but as they did not seem to have bearing on the present situation, the signs were ignored.

In this discussion we should also include the concept of exploitation. A term that is so important in the discussion on trafficking in human beings but a term that has not been universally defined. Exploiting a child could be defined as taking “unfair advantage” of the child as the relationship between the child and the exploiter is asymmetric. This definition however is too limited in that it again does not take into account the negative impact on the exploited person that the term to most of us would include. The sex-exploiter is defined as “those who take unfair advantage of some imbalance of power between themselves and a person under the age of 18 in order to sexually use them for either profit or personal pleasure”.⁸ This definition does include what is usually termed “sexual abuse” since it includes exploitation for sexual pleasure. It is a definition that may be used when we consider how the exploitation impacts on the child. The definition works also to exclude, and this is important, sexual interaction that the child has consented to.

Another attempt at defining the concept exploitation would be: “*Taking unfair advantage .. and could be understood in two ways. First, it may refer to some dimension of the outcome of the exploitative act or transaction, that is, the transaction is substantively unfair. And this, it seems has two elements: (1) the benefit to A and (2) the effect on B. We may say that the benefit to A is unfair because it is wrong for A to benefit at all from his act (e.g. by harming B) or because A's benefit is excessive relative to the benefit to B. Second, to say that A takes unfair advantage of B may imply that there is some sort of defect in the process by which the unfair outcome has come about, for example, that A has coerced B or defrauded B or has manipulated B.*”⁹

The exploitation that is a prerequisite for the crime of trafficking to have occurred is in this way deconstructed into a number of interpersonal transactions that are not equally beneficial. For most of us the term exploitation in relation to exploitation of human beings and exploitation of boys and girls means monetary gain by a third person not directly involved in the actual abuse but profiting from it. In fact the transaction need not be abusive for someone to exploit it financially. We may well consider the unknowing child being photographed on the beach and the picture being sold to someone. The photographer is obviously exploiting the child, but the child is not abused. If the picture is distributed on the Internet we may however consider this a form of abuse, since the child will then turn up in more or less public view, creating an impact to the child that is abusive.

We may add to this the emerging discussion on demand. For years, whenever discussing the situation of children exploited in the sex market, there has been a call to concentrate some efforts on the so-called demand side. What this has generally meant is that without demand, there would be little or no incentive for those profiteering on the sexual exploitation of children to continue. In preparation of the “Yokohama review combating sexual exploitation of children” Dr June Kane wrote a background paper on the issue in which she argues that we need to understand the different forms of demand that are at play when looking at sexual exploitation of children. In this paper she distinguishes between Consumer demand, Derived demand and Perceived demand.¹⁰ It is a challenge for professionals and decision makers at this point to create the necessary links between this attempt to tease out the different ways demand may generate exploitation and how such exploitation impacts on the child victimised by it. To consider the fact that a specific form of demand driven exploitation may have specific impact on the child victim and how to assist the girl or boy is important but not easy. To reach these young persons with an offer of assistance that seems real and that would offer them an alternative to a life full of violence and of abuse seems one of the outstanding challenges to the professional community and child protection workers.

The child or the young person has the right to his or her own sexuality from the age of 16, or 15. From that time they may consent to a multitude of sexual relationships. An important question is then if we can argue that the child cannot enter into sexual relationships where money or other benefits are involved before the age of 18. From the point of view of child protection services in several countries, the answer to this is a definite yes: A child that sells sex, i.e. a person below the age of 18 who sells sex, puts his or her own development in peril and should be offered assistance. In some countries, such a lifestyle would mean that the young person would be put under forced care in order to stop his or her involvement in the commercial sex market. There seems to be total agreement that a young person who is forced to sell sex should be offered assistance and protection but the borderline between voluntary and forced involvement in the sex market is sometimes difficult to distinguish. Between the formal sex market where a sexual “service” is traded for a specified sum of money and the informal market where sex is traded for food, a place to stay, a ticket to a concert or some specifically desirable clothes there are all forms of trade that young persons are involved in.¹¹ All the different forms should be seen as sexually exploitative since they have a detrimental impact on the young person. This would mean that the concept of trafficking should and could be used in order to internationally protect and care for young persons that fill the other criteria of having been coerced, tricked or forced to another country for the purpose of the above.

