

**UNICEF**  
**Innocenti Research Centre**

# **CHILD TRAFFICKING IN THE NORDIC COUNTRIES: RETHINKING STRATEGIES AND NATIONAL RESPONSES**

*A Technical Report*



**unicef**  
**unite for children**

Cover photo: Muddy feet of undocumented migrants who, after crossing the Turkish-Greek border, have been detained by officers of the European Union border police, Frontex.  
© Jason Oerlemans / Panos

# **CHILD TRAFFICKING IN THE NORDIC COUNTRIES: RETHINKING STRATEGIES AND NATIONAL RESPONSES**

*A Technical Report*

Prepared by the UNICEF Innocenti Research Centre  
in collaboration with the National Committees for UNICEF in  
Denmark, Finland, Iceland, Norway and Sweden.

## THE UNICEF OFFICE OF RESEARCH, INNOCENTI

The Innocenti Research Centre (IRC) was established in Florence, Italy in 1988 to strengthen the research capability of the United Nations Children's Fund (UNICEF) and to support its advocacy for children worldwide. The Centre helps to identify and research current and future areas of UNICEF's work. Its prime objectives are to improve international understanding of issues relating to children's rights and to help facilitate full implementation of the Convention on the Rights of the Child in developing, middle-income and industrialized countries.

IRC is the dedicated research hub of the UNICEF Office of Research (OOR), which provides global leadership for the organization's strategic research agenda around children. The Office aims to set out a comprehensive framework for research and knowledge within the organization, in support of its global programmes and policies. Through strengthening research partnerships with leading academic institutions and development networks in both the North and South, the Office seeks to leverage additional resources and influence in support of efforts towards policy reform in favour of children.

IRC's publications are contributions to a global debate on children and child rights issues, and include a wide range of opinions. For that reason, the Centre may produce publications that do not necessarily reflect UNICEF policies or approaches on some topics. The views expressed are those of the authors and/or editors and are published by the Centre in order to stimulate further dialogue on child rights.

The Centre collaborates with its host institution in Florence, the Istituto degli Innocenti, in selected areas of work. Core funding for the Centre is provided by the Government of Italy, while financial support for specific projects is also provided by other governments, international institutions and private sources, including UNICEF National Committees.

© United Nations Children's Fund (UNICEF)  
January 2012

Correspondence should be addressed to:

UNICEF Innocenti Research Centre  
Piazza SS. Annunziata, 12  
50122 Florence, Italy  
Tel: (39) 055 20 330  
Fax: (39) 055 2033 220  
florence@unicef.org  
[www.unicef-irc.org](http://www.unicef-irc.org)

**A SUMMARY OF THIS REPORT IS AVAILABLE FROM THE IRC WEBSITE AND  
IN PRINTED FORMAT FROM [florence@unicef-irc.org](mailto:florence@unicef-irc.org)**

## ACKNOWLEDGEMENTS

This publication was coordinated by the UNICEF Office of Research, Innocenti, assisted by an international panel of advisers and reviewers. The research was conducted in close collaboration and consultation with the National Committees for UNICEF in Denmark, Finland, Iceland, Norway and Sweden, which also kindly provided financial contributions for this study.

### Researchers

Daja Wenke, Principal Researcher, Independent Consultant  
Phil Marshall, Writer and Editor, Director, Research Communications Group, New Zealand  
Susanna Nordh, Research Assistant, Office of Research, Innocenti

### Danish Committee for UNICEF

Anne-Mette Friis, Head of Education for Development  
Karin Aaen, Director of Communication and Advocacy  
Jakob Colville-Ebeling, Communication and Advocacy Officer

### Finnish Committee for UNICEF

Inka Hetemäki, Programme Director  
Tanja Suvilaakso, Child Rights Advisor  
Sara Park, former Advisor, Advocacy and Communication  
Johanna Kurki, Advocacy Manager, Domestic child policy

### Icelandic National Committee for UNICEF

Bergsteinn Jónsson, Project Coordinator for Education and Youth  
Lóa Magnúsdóttir, Fundraising and Advocacy

### Norwegian Committee for UNICEF

Nina Kolbjørnsen, Project Manager  
Anita Daae, Head of Communication

### Swedish Committee for UNICEF

Christina Heilborn, Advocacy Director

### UNICEF Office of Research, Innocenti

Gordon Alexander, Director  
Jasmina Byrne, Child Protection Specialist  
Andrew Mawson, Chief of Child Protection  
Claire Akehurst, Executive Assistant  
Aesa Pighini, Consultant

### UNICEF technical support/advice

Jyothi Kanics, Advocacy and Policy Specialist, UNICEF Geneva  
Susu Thatun, Child Protection Specialist, UNICEF New York  
Karin Heissler, Child Protection Specialist, Planning and Evidence-Building,  
UNICEF New York  
Margaret Wachenfeld, Senior Policy Adviser, UNICEF Brussels  
Yu Kojima, International Consultant and former Child Protection Specialist,  
UNICEF Office of Research, Innocenti

### External advisers/peer reviewers

Lena Karlsson, Director, Child Protection Initiative, Save the Children

Lars Lööf, Head of the Children's Unit, Council of the Baltic Sea States  
Julia O'Connell Davidson, Professor of Sociology, School of Sociology and Social Policy,  
University of Nottingham  
Mike Dottridge, International Consultant  
Maria Indiana Alte, Project Coordinator, Counter Trafficking Unaccompanied Minors,  
International Organization for Migration  
Hanne Mainz, Social Consultant, Danish Centre against Human Trafficking  
Venla Roth, Senior Officer, Office of the Ombudsman for Minorities; National Rapporteur on  
Trafficking in Human Beings, Finland

## CONTENTS

<b>ACKNOWLEDGEMENTS.....</b>	<b>5</b>
<b>FOREWORD.....</b>	<b>9</b>
<b>1 BACKGROUND.....</b>	<b>10</b>
1.1 INTRODUCTION .....	10
1.2 METHODOLOGY AND SCOPE .....	14
1.3 CHILD TRAFFICKING AND RELATED ISSUES IN THE NORDIC COUNTRIES .....	18
<b>2 TRAFFICKING IN HUMAN BEINGS: DEFINITIONS AND INTERPRETATIONS .....</b>	<b>29</b>
2.1 HOW TRAFFICKING IS DEFINED AND UNDERSTOOD .....	29
2.2 IDENTIFICATION OF CHILD VICTIMS OF TRAFFICKING.....	36
2.3 MOVING BEYOND THE DEFINITION TO PROTECT EXPLOITED CHILDREN.....	44
<b>3 RESPONSES OF NORDIC COUNTRIES TO CHILD TRAFFICKING.....</b>	<b>47</b>
3.1 RESPONSE FRAMEWORK: LAWS, PLANS AND POLICIES .....	47
3.2 LEGISLATION ON CHILD PROTECTION .....	50
3.3 ASSISTANCE FOR VICTIMS OF TRAFFICKING AND POTENTIAL VICTIMS.....	51
3.4 INSTITUTIONAL MANDATES AND COORDINATION MECHANISMS .....	54
<b>4 THE CONVENTION ON THE RIGHTS OF THE CHILD: GENERAL PRINCIPLES .....</b>	<b>59</b>
4.1 THE RIGHT TO NON-DISCRIMINATION.....	59
4.2 THE BEST INTERESTS OF THE CHILD .....	63
4.3 THE RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT.....	67
4.4 THE RIGHT OF THE CHILD TO BE HEARD AND TO HAVE HIS OR HER VIEWS TAKEN INTO ACCOUNT .....	72
<b>5 VULNERABLE MIGRANT CHILDREN AND THE LEGAL, JUDICIAL AND ADMINISTRATIVE PROCESS .....</b>	<b>78</b>
5.1 CHILDREN'S RIGHTS IN THE CRIMINAL JUSTICE PROCESS .....	78
5.2 DEPRIVATION OF LIBERTY .....	84
5.3 REFLECTION PERIODS, TEMPORARY RESIDENCE PERMITS AND ASYLUM .....	87
5.4 RETURN OF UNACCOMPANIED CHILDREN, INCLUDING CHILD VICTIMS OF TRAFFICKING .....	90
<b>6 CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>98</b>
6.1 CONCLUSIONS .....	98
6.2 RECOMMENDATIONS .....	102
<b>NOTES.....</b>	<b>113</b>
<b>ACRONYMS AND ABBREVIATIONS.....</b>	<b>152</b>

## **BOXES**

Box 1. Migrant children involved in drug selling: Evidence from social outreach work in Norway.....	22
Box 2. Vulnerability during transit.....	25
Box 3. Specialized expertise on the identification of potential child victims of trafficking in Denmark .....	37
Box 4. ‘Potential victims of trafficking’: A broader approach to identification.....	40
Box 5. The status of self-governing territories: Application of international standards	48
Box 6. Representation and guardianship: Experience in the Nordic countries .....	62
Box 7. Best interests of the child: Terminology and definitions .....	65
Box 8. Determining the best interests of a child in relation to return.....	91
Box 9. Assisted return through the International Organization for Migration.....	94

## **FIGURES**

Figure 1. Sources by publisher category .....	15
Figure 2. Institutional and organizational affiliation of key informants .....	16
Figure 3. Asylum-seeking adults and children in the Nordic countries (2006–2010) ..	24
Figure 4. Unaccompanied children seeking asylum in the Nordic countries (2006–2010) .....	24
Figure 5. Key informants’ responses: “Do you work with a specific definition of trafficking in human beings?” .....	34
Figure 6. Key informants’ responses: “What definition of trafficking in human beings do you work with?” .....	34
Figure 7. Key informants’ responses: “Do you consider ‘movement’ to be a part of the trafficking concept?” .....	35

## **TABLES**

Table 1. Definition of trafficking in persons: Action, means and purpose.....	30
Table 2. Leading central administration institutions for policy planning on child rights issues.....	54



## FOREWORD

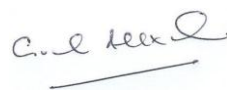
The study, *Child Trafficking in the Nordic Countries: Rethinking strategies and national responses – Technical report*, was initiated with twin aims: improving understanding of child trafficking and responses in the region; and contributing to the international discourse on child trafficking by examining the linkages between anti-trafficking responses and child protection systems. With these objectives in mind, in early 2010 the UNICEF Innocenti Research Centre and the National Committees for UNICEF from Denmark, Finland, Iceland, Norway and Sweden set out to gather data and information. Two years later, following an intensive period of literature review, interviews, round-table discussions, analysis and peer review, the final product has brought us further than we originally anticipated.

Although the study was conceived with a primary focus on trafficking, its scope is much broader. It analyses how the general principles of the Convention of the Rights of the Child are applied in relation to those children vulnerable to trafficking and other forms of exploitation. By examining child trafficking responses from a child rights perspective, the study was able to identify effective responses as well as gaps in policy and practice. These related not only to children vulnerable to child trafficking specifically, but to all migrant children at risk of exploitation.

The study confirms that the Nordic countries have indeed made significant – and continuously evolving – attempts to address the issue of child trafficking, including through setting up relevant institutions, developing action plans and allocating budgets. However, while this has meant that specialized expertise is available for specific groups of children, it has sometimes also led to fragmentation of services, leaving some children unprotected.

The research also finds that many existing gaps may be bridged by consistent and strengthened implementation of the Convention on the Rights of the Child. This simple message resonates all over the world. The Convention has been in existence for more than 20 years, and its far-reaching and holistic nature provides a framework for addressing even the most serious crimes against children. One of the many advantages of addressing child exploitation within such a framework is that services available to exploited and at-risk children need not depend on their identification as victims of trafficking. This is particularly important in light of the study's finding that there is little or no consistency in the way the concept of trafficking is understood among stakeholders within the region. This in turn prohibits the fair and consistent application of the definition of trafficking to children.

At the same time, the study highlights that there is a way to achieve a fuller realization of rights for children who are vulnerable in the context of migration. In particular, we still need to improve our understanding of how to interpret and apply the concept of a child's 'best interests'; we need to learn how to strengthen our ability and determination to seek and listen to the views of the child, including allowing them to express concerns or complaints; and we need to put a stop to discrimination based on factors such as a child's nationality, status or citizenship, so that no child is left without the protection or services that he or she is entitled to. For, irrespective status or administrative category, a child is first and foremost a child.



Gordon Alexander  
Director  
UNICEF Office of Research, Innocenti

# 1. Background

## 1.1 Introduction

It has now been 11 years since the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ('UN Trafficking Protocol'). The subsequent period has been marked by a major increase in international attention to the issue of trafficking; in the adoption of new international guidelines; and in the implementation of multiple initiatives aiming to prevent trafficking in persons, identify and provide support for victims, and apprehend and prosecute perpetrators of the crime of trafficking.

Globally, the United Nations General Assembly adopted the United Nations Global Plan of Action to Combat Trafficking in Persons in July 2010, calling upon governments to strengthen and coordinate their measures against trafficking. Within the European Union, several legally binding standards, communications and action plans have been adopted to address trafficking, including child trafficking, as well as related issues such as unaccompanied asylum-seeking children and children's rights more broadly.

As yet, however, information on the issue remains limited. There is no consensus among those involved in this area as to the total number of people trafficked, and there exists little firm evidence of success in reducing the extent of the problem. Evaluation of the outcomes and impacts of trafficking programmes is somewhat limited to date. Furthermore, doubts are increasingly raised as to whether trafficking is an appropriate paradigm through which to address the multiple issues facing vulnerable migrants, particularly children.

It was against this background that the UNICEF Innocenti Research Centre (IRC) in partnership with the National Committees for UNICEF in Denmark, Finland, Iceland, Norway and Sweden, initiated in early 2010 a study on child trafficking in the Nordic region. The aim of the study, which covers the five Nordic countries, was to generate a better understanding of child trafficking and national responses, with an emphasis on a child rights perspective.

The primary objectives at the outset of the study were:

- To conduct a critical review of responses to address and prevent child trafficking;
- To analyse the possible impact of these responses on children who are at risk of trafficking as well as child victims of trafficking and other forms of exploitation; and
- To yield recommendations on how to strengthen the implementation of the Convention on the Rights of the Child and other relevant international instruments to protect children from exploitation and trafficking.

Child trafficking involves the exploitation of children in many different contexts. It takes place in all regions of the world when children move, accompanied or unaccompanied, within countries or across borders with or without valid travel documents.<sup>1</sup> It was recognized at the outset of the study that child trafficking is a highly complex and multifaceted issue that must be understood in close relation to

other child rights and protection themes, in particular the exploitation of children in a range of different contexts and the underlying vulnerabilities that contribute to this exploitation.

Indeed, previous research conducted in Europe and internationally on child trafficking has indicated that there is usually no single factor that leads to a child being trafficked; children's vulnerability to trafficking is complex and multifaceted. At the same time, patterns in reported cases suggest that children who have been trafficked have often previously been exposed to domestic violence, social and economic marginalization or exclusion, and exploitative relationships. Structural issues, including a precarious migration status or patterns of discrimination against children on the grounds of gender, ethnic origin, or national origin and/or status, constitute additional risk factors that may cause, sustain or exacerbate the vulnerability of children to exploitation.<sup>2</sup>

Against this background of multiple vulnerability – and noting also difficulties in applying the definition of child trafficking to individual cases in a way that is both consistent and beneficial to trafficked children – there has been growing recognition among practitioners that responses to child trafficking might be more effective when embedded in comprehensive and systemic approaches that are based on the rights of the child as afforded under international standards.<sup>3</sup> One of the features of such systemic approaches is that they seek to cater to children based on their individual needs and rights rather than their 'categorization' according to a specific legal or other status, such as 'trafficked' or 'non-trafficked'.

In line with this thinking, the study sought to locate the analysis of child trafficking in a broader discussion around the child protection systems and structures that are in place for other vulnerable migrant children in the Nordic countries. This decision has proved significant. As evidence has been gathered it has become increasingly clear that child trafficking cannot be adequately addressed independently of other vulnerabilities faced by children, and migrant children in particular. This led to the core finding of the study: the Convention on the Rights of the Child offers a stronger framework for the protection of trafficked (and other exploited) children than the child trafficking framework.

As a result of this finding, the study went considerably further than identifying strengths and gaps in existing responses to child trafficking. It went on to examine the potential of strategies for the implementation of the Convention to address child trafficking in a broader context as well as to broaden protection of those referred to in this report as vulnerable migrant children.