There is too little knowledge of normal adolescent sexual development and behaviours in order to fully understand the impact on the young person’s physical and emotional development that early entrance into the commercial sex market has. We may however rely on data from studies of adolescents that fall into socially problematic behaviours. These point to the fact that one of the determining risk factors is having several sexual partners at an early age. In fact, some studies point to the fact that the later the young person’s sex life starts, the easier it is for a person with difficulties to recuperate and find new foothold in the world. Indeed, the recent Baltic Sea Regional Study on Adolescent Sexuality, carried out in seven countries in the Baltic Sea Region seem to point in the same direction. The parts of the study that have been published emphasise that the few young persons in the study that have indeed sold sex, 1.8% of the boys and 1% of the girls, also score high on a number of indicators of poor physical and mental health as well as poor self esteem and poor relationships with adults. They also had sleeping difficulties and scored significantly higher on feeling tense and uneasy.¹² It could naturally be argued that we do not know what causes what from such a survey, but put together with other surveys, and also from clinical observations of young persons recovering from sexual abuse, it seems fair to assume that selling sex falls in a category of behaviours that adds to difficulties in relating and to self esteem and that this is not only the result of the social stigma attached to this kind of activity but the result of our sexuality being highly regarded by young persons and adults alike.

The importance of gender

Trafficking in human beings has predominantly been regarded as a part of the commercial sex trade bringing women from poorer countries to work in the sex industry in richer countries. The discussion carried on in this way immediately leads into the subject of prostitution being voluntary or involuntary and into the discussion on the legality of prostitution or of buying sexual services. For our purposes here we can however rely on the fact that few would consider the commercial sex trade as being a fair ground for young persons below 18 and indeed in the countries where the commercial sex market has been legalised to some extent, one of the arguments behind the legalisation has been that it would better protect women and

also make it easier to stop illegal parts of the commercial sex market, i.e. the involvement of children. The young persons themselves however do not always view their involvement in the commercial sex market as being exploitative or that them being there is part of an exploitation. For different reasons several of the young women recently discovered in brothels or in bars prostituting themselves, see their participation in the “business” as a choice they have made.

*“...children are not always forced, manipulated or ‘blackmailed’ into prostitution by adults. Instead, many children trade sex as part of a survival strategy in just the same way that many adults ‘choose’ prostitution because it is the only or best means of subsisting open to them.....when children are discovered on the bottom rungs of the prostitution hierarchy, forced by third parties to submit to harsh work routines, unprotected sex, beatings, and so on, they are rarely alone but instead work alongside adults in the same conditions.”*¹³ Some young persons choose to work in the commercial sex trade for lack of any bearable alternative. This is true also for young persons that have been trafficked and to curb the trade and find long-term solutions to why young persons and children are vulnerable to trafficking we need to recognise that going abroad and work under shady conditions may be the best out of a number of bad choices. Paraphrasing William Faulkner: *“left with a choice between grief and nothing some people will choose grief”*¹⁴ In order to be able to fight trafficking of children and to fight the harsh circumstances leading to children ending up in the trafficking process we need to focus on some absolute violations of the rights of the child such as all forms of exploitation, sexual or other. Only by agreeing internationally on this may we concentrate on fighting inequalities, discrimination and exclusion, difficulties facing children often leading to the young person being caught in the trafficking process.

In the region, the few recognised child victims of trafficking are all girls. In a recent mapping carried out within the Expert group on trafficking and illegal migration within the Task Force on Organised Crime, the police forces in the Baltic Sea region report a low number of certain victims of trafficking. No victim of trafficking in the region is male.¹⁵ When we start recognising the importance of the gender perspective in order for us to be open to the possibility that victims of trafficking and of exploitation may also be boys we may start getting closer to the core issue of the whole phenomena of trafficking in children. I believe that we are presently blinded by our view of the victim predominantly being a victim exploited in the commercial sex market and that this victim is a woman or a girl.

We are not open to recognising that exploitation of children may occur in several other areas, such as in the labour market and within the illegal sphere where we know that young boys, often below the age of 14 or 15 are used to raid stores in foreign cities. The police sometimes find these young boys from another country stealing goods in department stores and shops. Even though they are equipped with the same kind of bags and seem to have arrived in the same way to the country they are not recognised as being trafficked but merely sent back to where they came from. Their low age protects them from any further investigations by the police and as they are not recognised as victims of trafficking, no support or contacts are made with the country of origin. We also know that boys are trafficked into big cities to sell things in street corners, exploited in the way that they are not receiving reasonable pay for their work or not given any pay at all.

In a transit institution in one country I visited, a young boy of 13 told me how he had been taken to a big city and there told to work on a construction site. After working for eight weeks with no pay, he was literally thrown on the street where the police, who decided he was in violation of the administrative act since he was not registered in the city in question picked

him up. The boy was thus sent across the border and was placed in an institution with no specific assistance addressing the causes behind his being there. The exploitation this boy suffered in the hands of the people bringing him to the city to work as cheap, unpaid labour may not have been as devastating to his development as exploitation within the commercial sex market may have been. He was however worse off as a result of the crime committed against him and had the right to proper assistance in re-establishing himself in his home community. The assistance he received in the transit institution was also contributing to his further marginalisation. Had he been a girl and had he been found in the commercial sex market he might have been eligible for support. If there had been any is however questionable, but his gender and the circumstances around his return to the country made the authorities see him more as a vagrant boy, possibly bordering on being involved in criminality. His own active participation in the transportation across the border and his own activity may also have put obstacles in the way for those that should have recognised his predicament. It is true that not many policepersons would consider the young person they just pick up on the street as a victim of anything. They are seen as perpetrators and treated accordingly.