Examining the issue in the context of the Convention offers a number of advantages over a narrow child trafficking focus. Most notably, it transcends problems around how the concept of trafficking is defined, understood and applied in practice. It can also help to ensure that services for exploited children focus more on the nature of their exploitation than on how they came to be in the exploitative situation, e.g., ensuring that similar services are available to victims of child sexual exploitation whether or not they are identified as having been trafficked. Finally, although the study did not specifically address the issue of resource allocation, it appears that a framework that safeguards the right of all exploited and abused children to special protection measures would facilitate a more efficient use of resources, particularly where there is a low incidence of confirmed trafficking cases, as in the Nordic countries.

At the same time, the child trafficking lens proves a useful one through which to identify both effective initiatives and response gaps within existing child protection systems. Using trafficking as the starting point, the study has also been able to identify several areas in which the countries concerned might do more to fulfil their commitments to child protection as set out by the Convention.

The study sought to analyse the extent to which existing responses to child trafficking and related issues are guided by the core principles of the Convention: the right to non-discrimination; the best interests of the child; the right to life, survival and development; and the right of the child to be heard and to have his or her views taken into account. The study further examined good practice in specific countries, and sought to identify key gaps in the systems and make recommendations for their improvement. Based on this discussion, the report concludes with recommendations on how to strengthen systemic and rights based approaches in order to prevent the exploitation of migrant children. Recommendations are also made on how to protect children who have been exposed to exploitation, including but not only, child victims of trafficking.

Part 1 of this report provides the full background to the study. Chapter 1.2 describes the study methodology, which was built on comprehensive national and regional literature reviews as well as key informant interviews, consultations with partners and review processes with national and regional experts. The situation overview in chapter 1.3 illustrates various risks and vulnerabilities to trafficking in the Nordic countries. The chapter reflects on what has been reported on trafficking in human beings in the region, and child trafficking specifically, as well as other situations in which children are exposed to exploitation. In addition, the chapter explores the vulnerabilities of children in the broader context of migration as well as other contexts related to social and economic exclusion, which may or may not lead to trafficking.

Part 2 of the report outlines the considerations involved in arriving at the core finding that the Convention appears to be a superior framework for the protection of trafficked (and other exploited) children to the child trafficking framework. Chapter 2.1 focuses on how international definitions of trafficking in human beings and child trafficking have been understood and translated into national criminal law. It also covers emerging views and initiatives around trafficking and exploitation that potentially have significant implications for the child trafficking response. The issues arising from this discourse lead directly on to a discussion in chapter 2.2 around how child victims of trafficking are currently being identified in the Nordic countries. The obligation of state authorities to identify child victims of trafficking is discussed in light of the challenges associated with the correct identification of child victims of trafficking.

In chapter 2.3, the report discusses recent initiatives to encourage a move away from using the trafficking definition as the basis for providing assistance to exploited and vulnerable migrants. It goes on to briefly assess the relevance of such initiatives to the Nordic countries in relation to child trafficking. The change in focus reflects both the difficulty in applying trafficking definitions in practice and an increasingly widespread view that approaches to trafficking that have arisen as a response to transnational organized crime may not be fully appropriate in terms of providing assistance to those who have been exploited as part of, or as a consequence of, the migration process.

The considerable and ongoing progress made by the Nordic countries in addressing child trafficking and related issues is the focus of part 3 of this report. Progress to date includes legal reform; the establishment of specialized institutions and

cooperation and coordination mechanisms; and the development of tools and measures to identify adults and children who have been trafficked. It also includes a wide range of assistance measures for trafficked persons. These measures have been gradually extended to cover not only officially confirmed trafficking victims but also possible victims and others who may be vulnerable. This has occurred by means of the introduction of the concept of 'potential victim of trafficking'.

Part 4 also deals with responses by the Nordic countries to trafficking and related issues. Following on from the conclusions in part 2, it examines responses in the Nordic countries with reference to the commitments of the Convention, focusing on the four general principles: the right to non-discrimination; the best interests of the child; the right to life, survival and development; and the right of the child to be heard and have his or her views taken into account. Several potential gaps are identified in each area. Many of these relate to the differential treatment of children based on nationality and/or status, which is potentially contrary to the right to non-discrimination as discussed in chapter 4.1. The disparity in guardianship arrangements between officially identified child trafficking victims and other vulnerable migrant children is highlighted as an area in which countries are beginning to address the differential treatment of trafficked children and other non-national children. Chapter 4.2 examines the way in which the concept of the 'best interests of the child' is understood and applied, highlighting the differences in the application of this principle among various organizations. Chapter 4.3 on the right to life, survival and development includes sections on health, education and durable solutions. Chapter 4.4 discusses the application of the right of the child to be heard and to have his or her views taken into account, covering victim support services, criminal justice and administrative processes, and transfer or return. The importance of strengthening complaints mechanisms for children across the region is also discussed in this context.

Issues relating to vulnerable migrant children and legal, administrative and judicial processes are discussed in part 5. Chapter 5.1 focuses on the rights of children in the criminal justice process, including as victims of crime, and highlights the importance of protection from prosecution for crimes committed by trafficked children as part of the trafficking process. Chapter 5.2 identifies and discusses concerns with regard to the deprivation of liberty of child victims of trafficking and other non-national children. The remainder of part 5 explores issues around the return or transfer of children to countries of origin and to other countries. Chapter 5.3 looks at short- and long-term alternatives to return, including reflection periods, temporary residence permits and asylum. Chapter 5.4 focuses on return and transfer processes, with particular reference to the 'Dublin II Regulation' relating to the examination of asylum seeking applications. Based on the regional overview and analysis presented throughout the report, part 6 summarizes the key findings identified in the responses to child trafficking in the Nordic countries and presents recommendations for future action.

***Key Concepts: Child trafficking, child protection and best interests***

This study uses the definition of trafficking in persons contained in the 'UN Trafficking Protocol':

"Trafficking in persons" shall mean the recruitment, transfer, transportation, harbouring or receipt of persons...for the purpose of exploitation.... Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the

removal of organs.... “Child” shall mean is any person under eighteen years of age.”<sup>4</sup>

The relevant national laws that criminalize trafficking in human beings and child trafficking in the Nordic countries, and the ways in which these establish the offence, have also been taken into account in the study’s discussion around the concept of child trafficking. Further discussion of definitional issues can be found in part 2.

In this report ‘child protection’ refers to the protection of children from all forms of violence, exploitation and abuse. UNICEF uses the term child protection to refer to “preventing and responding to violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labour and harmful traditional practices”.<sup>5</sup> UNICEF and Save the Children increasingly advocate the benefits of a holistic response to issues affecting children, as opposed to an issues based approach that can lead to fragmentation of approaches and services.

The general principle of the best interests of the child is a central and all-embracing principle under the Convention. Article 3 stipulates: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” The rights to non-discrimination, to life, survival and development, and to respect for the child’s views are all considered relevant when the best interests of the child are being assessed and determined.<sup>6</sup> There are, however, no international instruments that specify how best interests considerations should be applied in practice. The principle of the best interests of the child has been introduced into several sectoral laws, regulations and policy plans in the Nordic countries. The practical application of this principle is a core focus throughout the report.

### ***Victim terminology***

Although some practitioners prefer the term ‘trafficking survivor’ to ‘trafficking victim’ on the grounds that it is more empowering, the terms ‘victim of trafficking’ and ‘victim of exploitation’ are used throughout this report. Considering this issue, the panel finalizing the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (United Nations) made reference not only to the empowerment argument but also to the high number of victims incarcerated for involvement in crimes resulting from their trafficked situation, particularly in regard to offences around immigration and prostitution. The panel considered it extremely important to use the term ‘victim’ to denote the status of the trafficked person as a victim of crime rather than a criminal. This distinction is especially important where victims have committed crimes as a result of their trafficked situation.<sup>7</sup> The term ‘victim of crime’ is an important legal concept, which is inherently empowering and restorative in sentiment.