Trafficking in human beings affect women, men, girls and boys. However, some forms of trafficking target women and girls more than men and boys. Similarly, the exploitation of men and boys seem to differ from the exploitation that women and girls face. This is however not to say that the exploitation facing women and girls is the same. Men and women may prove to have more in common when it comes to trafficking than do women and girls. Using these more discriminatory terms, men, women, boys and girls as tools we may discover the circumstances around the recruitment, the transportation, the creation of the exploitative context and the exploitation itself. This discovery may allow us to discern the exploitation of boys and the exploitation of both boys and girls within other areas than the commercial sex business. Again, this should be done in order for us to be able to deconstruct the total experience of trafficking in order to create the rehabilitation context.

The importance of recognising child victims

It is imperative that we recognise the individual child whose rights are not respected. I deliberately refrain from using the more technical term “identify” as it more refers to need of the society to identify who they are dealing with. Recognise is a more rights-based and appropriate term to use since it shifts the focus to the subjective experiences of the young person. In the case of trafficking recognising the child victims can only be done if we work with identifying the child specific aspects of trafficking.

We run across the lack of child specific thinking all across the region and in many more areas than trafficking, but in the case of trafficking, the lack of identifying the areas where children come to harm means that so many children are not recognised and not given proper assistance. It also means that so many programmes that supposedly target the problem, do not include possible tools in order for children to be recognised: Children placed in so called “transit institutions” may have been coerced into leaving their home community, transported across a border and exposed to subsequent exploitation without it being clear to anyone, least of all the young person, that this adds up to being labelled “trafficking”. This may seem irrelevant since the young person in question will need assistance no matter what label you put on his or her suffering, but in my view it is highly relevant. The care and assistance a young person that is a victim of trafficking would need differs from that you would offer a young person leading a vagrant life in his or her home country. The authorities in many

countries continue to claim that they see very few young persons below the age of 18 as they examine their (police-) experiences of trafficking criminality¹⁶. Most children that would fall into the category of victims of trafficking are not recognised as such. If the police and the migration authority have any training at all on the issue of trafficking, they are all tuned and sensitised to look at trafficking and victims of trafficking from an adult point of view, thus not noticing that the stories they hear from the children in the institutions are actually, if put together, stories of violations and criminality that would add up to a trafficking experience. Young persons that should be entitled to protection, care, rehabilitation and assistance and reintegration are not recognised since they are identified as vagrant young persons, non-registered residents or at worst as criminals.

The lack of knowledge on who is a child victim of trafficking is apparent and something coming out of the view of the trafficking victim as an adult involved in prostitution. Travelling in the region I have come to recognise that we have a situation where young persons are not recognised as victims of trafficking since the contexts in which they present themselves are not the contexts where you would expect to find (adult) victims of trafficking. Our view of the issue is biased, we look for victims of trafficking within the commercial sex market but fail to understand that the exploitation of young persons does not follow the same pattern as that of adults. In order to recognise women victims of trafficking, experience tells us to search the commercial sex market. Children and young persons are sometimes found in the same environment but the commercial sex market is not a legitimate place for a young person to be so it is highly likely that the young persons that are found in that setting is only one part of the young persons that have been victimised through trafficking. Institutions where adolescents without adult supervision are cared for are more likely to be places where you find young persons below the age of 18 with exploitative experiences in a cross border context.

The label put on any young person within a migration context is very short-lived and may change from one day to the next. A young girl may present herself in Norway for example as an unaccompanied asylum-seeking refugee only to be found next week in Germany exploited within the commercial sex market. Given the possibility of protection, care and rehabilitation when she is first recognised, the young person may have chosen to consider her options and found a solution that would have led to a life free from exploitation. It is challenging to find ways to recognise children's rights, especially in a cross border context, but the trafficking issue has brought this to our attention: Our ways of cooperating across borders must be adapted to the situation of cross border exploitation of young persons.

The importance of the legal viewpoint

It is being said that trafficking in human being is a crime against the dignity of all human beings. Trafficking in human beings is seen as a specific criminal activity. To properly and adequately fight trafficking there has been international agreement that specific laws are needed. The crime of trafficking has in most of the member countries of the Council of the Baltic Sea States been included and defined in accordance with the so-called Palermo protocol¹⁷. In several countries trafficking has been defined so as to include also the transportation of human beings within the country for the purpose of exploitation, thus broadening the issue somewhat than what is included in the supplement to the convention on transnational crime. In order to lobby for countries to include trafficking as a specific crime in the legislation, much of the focus stayed with the crime and the criminality as such: The crime from the point of view of the perpetrator. We discuss routes of trafficking, ways of

recruitment of victims, preparatory stages and type of cooperation across borders between the sending and the receiving criminals, types of commercial sex market in different countries and how these are managed and used for profit by criminals. The call from several groups active in the fight against all forms of human trafficking to also put some focus on the so called “demand side” of the problem has also increased the need for understanding, defining and analysing the criminal act, the criminals behind the act and those profiting from the criminal activity, i.e. the persons buying sex.

I believe that the attention put on legal measures has served a specific cause in making the issue of trafficking into something other than a mere problem of prostitution going international. It has enabled us to discover and make illegal the attempt to create the context where exploitation is made possible. In order not to fall into the trap so vividly described by Julia O’Connell Davidson of dichotomising the victim and the perpetrator making the victim fit into the perception of a victimised young child of about 7 and the perpetrator into the elderly man, we need to understand more of the crime from the point of view of those victimised by it. If we do not, the victim at the same time becomes the “innocent victim” thus leaving out all victims that do not fit into our perception of an “innocent victim”. All young persons will have had some form of active involvement in some part of the trafficking process and we must not deny a victim true and unlimited assistance because of the fact that she or he at some point were active in the process leading up to the victimisation. *“...a distinction is often made between those ‘deserving’ of protection and support because they accept the services and support offered and those who continue to be involved (in prostitution) despite being offered support to stop their involvement...”*¹⁸ Unfortunately the lack of obvious will to change is taken by police or care workers as a proof of the young person being of a “less deserving” kind. In fact, the way the young person can accept assistance must be seen as a function of how fundamental to the young person’s personality the victimisation is.

The legal debate forces us to consider the perpetrator, and rightly so, but at the same time will make us look away from the victim. It is now time to do just that, to turn our attention to the child victim of trafficking, boys and girls under the age of 18 that cross borders and fall victim of exploitation.

The importance of agency

If we consider all persons under 18 as children, we must not think of them as creatures without their own direction or as being unable to be authors of their own fate. “Child” is a fleeting concept as we are talking about individuals from birth up to the age of 18. We would not expect a ten-year old to make the kind of decisions we would think that a 16-year old is able to do. Interestingly enough, the growth in decision making capacity in the young person corresponds to how adolescents mature and also to how they themselves would see the process of recovery should they be subjected to overwhelming and negative experiences. Agency and activity is seen as beneficial in finding ways to deal with the repercussions of abuse or of violence. When discussing trafficking of children we realise that the child we are talking about is usually a young person from 14 to 18 years of age with an individual history that in some ways assists in explaining why she or he became a victim of trafficking. In some cases the desperate attempts to leave the home country or an abusive home situation is behind the vulnerability to being recruited.

Recruitment maybe not that deceptive as is usually presumed when considering the criminal acts involved and the young person may well have cooperated in the recruitment as a part of

her or his own plan to leave. The whole discussion of agency and the young persons own involvement in different parts of the trafficking process is of importance when we start considering how not to exclude groups of children that are ending up in exploitation but where the initiative of the transportation was one that the young person would feel responsible for. What if the young person herself sought out the trafficker, asking him or her to assist in finding ways to leave the country? Oftentimes the young person showing that much agency in designing her or his own departure will be seen as an unaccompanied minor, a completely different category in the eyes of both the public, the policy makers and child activists, one where we find predominantly boys and a group of young persons who in the general debate are sometimes described as calculating young persons trying to receive financial and material gains from a country not their own. Quite unlike the innocent victim of the heinous crime of trafficking. In fact what separates the two groups from each other in the mind of the policy makers and also in the mind of most child activists is that the victim of trafficking, the victim of a crime, is seen to have fallen prey, completely without any involvement on their part, to a crime whereas the latter group have shown cunning in planning their own deceitful entry into a country they have no right to be in. Again a binary that seems to cement images of one young person as very different from another, even though they may both find themselves in highly dangerous and exploitative situations. What separates the two in the eyes of many policy- and decision makers is the activity and agency shown. This again calls for the need to recognise that a victim can also be an active person. Sometimes the activity itself is a part of spontaneous recovery and is part of the young person refusing to become a victim.