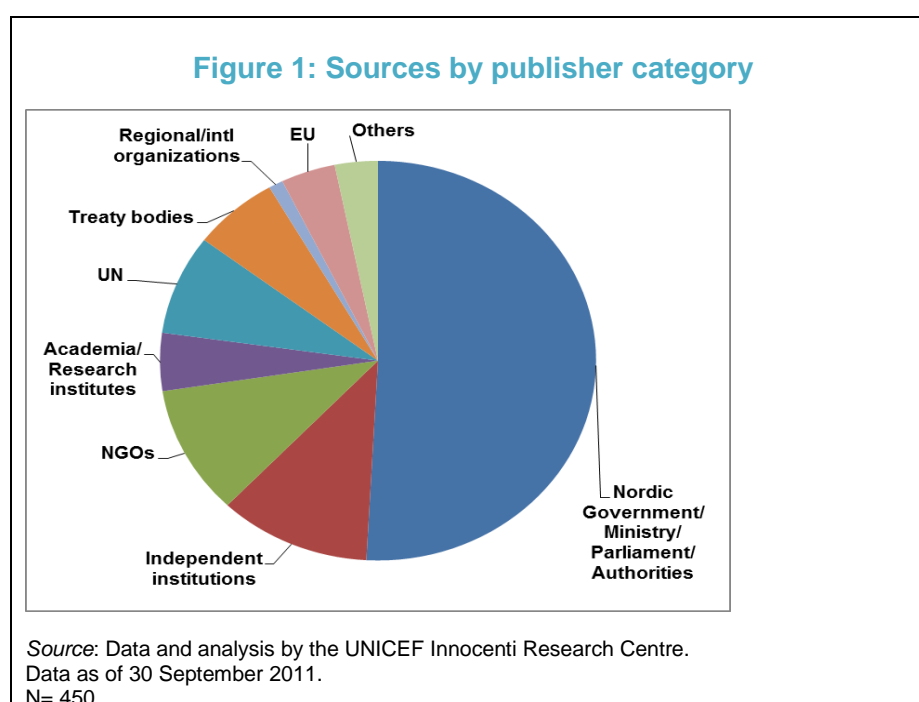
## **1.2 Methodology and scope**

The study was primarily based on a comprehensive literature review, which included a law and policy analysis for each country, complemented by key informant interviews and a consultative review process. Selected country examples were also documented as part of this process. The research was guided by international standards, in particular the Convention on the Rights of the Child and the ‘UN Trafficking Protocol’, as well as by regional standards, instruments and initiatives developed within the European Union (EU) and Council of Europe (COE).

The study was also informed by the work of the Council of the Baltic Sea States (CBSS) and its Expert Group for Cooperation on Children at Risk as well as the work of the Separated Children in Europe Programme. In addition, the study built upon the advocacy experience of the National Committees for UNICEF in the Nordic countries in the area of child trafficking and other child rights and protection themes.

### ***Literature review***

The literature review covering each of the five countries commenced in 2010 and was regularly updated with new sources until September 2011. The review took into account sources published during the period 2000–2011. These included national laws and policy documents, and statistics and other quantitative data from official sources, on both child trafficking and related child rights and protection issues. Existing tools, guidelines and indicators, such as checklists for the identification of child victims of trafficking, were also collected and reviewed.<sup>8</sup>



The review also incorporated studies commissioned by governments, reports issued by ministries and law enforcement institutions, independent institutions, non-governmental and international organizations and academic research.

Critical information was obtained from official and alternative reports to United Nations treaty bodies (Committee on the Rights of the Child, Committee on the Elimination of Discrimination against Women and the Human Rights Committee) and their respective concluding observations. An almost equal balance was reached between governmental sources and non-governmental, independent or international sources (see [Figure 1](#)).

A total of 450 sources informed the development of the five national literature reviews as well as the regional report. While the majority of these sources were reviewed in the English language (89 per cent), working with a multilingual team of researchers facilitated access to national sources written in the local language, as did the support of the UNICEF National Committees.

Significantly, the development of this comprehensive bibliography revealed the limited existence of studies or literature based on the views and voices of children. Fewer than 30 sources (7 per cent) were based on or involved consultations with children. The child-focused sources that do exist have been critical in informing the literature review and increasing the understanding of how children perceive their situations and the issues they face.

### **Key informant interviews**

Key informant interviews were conducted in each country to complement the findings that emerged from the literature review. A total of 78 individual and group interviews were held, involving 108 informants. Interviewees were selected from public authorities and government bodies (ministries; central, regional and local authorities; committees; working groups and specialized coordination mechanisms; and law enforcement agencies). Some informants represented institutions such as Ombudspersons for Children and National Rapporteurs on trafficking in human beings, organizations and foundations, service providers, and research institutes and academia, or were independent experts (see *Figure 2*). No attempt was made, however, to obtain a representative sample of all policymakers, practitioners and experts involved in addressing child trafficking and related themes in the five Nordic countries.

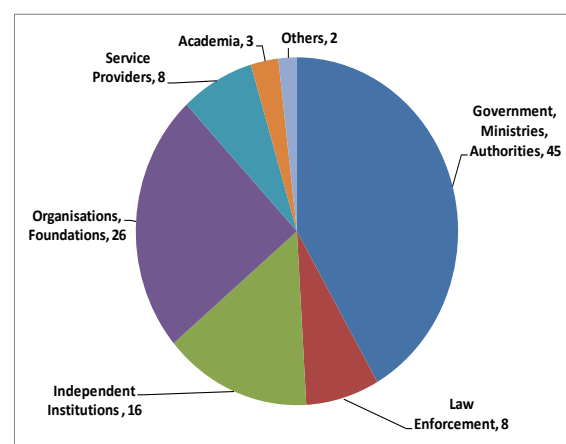
All informants were notified about the UNICEF IRC study, the purpose of the interviews and how the information they shared would be used. Key informants were given the option of being cited along with their institutional or organizational affiliation or having their views treated with confidentiality. Most chose the latter option. Interviews were audio-recorded, transcribed and coded, and the related materials will be stored confidentially at UNICEF IRC for a period of three years from the study release date.

While interviews with children were not conducted within the scope of this study, both the limited number of child-focused sources uncovered by the literature review and their great value to the research reinforced the importance of consulting children on their views and recommendations. Further research with children is therefore recommended as a follow-up to this study. This should address the views of children with regard to their situations and aspirations; their social support networks and ethnographies in and across the different places they are staying; and the role of third persons in organizing or facilitating children's movements across Europe.

### **Consultation and review**

The study was implemented in consultation with a steering committee and an advisory group. The steering committee was made up of the key contacts for this

**Figure 2. Institutional and organizational affiliation of key informants**



N=108

Source: Data and analysis by the UNICEF Innocenti Research Centre. Data as of 30 November 2010.



study at the National Committees for UNICEF in Denmark, Finland, Iceland, Norway and Sweden. The advisory group included representatives from the Centre on Migration, Policy and Society (COMPAS); University of Oxford; CBSS; Save the Children; School of Sociology and Social Policy, University of Nottingham; Child Rights Advocacy and Education Section, Private Fundraising and Partnerships Division, UNICEF; Child Protection Section, UNICEF New York and independent experts.

The advisory group and steering committee met in December 2010 to review key research questions and discuss preliminary findings. The regional synthesis report was then drafted and shared with members of the advisory group and steering committee and selected experts from each country for a peer review in May 2011. The preliminary findings and recommendations were also presented at the technical round table meetings in four of the Nordic countries (all except Iceland). These meetings shared preliminary results with key informants and solicited further input, comments and clarifications.

The report authors were presented with the considerable challenge of keeping the report to a manageable size while doing justice to the wealth of information collected and the richness of experiences shared by respondents. The report has therefore undergone several iterations in an attempt to reach an appropriate balance. In December 2011, a shorter stand-alone report geared towards policymakers was also published.

### ***Documentation of country-specific examples***

One of the objectives of the study was the documentation of country-specific examples of how child trafficking is being addressed in the Nordic countries. The selection of examples was guided by an aim to document promising initiatives characterized by a particularly innovative or integrative approach that is likely to be of interest to other countries, both within the Nordic region and beyond. The documentation of examples does not represent an evaluation of these initiatives, although existing evaluations have been taken into account where these are available.

### ***Limitations***

There are three self-governing territories connected to two of the Nordic countries, namely the Faroe Islands and Greenland (Denmark) and Åland (Finland). In the time available it was not possible to dedicate the same level of analysis and detail to these territories as to the mainland territories. The status of children's rights and the protection of children from exploitation in these territories, including in the context of trafficking, as well as the overall responsibility and accountability of the central governments in these respects, merit further in-depth analysis.