The importance of inclusion

This brings us to the thoughts behind the present programme within the Council of the Baltic Sea States, the programme on Unaccompanied and Trafficked Children in the region of the Baltic Sea States and how the WGCC from the beginning came to the conclusion that there was a need for a programme that did not discriminate against any young person on the grounds of his or her agency or presumed innocence. The programme is built on the fact that boys and girls that are unaccompanied in a country not their own are vulnerable to becoming victims of exploitation. They are more vulnerable than they would be if still within their home community protected by their family. The programme also recognises the fact that the vulnerability to exploitation or abusive life situations will increase if and when the young person returns to his home community, as he would have severed ties in order to leave.

The need to design a programme that would include all children that are without parental care or guardianship in a country not their own was also guided by the fact that governments in the region were recognising the existence of these young persons and noting that some of them were involved in activities bordering on the criminal and some where involved in begging. Another issue was the fact that more and more asylum-seeking children arrived unaccompanied to some of the countries in the cooperation. These young persons were seen as problematic both since they didn't do well in the countries they arrived in and since these didn't know what decision to make to their asylum claim. Another factor was that several of these young persons disappeared from the centres they were in. It was feared that they became dragged into exploitation and indeed this proved to be the case for some. The group targeted by the programme is thus not identified by which legal paragraph they are "identified" to belong to but by the fact that they are on their own in a country not their own. "This is a hydra that may come in many different forms and with several heads" as the Swedish minister of Migration and Development cooperation Mr Jan-O. Karlsson put it to the participants to the meeting of senior officials that was the start of the cooperation on this subject.

The co-operation on unaccompanied and trafficked children in the region of the Baltic Sea states aims at assisting:

- a) Unaccompanied/separated asylum seeking children and young persons
- b) Children and young persons trafficked from one country to another
- c) Exploited children and young persons as well as children and young persons at risk of exploitation in a country other than their own with valid documents.
- d) Children residing in the host country without legal documentation.

The list put in this way is intended to be all encompassing.

The importance of recovery and of assistance

In a recent case of trafficking brought before the court in Sweden, a 17-year old girl that had been forced to prostitute herself in Sweden went missing, as the trial was about to start. The police had wanted her to stay on in Sweden to testify against the suspected trafficker, but she had chosen to leave. This is a typical scenario in a case of trafficking: young girls are being recognised and offered some form of protection and support. The protection available and the support available however are completely tailored to adult women and do not cater to the child specific rights of the child victim. These in turn regularly disappear; usually back to their home country where no one knows of their fate.

The recovery process for a child or young person that have been victimised through trafficking must be designed in recognition of the fact that the victim is of an age where she or he is in full ownership of agency and expecting, or should be expecting, to be the author of her or his own destiny. This capacity of agency and of activity should be taken note of in order to engage the young person as a partner in his or her own recovery process.

There seems to be agreement on the fact that sexual exploitation has consequences for the young person and impacts on the young persons development in a way that is more detrimental than do sexual abuse on its own. Several authors have looked at how exploitation affects the involved young persons but most of the material up until now end up by exploring the legal measures in place, the adequacy of child protection systems in responding to the protection needs and the lack of coordinated responses to the different forms of sexual exploitation¹⁹. This is naturally essential and vital to all recovery but leaves the clinician with few tools as he or she is confronted with children that have been exploited. In an interesting article describing children that appear in child pornography, Catherine Itzin discusses experiences of children's reactions to the sexual abuse where there was also exploitation. She records that the exploitation of the abusive situation aggravated the trauma of the abuse as such and that the "public" record of the abuse, the photograph, increased the child's sense of responsibility²⁰. Research and published experiences on the subject of rehabilitating child victims of trafficking are sparse, few professionals have shared their experiences on how the aspect of exploitation adds to the abuse and what the clinician needs to consider when assisting the child or young person. This gap has also propelled the cooperation in the region to gather experts on this topic to present what is known and to discuss ways to improve the situation²¹. From my own experience of clinical work with severely violated girls and boys, the impact of the exploitation seems to come in different spheres and all aspects are not present within the symptom spectrum that each individual exploited child would present. In trying to get my own thinking on this into some form I have introduced the notion of the "Four C's": Complicity, Control, Closure and Compensation.²² The first three of the C's mentioned target the psychological process of teasing out the intricate pattern of memories, distortions and affects that lie tied to the abusive and exploitative situation.

The fact that a boy or girl is recognised as a victim of trafficking means that there has been an element of exploitation, up until now usually thought of as sexual exploitation. Since trafficking has mostly been discussed in terms of legal action as described above, the subjectivity of the victim of the crime has not been given enough attention. I would argue that we need to focus on the victim's perception much more in order to address the issues that are most damaging for her or him. As the case cited above of a young woman who decided to leave before receiving any assistance clearly shows we need to put an effort into the construction of a context that is holding enough for the young person that is exploited to be able to trust its ability to care and protect. Without properly looking at the impact on the victim of the crime, we cannot properly assess what resources are needed to assist the victim, nor can we in full recognise the magnitude of the crime.

Trafficking of children is an activity that involves moving someone across a border in order to create a situation of uncertainty and dependence that may then be used as a basis for exploitation. The trafficking in this sense is the creation of the asymmetrical relationship between the young person and the trafficker/traffickers that is a prerequisite for exploitation to occur. It is not only the mere taking advantage of an asymmetrical relationship in order to gain profit, that constitutes the criminal activity involved when we speak about children that are trafficked but it is the deliberate construction of a context that will enable the criminal to properly and totally control the young person so as to fully exploit her or him for profit. The construction of a helpless state, or the construction of a state of non-agency, is the part of the trafficking crime that may prove to have the most long lasting negative impact on the young person and impede recovery. I would also argue, that it is this creation of an exploitative context that makes it imperative for us to keep a clear distinction between trafficking in men and women and trafficking in boys and girls since the creation of an exploitative context is something that impacts in a much more detrimental way for a young person than for an adult. Not until we recognise that from the point of view of the girl or boy victim, this exploitative context may be the most frightening part of the whole experience may we fully understand how to assist the young person to recover.

Young persons are psychologically depending on existing in contexts and to dynamically interact with contexts that they can understand and control. If a healthy young person loses the ability to comprehend the situation or the context he or she will attempt to restore his or her understanding, thus hoping to regain control of the circumstances. Control in this sense should not be understood as the young person always being able to decide on all issues around them, but means that the young person needs to understand the limits imposed on him or her by the situation. The whole concept of agency and the psychologically healthy development of and use of agency relies on the fact that young persons develop a deeper understanding of and a better evaluation of how the context they are in would allow them to be active in decisions around their life or if this is restrained by the implicit or explicit rules of the situation. For most young people this is regular decision making: Evaluating the situation, deciding if it is beneficial to stay on in the situation in order to gain desired favours or to move on, leaving a negative situation behind. Obviously this process of finding desirable contexts to act in and to develop in interaction with is one that develops over time. For adolescents it is however the factor that they seek most actively. Situations where they are able to move freely discover and explore via interacting and using their abilities are contexts they favour and seek to become involved in. On the other hand, rigid contexts and circumstances where the individual boy or girl has little or no possibility to influence the agenda or the future course of the individuals involved tend to be avoided.

Psychologically and developmentally this process is also active when a young person is recovering from adverse circumstances. The rehabilitation process itself needs to be understood as one of high flexibility and ability to respond to changes in the needs of the adolescent. This highlights the fact that a context with few alternatives or that is not accepting the young person's own agency as a determining factor in the interaction, would not be recommended to assist a young person with experiences of an exploitation context. Indeed, such a non-responsive context would have a negative impact on the young person's development and on the possibility for the young person to regain trust in the adult world. This is the reason why we see so few young persons in the shelters and centres created to care for victims of trafficking: They are either too much relying on the individual's own choices, created for adults, or too limiting and non-responsive to the young persons need to be listened to and to be part of creating the rehabilitation context. There is a delicate balance between creating an environment with enough "holding" capacity to endure the first days of testing of boundaries and yet dynamic enough to include in the design of the rehabilitation context, the fact that the young person needs to be encouraged to become the author of his or her destiny. I believe that it is this factor that comes into play when adolescents that have been trafficked are offered assistance: They regularly leave the first shelter or place of assistance offered, as they find the circumstances too similar to those they have escaped. Too little is left to their own agency, too many restrictions with an emphasis on directing the boy or girl instead of interacting with his or her own active involvement.

The importance of regional cooperation

In the region of the Baltic Sea States, the 11 member countries to the Council of the Baltic Sea States and the Working Group for Cooperation on Children at Risk (WGCC) have developed a plan of action guiding the regional work to assist unaccompanied and trafficked children.²³ The implementation of this plan has been called upon by the Heads of Government at the latest Baltic Sea Summit in Laulasmaa, Estonia in June 2004. The ministers responsible for children's issues in the region met in Oslo in May 2005 and there reconfirmed their commitment to continue the fight against trafficking in children through prolonging the Plan of Action.²⁴ Even though the increased co-operation on unaccompanied and trafficked children is exceptionally challenging, since it involves so many ministries, agencies and NGOs, a number of promising achievements have been accomplished up to now. Countries in the co-operation have appointed National Contact Points to facilitate cross border dialogue. National Contact Points are the gateway into the country's child protection system and enable professionals to cooperate across borders in order to find the best suitable assistance for a young person recognised in a country not his or her own. Gaps in care and rehabilitation have been identified and expert meetings have been held in order to identify which players are best put to try to fill the gaps. The work has progressed in as close a co-operation as possible with other actors, both public institutions, NGOs and IOs in order to achieve synergy and cost effectiveness. The NGO co-operation has been prioritised and in the early fall of 2003 about 50 different NGOs met in Vilnius to look at the issue of unaccompanied and trafficked children and to see how the NGOs of the region would formulate the issues, the gaps and the suggested solutions²⁵. The involvement of NGOs in all aspects of the programme has led to more NGO input to the governmental work and more NGO involvement in committees set up in the member states. In several countries interministerial groups have been established in order better to use the national resources available to support young persons that have been trafficked or in other ways suffered from cross border exploitation.