While the report findings have the potential to be of wider interest, the geographic scope of this study is limited to the Nordic region. The importance of gathering more information on child trafficking, and the related movement, migration and return of children to and from the region, was acknowledged but was not the primary focus of this study. Research that compares knowledge, information and data from the countries of origin with what is available from the Nordic countries would shed light on the situation of non-national children before, during and after their stay in the region, and on the impact of prevention and response measures in origin countries. Given concerns expressed in this study (see *chapter 5.4*), more information on the situation of children after return or transfer to origin countries or to other countries is

particularly pertinent.

### **1.3 Child trafficking and related issues in the Nordic countries**

The situation overview in this chapter provides a summary of what has been reported about trafficking in human beings, in particular child trafficking, in the Nordic countries. The chapter also describes data-collection mechanisms and challenges associated with acquiring official statistics on human trafficking cases, which may not always represent the full scope of child trafficking in the Nordic countries.

In keeping with the overall approach of the study, this chapter goes beyond the situation of children identified as victims of trafficking to also explore other situations and factors that may render children vulnerable to exploitation by other means. Vulnerability related to migration is discussed with regard to the situation of accompanied and unaccompanied children. Other social and economic vulnerabilities are also raised, with the focus on how marginalization and exclusion can create or increase a child's risk of exploitation.

#### ***Data collection on trafficking in human beings in the Nordic countries***

All Nordic countries have put in place special mechanisms for the collection and analysis of data on human trafficking. Information is not readily comparable across countries, however, because of differences in the way that these data are collected and analysed. Finland and Sweden have established national rapporteurs on trafficking in human beings; these centralized institutions have a mandate to monitor the scope, trends and responses to human trafficking in these countries. In Sweden, the National Rapporteur on Trafficking in Human Beings is affiliated to the National Police Board,<sup>9</sup> while the Finnish National Rapporteur on Trafficking in Human Beings is part of an independent body, the Ombudsman for Minorities, and focuses more on qualitative data and analysis than on quantitative data.<sup>10</sup> In Denmark, the Danish Centre against Human Trafficking (Center Mod Menneskehandel; CMM) takes the lead on data collection.<sup>11</sup> In Iceland, the national expert coordination group on human trafficking is tasked with developing a system for the registration and monitoring of human trafficking cases.<sup>12</sup>

In Norway, the National Coordination Unit for Victims of Human Trafficking (Koordineringsenheden for Ofre for Menneskehandel; KOM) collects data on human trafficking cases identified by the authorities and also on cases of persons who were assisted by service providers in Norway as victims or 'potential victims' of trafficking.<sup>13</sup> KOM thus provides a unified approach to data collection and compilation from different sources, including the Norwegian Directorate of Immigration (Utlendingsdirektoratet, UDI), the police, service providers and non-governmental organizations (NGOs). At the same time, a significant proportion of the information available relates to cases considered by the authorities or service providers as 'potential' rather than 'actual' human trafficking cases. 'Potential victims' is a broad term covering both those who may be 'actual' victims of trafficking but are not yet confirmed as such and also those seen as being vulnerable to trafficking. More discussion on this can be found in box 4.

The collection, analysis and interpretation of data on human trafficking present a number of difficulties. In Finland, it was noted: "while the police statistics record *the number of offences* (crimes), the court statistics record *the number of persons* sentenced. Several persons may be sentenced in the same case (offence). Similarly, one person may be guilty of several offences."<sup>14</sup> In Denmark, while CMM is mandated to collect data on human trafficking, the Danish Immigration Service and

the Danish National Police are responsible for official statistics based on verification of potential victims and criminal cases on trafficking.<sup>15</sup>

In Sweden, data from official sources relate primarily to court cases. Disaggregated data on persons involved in these cases, whether as defendants (perpetrators), victims or witnesses, are not systematically collected. Swedish law enforcement authorities reported that efforts to identify and investigate trafficking cases vary throughout the country and from year to year. The number of identified cases depends also on the resources available to law enforcement authorities for conducting investigations. In some human trafficking cases, perpetrators are convicted for other related crimes such as 'procuring' or 'gross procuring'.<sup>16</sup> The police therefore advise that it is difficult to interpret the trends in criminal statistics over the different years.

The Swedish Migration Board provides information on the number of persons who have been granted temporary residence permits as a result of being a witness to or victim of crime, but does not divulge the related crimes, e.g., trafficking in human beings.<sup>17</sup> It is therefore not possible to compare the Swedish statistics with the figures available from other countries on victims of trafficking.

### ***Information on trafficking in human beings in the Nordic countries***

The number of children who have been officially identified and registered as victims of trafficking by the authorities in the Nordic countries is very low. In Finland, a total of 9 children were verified as victims and 13 children identified and assisted as 'potential victims' of trafficking during the period 2006-2009. None of these children were exploited in Finland, however, and as yet there are no convictions on child trafficking charges in relation to these cases.<sup>18</sup> In Norway, an estimated 217 children were identified as potential victims of trafficking from 2007 to 2009. The number of adult "potential victims was as high as 534 while there were only 41 verified victims."<sup>19</sup> In Sweden, as mentioned above, the data on officially identified victims are not disaggregated. The only available data are related to the number of reported cases: 170 reported cases for the period 2006-2009.<sup>20</sup>

The comparatively high number of persons identified as potential victims of trafficking in Norway may be explained by the following factors: a) The way that the human trafficking offence has been described under the General Civil Penal Code of Norway is particularly broad, as discussed in box 4; b) There is a very low threshold for persons who are assessed by service providers as potential victims of trafficking to access services and whose cases are therefore shown also in the statistics; and c) The method of data collection in Norway is particularly broad and includes reports on potential trafficking cases from authorities and service providers. The possibility of double counting cannot be completely excluded.<sup>21</sup>

In Denmark, two children were officially identified as victims of trafficking during the period 2006–2010, in both cases for sexual exploitation.<sup>22</sup> The number of verified adult victims of trafficking in Denmark during the same period was 133 victims. No cases of child trafficking have been identified in Iceland.<sup>23</sup> One case involving an adult was reported in 2010, however.<sup>24</sup>

In Sweden, a study conducted by Stockholm University in 2010 analysed the jurisprudence in relation to cases of sexual exploitation and trafficking of girls tried at Swedish courts from July 2002 to May 2010. During this period, the courts had delivered convictions on charges of procurement, gross procurement and trafficking for sexual exploitation in a total of 47 cases.<sup>25</sup> In 19 of these cases, the offences

were committed against children and 33 children were affected, all girls aged 13 to 17 years old. Most were Swedish and Estonian nationals, the remainder were nationals of other Baltic countries or countries in Eastern or South Eastern Europe. A total of eight cases were judged as trafficking cases, all of them involving non-national girls.<sup>26</sup> The cases involving Swedish girls were all tried under procurement charges. It may be useful to conduct further case analysis to identify: the grounds on which a case of sexual exploitation in prostitution is assessed as either procurement or trafficking; whether the nationality of the exploited persons has a potential role in this regard; and how the types of charges brought forward impact on the children involved in these cases.

The official statistics on human trafficking cases in the Nordic countries indicate that the persons who were officially identified and registered as victims of trafficking or potential victims were mainly non-nationals and that the Nordic countries are primarily considered transit countries and/or destinations of cross-border human trafficking.<sup>27</sup> The issue of internal trafficking (nationals or non-nationals being recruited and exploited in a trafficking situation within any one of the Nordic countries) does not feature prominently in the discourse of the region. Individual cases of Nordic nationals considered as potential victims of trafficking within the region have, however, been identified.

Overall, it is clear that there is no consistency in regard to the way information on trafficking is collected across the Nordic region. This is the result of different organizational responsibilities and the use of different methodologies for collecting information and different criteria relating to victims, including the grouping together of victim and potential victims (a term that covers both adults and children who may have been trafficked but have not yet been officially identified as such, and those who may be trafficked in the future). In keeping with the general theme of this study, it may be worth considering not only whether a more systematic approach to data collection across the region is feasible, but also whether it is desirable. From a child protection point of view, the ultimate aim is to prevent children from being exploited and to assist those who have been already. As shown in the rest of this chapter, exploitation occurs in a range of contexts, of which trafficking is only one.

### ***Exploitation in the context of trafficking***

Trafficking in human beings has been reported in relation to different forms and contexts of exploitation in the Nordic countries. Sexual exploitation takes place in prostitution, organized procurement and pornography.<sup>28</sup> Labour exploitation was reported or considered probable in labour intensive sectors and those that primarily employ non-nationals. These include: construction, asphalt laying, restaurant and cleaning industries, agriculture and berry picking. Trafficking is also possible in relation to domestic and au pair work, begging, and forced or child marriage. Anecdotal evidence further suggests that children have travelled to the Nordic countries following promises to be hired by football clubs and may have ended up in situations of exploitation or trafficking.<sup>29</sup>

Cases of human trafficking for the purpose of organ removal have not yet been reported in the Nordic countries, with the exception of one case of suspected organ trafficking in Norway involving a girl under 18 years of age.<sup>30</sup> In addition, a World Health Organization (WHO) study from 2005 reported on Swedish citizens who had bought organs from third countries. Many of them had a migration background and had travelled to their countries of origin – mainly countries in South Asia and the Middle East – for the purpose of buying organs.<sup>31</sup> There appears to be a need for further knowledge about the circumstances under which such transplants take place.

Little evidence and analysis is available on the backgrounds of the children who were officially identified as victims of trafficking in the Nordic countries. The exception is in Sweden, where the police provide an account of commonalities in the backgrounds of victims, based on an analysis of human trafficking cases prosecuted since 1999. Girls and women who were identified as victims of trafficking and participated in court cases were aged 16 to 35 years old.<sup>32</sup> Many of them belonged to national or ethnic minorities or were reported to come from difficult socio-economic backgrounds and had found it difficult to find employment in their countries of origin. Many had experienced domestic violence and abuse or had previously been victims of other crimes, including sexual assault. Most had never been outside their countries of origin before and were unaware of the possibility of seeking help from the police, social authorities or volunteer organizations. None of the women or girls understood Swedish and only very few spoke English.<sup>33</sup> The extent to which these factors also applied to non-trafficked migrants, or indeed to most citizens from the countries concerned, is not clear however. Furthermore, it is not clear whether this information is representative of all trafficked persons or simply those in situations that are more likely to come to the attention of the authorities. Overall, the limited amount of information on trafficked victims makes it difficult to develop effective responses, particularly in relation to preventing trafficking.

The case analysis revealed that children who had been trafficked into sexual exploitation in Sweden were mostly aged 15 to 17 years old. Children aged 10 to 14 years old were exploited in begging and thievery. They were trafficked by organized criminal groups who held the children under 'slavery-like conditions', locking them in at night and allowing them to keep very little of the money they made through begging or thievery. The age of criminal responsibility (15 years old in Sweden) was considered relevant in this context, since younger children do not risk prosecution when identified by the police and are therefore more likely to be exploited in petty crime. According to law enforcement reports, none of the children who were identified as being involved in begging and thievery attended school in Sweden.<sup>34</sup>

Cases of child trafficking for labour exploitation have not yet been confirmed in any of the Nordic countries, although children exposed to situations of forced labour or services were considered potential victims of trafficking. Among the children involved in begging and petty crime in the Nordic countries, it was often difficult to establish whether or not a particular case qualified as 'forced labour' or 'child trafficking'. Identified cases mostly involved children of Roma ethnicity from Bulgaria, the Republic of Moldova and Romania.<sup>35</sup> In Finland, a growing number of migrants have been involved in begging since 2008, among them children. Most were Roma from Romania.<sup>36</sup> Children are also known to be affected by trafficking when they live with their mother, father, both parents or other family members in the Nordic countries and their caretakers are in a situation of exploitation that qualifies as trafficking.<sup>37</sup>

### **Box 1. Migrant children involved in drug selling: Evidence from social outreach work in Norway**

The Norwegian Association for Outreach Work with Youth and Save the Children Norway reported in 2010 on the situation of non-national children and young people who spend most of their time on the streets in Oslo city centre. Many are unaccompanied or separated asylum-seeking children who were not being reached by the existing system of public services and programmes.<sup>38</sup> Some children spend their days out on the streets and return to their place at a reception centre at night. Others are registered at a reception centre but have left the centre and are living on the streets or finding places to stay through their social support networks. Outreach workers in Oslo have also been in contact with boys who were not registered by the immigration authorities and did not demonstrate any interest in applying for asylum or remaining in Norway for a longer period of time.<sup>39</sup>

From November 2008 to June 2010, the social outreach workers registered 20 children who were involved in drug selling in Oslo city centre. All of them were boys, mostly aged 15 to 17 years old.<sup>40</sup> Most were thought to come from Algeria, Morocco or Tunisia.<sup>41</sup> Some said that it was the rejection of their asylum application that had prompted them to start taking drugs. Some were engaged in drug dealing or other criminal activities in order to make a living.<sup>42</sup> There is no evidence to confirm that these boys had been trafficked. Adults approached the boys and offered to act as interpreters for them when the outreach workers tried to talk to the boys, however. The outreach workers perceived this as an obstruction of their efforts to establish contact. In some cases, these adults were also telling the boys not to talk to the outreach workers. This suggested that these adults might be organizing and controlling the drug-dealing activities and, potentially, exploiting the boys.<sup>43</sup>

The boys usually reported that they were in Norway by themselves and had no family or other ties to the country. Their living situations varied and they had come to Norway with very different aspirations.<sup>44</sup> In some cases, there were reasons to believe that the boys had come to Norway specifically for the purpose of selling drugs. For many, Norway seemed to be just one stop on a tour of Europe and they were not interested in being referred to a reception centre or receiving help from the Norwegian authorities. Rather, they aimed to make some money that would allow them to continue their travels throughout Europe.<sup>45</sup> The outreach workers considered them highly vulnerable to recruitment into exploitative situations or dangerous work. This was irrespective of whether or not they had been trafficked.

### ***Exploitation of children in contexts other than trafficking***

As indicated in box 1 above, exploitation of children may take place in contexts other than trafficking. Studies on unaccompanied asylum-seeking children and undocumented children suggest that some of these children may be exposed to precarious or exploitative working situations or may be affected by a parent's exposure to such situations.

More evidence is available on sexual exploitation of children in the Nordic countries than on other forms of exploitation. Studies on this issue reveal important information about risk groups and the forms and scope of sexual exploitation as well as profiles of the victims and perpetrators.<sup>46</sup> They also suggest that a clear distinction between the various forms and contexts of sexual exploitation, including child trafficking, may not always be possible.

A study conducted by the governmental Committee on Knowledge about the Sexual Exploitation of Children in Sweden, for example, identified the following groups of children as being at greater risk of sexual exploitation or abuse: children who are

abusing alcohol or drugs or are affected by substance abuse in the home; children who are exposed to sexual violence or abuse in the home; children affected by poverty; accompanied or unaccompanied children who come to Sweden as asylum-seekers or migrants, including children who are smuggled into the country; and children affected by social isolation or exclusion. The Committee further emphasized that many risk factors are intertwined and cumulative, and that risks can be personal or structural in nature. Children who do not fit into any of these risk groups have also been exposed to sexual exploitation.<sup>47</sup>

The majority of children known to have been sexually exploited in Sweden are girls. Boys are considered to be exposed to sexual exploitation mainly in the context of prostitution. In some cases, girls were lured into sexual relationships that began in a mutually consensual way and only later took on exploitative characteristics. Some of these girls did not perceive themselves as being involved in prostitution or as being exploited.<sup>48</sup> Prostitution in Sweden today is mainly arranged via the Internet and is therefore considerably more difficult to monitor than street prostitution. Children have reportedly been contacted by individuals in 'chat rooms' for the purpose of sexual contact and exploitation.<sup>49</sup>

The Government of Denmark reports that an estimated 1.4 per cent of pupils aged 15 to 17 years old have been sexually exploited for payment on one or more occasions. These data are limited to children enrolled in the general education system.<sup>50</sup> In Iceland, official reports backed by a 2008 study suggest that there is a significant disparity between the number of reported sexual offences against children, the number of investigations and the number of related prosecutions and convictions.<sup>51</sup>

### ***Recruitment into trafficking and children at risk***

The recruitment of children into trafficking is assumed to take place mostly outside the Nordic region. Available evidence reveals cases where parents sell or hand over children to third parties who take the children abroad with the intention of exploiting them.<sup>52</sup> The concept of sale needs to be viewed carefully. When handing over a child to a third party, parents may in some cases be aware of the risks that the child faces; in other cases, there are hopes and expectations that the child will have a 'better future' in another country.<sup>53</sup>

It is also possible that non-national children are recruited into a trafficking situation when already on the territory of any of the Nordic countries. Both accompanied and unaccompanied children are perceived to be at risk in this regard, and children may be trafficked in the context of family reunification.<sup>54</sup> Evidence from Iceland and Norway suggests that risk groups further include undocumented child migrants, including those who are living with relatives but are not registered, and children whose asylum applications have been rejected.<sup>55</sup> Unaccompanied and separated asylum-seeking children are considered a major risk group in the sense that they may have been trafficked before entering the Nordic region; may seek asylum in a Nordic country after having left a trafficking situation in another country; or may be recruited into trafficking while staying at a reception centre in one of the Nordic countries.<sup>56</sup>

Notwithstanding the low number of identified cases and the dearth of research on this issue, policymakers and practitioners thus do recognize the complexity of child trafficking and the multiple forms it may take.