The Childcentre web site, www.childcentre.info, is a resource that professionals that work with children may use in a variety of ways. In the area of children victimised through trafficking, the Childcentre site may assist in finding the proper National Contact Point to address with questions and calls for assistance in specific cases. The NGO part of the site will enable professionals in the different countries to find services for children. The National Coordinators and the Competence Centres together form a network that may be used in order to take better-informed decisions on how best to contact colleagues in another country in the cooperation. The web site is also a resource where available reports, documents and projects may be accessed.

A number of gaps in the protection of and assistance to child victims of trafficking have been identified. In general, the most obvious gap is the absence of rehabilitation services for young persons that have been trafficked. This gap was recently addressed at the “Expert meeting on Building Competence and Capacity on Care, Rehabilitation and Reintegration of Children and Young Persons Victims of Trafficking” held in Kiev²⁶. The meeting in Kiev resulted in an updated Situation Paper, where issues important for the rehabilitation of boys and girls victims of trafficking are considered in the contexts of the member countries and Ukraine, Belarus and Moldova.²⁷ In this paper it becomes painfully clear that the years of work to put the issue of trafficking on the agenda, has not yet resulted in the creation of shelters dedicated to the protection, care and assistance of boys and girls victimised through cross border criminality and exploitation.

The Children’s Unit have designed a training-programme for professionals involved in assisting young persons victimised and exploited through trafficking: Comprehensive Assistance to Children Victims of Trafficking. Each professional that will be involved in the training are tied to national efforts of assistance to girls and boys. They will receive training and an opportunity to further develop tools and methods both on the protection, i.e. how we may find environments protective enough both from outside threats and from the young person’s own destructive impulses, yet dynamic and free enough to cater for the inclusion of the young person’s own engagement in creating her or his rehabilitation context, and on the intricate teasing out of the destructive influence on the young person’s development that the exploitative experiences have had. The training needs also to include how best to work with the integration of young person’s into their community of origin or in a community that may serve as the new foundation for a life free of violence and abuse.

The governments in the region have all pledged not to send a young person back to a country of origin without someone there to care for the child. In several cases this has proven to be extremely cumbersome. An important obstacle in this is the fact that internationally adopted asylum regulations prohibit countries to be in contact with the country of origin whenever there is a formal application for asylum from the young person. In several countries in the region, children, victims of trafficking will apply for asylum as soon as they are recognised by the authorities. This becomes an obstacle for contacts and for proper care and assistance to be planned and implemented. In some countries this obstacle is ignored and contacts are taken anyway with a reference to the “best interests of the child”. In other countries, notably Denmark, the care and assistance to asylum seeking unaccompanied young persons are implemented by NGOs that are not limited in the contacts they may take with partner organisations in the countries of origin. Discussions are under way with both the NGO group and UNHCR on this most important issue: Unaccompanied children and children victims of trafficking are certainly all in need of protection but not in the way that is stipulated in the Geneva Convention.

Concluding remarks

Experiences from other parts of Europe regarding trafficked children point to the need of establishing competent institutions and safe houses where trafficked girls and boys could be offered medical and psychological support, schooling, vocational training and eventually assistance in rejoining the surrounding society. Reintegration and rehabilitation efforts that have expertise in assisting children with multiple experiences of exploitation and with violent lifestyles are scarce in the region. Children arriving unaccompanied that have a criminal background and lifestyle are also in need of appropriate care in order to adjust their behaviour in a socially acceptable direction. Some children need assistance in order to be freed from drug or alcohol dependency.

In order to see to the reintegration needs of boys and girls returning to their countries of origin or remaining for shorter or longer periods in the host countries we need to put to use the competence there is in the region. This must be complemented by knowledge on how young persons are affected by the exploitation and how contexts of rehabilitation may be established. Experience tells us that there is an immense need for more communications between professionals in different countries in order to establish working relationships across borders. This is truly a cross border issue and we need to find solutions that transcend national borders and that enables professionals all over the region to cooperate in finding solutions at the same time as the decision-makers continue to find ways to implement legal and social policies that would further protect children and young people from exploitation of any kind.

¹ Correspondence to lars.loof@cbss.org

² Ayotte, W. (2000) *Separated children coming to Western Europe - Why they travel and how they arrive*, Save the Children.

³ For a full discussion of this, please see Hjorth Jahnsen, M. (2005) *Children without protection in Europe?*, Save the Children, Stockholm.

⁴ Wessel, A: (2003) *Review of cases in which unaccompanied asylum-seeking minors in Sweden absconded during 2002*. Swedish Board of Migration. Available at <http://www.childcentre.info/projects/traffickin/sweden/dbaFile10945.html>

⁵ Löf, L, Ekmeahag, E: (2005) *Situation paper: Level of protection, care, psychological, medical and social assistance as well as short or long term placements available for children victims of trafficking in the Baltic Sea Region*. <http://www.childcentre.info/projects/traffickin/dbaFile12009.html>

⁶ *Child Trafficking in European Countries* (2005) UNICEF Innocenti Research Centre (Forthcoming publication).

⁷ Kitzinger, J. (1997): *Who are you kidding? Children, power and the struggle against sexual abuse*. In James, A. and Prout A. (Eds) *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*. London, Falmer.

⁸ O'Connell Davidson, Julia (2001) *The Sex Exploiter*. Contribution to the 2nd World Congress against Commercial Sexual Exploitation of Children, Yokohama, Japan.

⁹ Alan Wertheimer, at <http://plato.stanford.edu/entries/exploitation/#1> taken on the 8th of August 2005

¹⁰ Kane, J: (2005): *Understanding "Demand" for Children in the Sex Trade: An Outstanding Challenge*. Background paper for the Yokohama Review, Europe and Central Asia.

¹¹ O'Connell Davidson, Julia (2001) *The Sex Exploiter*. Contribution to the 2nd World Congress against Commercial Sexual Exploitation of Children, Yokohama, Japan.

¹² Svedin, CG & Priebe, G. *Ungdomars sexualitet - attityder och erfarenheter*. Avsnitt sexuell exploatering. Att sälja sex mot ersättning/pengar. Bilaga 3. Sexuell exploatering av barn i Sverige. SOU 2004:71.

¹³ O'Connell Davidson, Julia: *Children in the Global Sex Trade*. Polity Press, Cambridge, 2005.

¹⁴ Ibid.

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- ¹⁵ Report from the Expert Group on Trafficking in Human Beings within the Task Force Against Organised Crime. <http://www.childcentre.info/projects/traffickin/dbaFile11621.html>
- ¹⁶ Ibid
- ¹⁷ *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the United Nations Convention against Transnational Organized Crime (The Palermo Protocol) (2002) http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf
- ¹⁸ Chase, E. and Statham, J: (2005): *Commercial and Sexual Exploitation of Children and Young people in the UK – A review*. Child Abuse Review Vol. 14: 4-25
- ¹⁹ Ibid
- ²⁰ Itzin, C (1997): *Pornography and the Organization of Intrafamilial and Extrafamilial Child Sexual Abuse: Developing a Conceptual Model*. Child Abuse Review Vol 6: 94 - 106
- ²¹ Kornijenko, J and Lööf, L: (Eds) (2005): *Report from the Expert Meeting on Building Competence and Capacity on Care, Rehabilitation and Reintegration of Children and Young Persons Victims of Trafficking in the Baltic Sea Region*. Available at <http://www.childcentre.info/projects/traffickin>
- ²² Lööf, L (2005) Global Issues and Regional Cooperation fighting Child Exploitation. In Quayle, E and Taylor, M (Eds): *Viewing Child Pornography on the Internet*. 2005 Russell House, Dorset, UK (In press)
- ²³ See <http://www.childcentre.info/projects/traffickin/dbaFile11217.html> for full text of the WGCC Plan of Action
- ²⁴ For conclusions from the ministerial meeting go to <http://www.childcentre.info/archive/background/dbaFile11866.html>
- ²⁵ See <http://www.childcentre.info/projects/traffickin/dbaFile10894.html> for full report from the meeting.
- ²⁶ Kornijenko, J and Lööf, L: (Eds) (2005) : *Report from the Expert Meeting on Building Competence and Capacity on Care, Rehabilitation and Reintegration of Children and Young Persons Victims of Trafficking in the Baltic Sea Region*. Available at <http://www.childcentre.info/projects/traffickin>
- ²⁷ Lööf, L, Ekmeahag, E: (2005): *Situation paper: Level of protection, care, psychological, medical and social assistance as well as short or long term placements available for children victims of trafficking in the Baltic Sea Region*. <http://www.childcentre.info/projects/traffickin/dbaFile12009.html>