### ***Perpetrators of human trafficking and modus operandi***

Information on perpetrators of trafficking is limited to those cases that were investigated by the police and resulted in a conviction. As with their victims, trafficking perpetrators have varied profiles and backgrounds.<sup>57</sup> According to police reports from Norway, traffickers range from small groups to larger networks. The National Police Directorate (Norway) reports that criminal networks originating from Eastern Europe, South Eastern Europe and Nigeria mainly control organized prostitution and trafficking. Several of the networks engage in multiple criminal activities, including smuggling, drug trafficking, procuring and trafficking in human beings.<sup>58</sup>

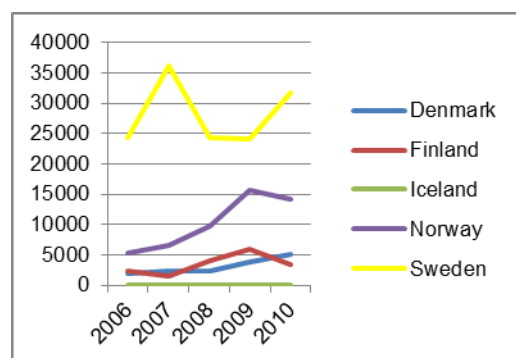
In relation to child trafficking, the Swedish police observed that organized criminal groups were often involved in moving and exchanging children both within Sweden and via networks operating in other European countries. The police have observed that children stay in Sweden for short periods of time only – an estimated two to three months – and move back and forth between different European countries.<sup>59</sup> Police investigations have also revealed that it was often groups of children, rather than individual boys or girls, who were trafficked and exploited by accompanying adults, and in many cases traffickers were known or related to the children's families.<sup>60</sup> In some cases, groups consisting of an adult couple and two or three children moved by car between European countries, using forged documents and switching identities when re-entering countries in which they had previously been identified by police.<sup>61</sup> In light of these cross-border dynamics, evidence on patterns of child trafficking from any one Nordic country is clearly also relevant to the other countries in the region.

### ***Vulnerability related to migration***

#### **Unaccompanied and separated children**

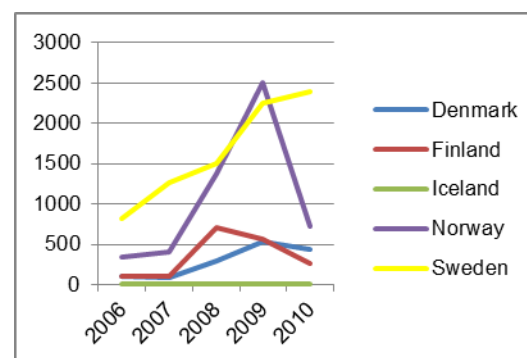
From 2006 to 2010 the Nordic countries have received an increasing number of applications for asylum, including from unaccompanied children (see Figure 3 and 4).<sup>62</sup> In general, the children who seek asylum alone come from very diverse backgrounds.<sup>63</sup> The period 2006–2009 included a disproportionately high number of children from Afghanistan, Iraq and Somalia, however.

**Figure 3. Asylum-seeking adults and children in the Nordic countries (2006–2010)**<sup>64</sup>



Sources: National immigration authorities in the respective countries.  
Note: In Iceland, fewer than 100 applications are received each year.

**Figure 4. Unaccompanied children seeking asylum in the Nordic countries (2006–2010)**<sup>65</sup>



Sources: National immigration authorities in the respective countries.  
Note: In Iceland, fewer than 100 applications are received each year.



The national statistics on unaccompanied asylum-seeking children have limitations due to inconsistencies in both the registration of children and the recording of data.<sup>66</sup> Unaccompanied children are not always immediately identified when they enter the EU and often apply for asylum only after they have reached their destination.<sup>67</sup> This suggests that for a certain period of time the authorities do not monitor the safety and well-being of these children.

A survey of separated asylum-seeking children in EU member States led the European Union Agency for Fundamental Rights to highlight that many such children have aspirations to work or to access vocational training.<sup>68</sup> A separate 2004 study on the experience of asylum-seekers in Sweden awaiting application decisions also noted that during the sometimes prolonged period of waiting children would seek paid work. They were sending money home to their families and therefore had to work in order to survive: “As time went by, more and more were forced out into the black, grey or white labor market”.<sup>69</sup> The aspirations of young people and children to earn an income may render them vulnerable to exploitation by employers and traffickers, especially when they resort to working in the informal sector while awaiting residence and work permits.

The police may identify children who are unaccompanied but not seeking asylum, including EU citizens, but their cases are not necessarily reported to the immigration authorities and therefore are not represented in statistics on unaccompanied children registered in the asylum reception system.<sup>70</sup> Little evidence is available on issues affecting these children or on how local child protection services, which have a responsibility to care for these children during the three months they are entitled to remain in the Nordic countries, would become aware of and respond to this group of children.<sup>71</sup>

## **Box 2. Vulnerability during transit**

Children’s experiences during their journeys to Europe differ. The European Agency for the Management of Operational Cooperation at the External Borders of the member States of the European Union (Frontex)<sup>72</sup> reports that many children who are registered by immigration authorities in EU member States as unaccompanied asylum-seeking children were, in fact, accompanied by adults on their journeys. These adults take different roles. While some may constitute a source of protection, others may put children at risk and expose them to violence, exploitation or abuse.

In Norway, the National Criminal Investigation Service, KRIPOS (Nasjonale enhet for bekjempelse av organisert og annen alvorlig kriminalitet),<sup>73</sup> estimates that approximately 80 per cent of persons seeking asylum in the country have used the services of smugglers, either for the entire journey or for parts of it.<sup>74</sup> By definition, this brings the smuggled persons into contact with organized criminal groups and places smuggled children at risk of sexual or labour exploitation or exploitation in criminal activities.<sup>75</sup>

Evidence of exploitation is available in case documentation from the Hvalstad reception centre in Asker (Norway). Among the 70 unaccompanied asylum-seeking children aged 15 years old and above registered at the reception centre in 2008, 41 children had been exposed to exploitation. Of these, 9 children had been exploited in prostitution, 7 in criminal activities and 4 in labour exploitation, with 8 exposed to child marriage (the circumstances were unknown in the remaining 13 cases).<sup>76</sup> For most of these children, the exploitation had taken place before entering Norway, in either their country of origin or while in transit.<sup>77</sup>

Studies that examine the conditions under which Afghan children migrate to Europe affirm the multiple risks and crimes that children are exposed to during their journeys. These include

violence, exploitation and abuse suffered at the hands of smugglers or other facilitators encountered by the children as well as human rights violations experienced in transit countries. Children also face severe risks to their health and lives.<sup>78</sup>

At the same time, Frontex reports cases in which networks of facilitators organized the undocumented migration of children from Somalia or Sri Lanka to Norway with the aim of protecting children from harm during their journeys. The accompanying adults pretended to be relatives of the children. It is thus not possible to make generalizations about the patterns of violence and abuse that children face at the hands of persons accompanying them.<sup>79</sup>

### Undocumented child migrants

Most of the available information on undocumented migrant children comes from Sweden. Undocumented children are a diverse group. They include children who entered the country without legal travel documents, whether accompanied or unaccompanied; children who have not yet applied for a residence permit or asylum; and children who overstayed their visas or whose asylum applications were rejected and who decided to evade return and remain in the country. Other children are born to parents with an undocumented status and risk remaining stateless. This leaves the child particularly vulnerable, including when the family has to leave the country.<sup>80</sup>

Undocumented migrants face many difficulties, including labour exploitation, poor health and limited access to health-care services, inadequate accommodation and dependency on social support networks for help and assistance.<sup>81</sup> In Sweden, cases reported to Utanpapper.nu, the website and telephone helpline hosted by Save the Children, provide an overview of the types of issues faced by undocumented children. Children who contacted the helpline were experiencing neglect in health care, and some were indirectly affected by their parents' limited access to health-care services. Among the children who were attending school, many said that they were afraid of being arrested and deported.<sup>82</sup>

Some children indicated that they had been exposed to violence or abuse or were afraid of violent behaviour from adults. Economic exploitation of adolescents and parents was also noted; this included insecure working conditions and long hours of work with low pay and no guarantees. In rural areas, work is found in agriculture, berry picking, repairs and painting. In urban areas, work is available in restaurants, in the cleaning sector or distributing flyers or newspapers.<sup>83</sup>

Many children are affected not only by all of the same problems faced by their parents but also by additional difficulties, especially in accessing schools, higher education or vocational training. The impact can first be felt as early as during the mother's pregnancy, when regular health checks and treatment are inaccessible. The undocumented situation continues to impact on very young children, schoolchildren, adolescents and young adults. Evidence from Norway also suggests that in some cases children's interests may be in conflict with their parents' interests and that a child may feel disempowered by or resent the parents' choice to live in hiding.<sup>84</sup>

### Children missing from asylum reception centres

All Nordic countries report cases of asylum-seeking children who leave the reception centres without informing the authorities of their whereabouts.<sup>85</sup> These are commonly referred to as 'disappearances' of children and can affect both accompanied and unaccompanied children. In the first half of 2009, 130 unaccompanied children were

reported missing from reception centres in Denmark.<sup>86</sup> In Sweden, 176 unaccompanied children were registered as missing from reception centres in September 2009.<sup>87</sup> In 2009, 47 children (11 of whom were accompanied) were reported missing from reception centres in Finland.<sup>88</sup> In Norway, 41 unaccompanied and 55 accompanied children went missing from January to November 2009.<sup>89</sup>

There is little evidence, but much speculation, around the reasons why children leave reception centres. Some children leave reception centres when they receive a negative asylum decision, but others leave while the application for asylum is still being processed. In Norway, 80 per cent of the unaccompanied asylum-seeking children who went missing from reception centres in 2009 were having their cases assessed under the 'Dublin II Regulation' (see chapter 5.4).<sup>90</sup> Similar cases were reported from Sweden, so the immigration authorities assumed that some of the children might have left in order to avoid being transferred to other countries.<sup>91</sup> Danish NGOs also reported a possible link between the children's decisions to leave the reception centres and imminent transfers under the 'Dublin II Regulation'. In some cases, children were said to feel anxious about being exposed again to traffickers in the countries to which they were to be transferred.<sup>92</sup>

Some of the children appear to be very independent in the way they make decisions about leaving or returning, with whom to stay and how to travel.<sup>93</sup> Some decided to leave the reception centres in order to visit friends or to join family members living in another country. Several returned to the reception centre after periods ranging from a few days to several months.<sup>94</sup> In other cases, the children may be recruited from the reception centres into exploitation, including trafficking.<sup>95</sup> Elsewhere in Europe (in the United Kingdom), there is evidence that the children leaving reception centres were instructed to do so by the persons who brought them into the country.<sup>96</sup>

In Sweden, it is worth noting that there is no established practice of municipalities reporting a missing child to the Swedish Migration Board and the local social services do not provide statistics on missing children.<sup>97</sup> This is an example of how specialized or decentralized mandates may hinder the provision of assistance to vulnerable children.

### ***Roma children on the streets: Evidence from social outreach work in Norway***

In Oslo and other cities and towns in Norway, Roma children and adults are involved in begging, street selling and street music performances. Men and women of Roma ethnicity are also involved in criminal activities or offering sexual services to make money.<sup>98</sup> Uteseksjonen, the municipal outreach service of the City of Oslo, found that the majority of the Roma children they contacted were from Romania or other South Eastern European countries. They often lived in difficult conditions that may put their health and development at risk.<sup>99</sup> Many of the Roma are indebted, having borrowed money (an estimated 500–1,000 euro) in their places of origin to pay for their journey. Extremely high interest rates on these loans put them under great pressure to make money.

In regard to Roma children begging on the streets, there is no clear evidence to confirm human trafficking cases, but outreach workers consider them to be at risk of recruitment into exploitative situations, including trafficking. As with the example in box 1 above, outreach workers noted a regular presence of adults near these children and perceived these adults as obstructing their attempts to engage with the children.<sup>100</sup> Concerns about the involvement of Roma children in organized begging and criminal activities were also reported in Denmark and Finland.<sup>101</sup>

### ***Conclusions from the situation overview***

Adults and children are trafficked to and within the Nordic region and are exploited in different forms. Cases of child trafficking have been reported in all Nordic countries except for Iceland, mainly in relation to sexual exploitation and exploitation in criminal activities and begging. The number of children officially identified and registered as victims of trafficking is low. At the same time, the study has highlighted a range of other risks and vulnerabilities faced by migrant children, both accompanied and unaccompanied. There are reports of exploitation of these children in various forms, at source, in transit and at destination. The necessity for many asylum-seekers to engage with criminal networks in the form of smugglers adds to their vulnerability.

Findings suggest that a clear identification or 'categorization' of children according to a specific status may not always be practical and that a child's status does not necessarily reflect the needs of the individual child concerned. Children may be victims of trafficking or other crimes while they are also accompanied or unaccompanied asylum-seekers, regular or irregular migrants, members of minority groups, etc. Moreover, children often change from one status or 'category' to another depending on their options and choices around migration and the decisions taken by the immigration authorities when their applications are being assessed or reassessed. The feasibility and value of the specific categorization of children as victims of trafficking is explored further in part 2 of this report.

In view of these factors, policymakers and service providers in the Nordic countries recognize that the needs of children who are victims of or vulnerable to trafficking and associated forms of exploitation may not be fully met by the existing web of protection systems.

## **2. Trafficking in human beings: Definitions and interpretations**

Part 2 of this report discusses issues and problems around how the concept of human trafficking is defined, understood and applied in practice. In doing so, it explores the degree to which the distinction between child trafficking cases and other contexts of exploitation is practical and relevant from a child rights perspective. This discussion is central to the overall findings of the study and in particular the underlying theme that suggests that child trafficking may be best addressed under a broader child rights framework.

Chapter 2.1 focuses on the definition of trafficking, followed by a discussion around how the definition is understood in the Nordic countries. Chapter 2.2 looks at how the concept of trafficking is applied in practice, particularly in regard to victim identification. The final chapter in part 2 summarizes problems in regard to the definition and suggests an alternative approach for addressing child trafficking related issues.

### **2.1 How trafficking is defined and understood**

#### ***Definition of trafficking***

The 'UN Trafficking Protocol' (article 3) defines 'trafficking in persons' as follows:

- (a) "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 over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) "Child" shall mean any person under eighteen years of age.<sup>102</sup>

As at 1 November 2011, there were 146 States parties to this Protocol, including all five Nordic countries.<sup>103</sup> This suggests a broad international consensus around this definition of trafficking in persons. The definition can be understood in relation to three components: action, means and purpose, as shown in table 1.

The Council of Europe Convention on Action against Trafficking in Human Beings, which was adopted in 2005 and entered into force in 2008, further clarified the concept of human trafficking. It did so by applying the international definitions of

human trafficking and child trafficking as afforded under the ‘UN Trafficking Protocol’ to all forms of trafficking, even when no cross-border movement of persons is involved and regardless of the relationship to organized crime.<sup>104</sup>

It is important to note that the ‘UN Trafficking Protocol’ definition was developed in the context of the United Nations Convention against Transnational Organized Crime and therefore understandably focuses on the criminal aspects of trafficking. Furthermore, many of the individual elements that together constitute human trafficking are already considered crimes under international and European law and under the national criminal law of the five Nordic countries. The core added value of the trafficking definition thus appears to be in allowing the composite crimes of trafficking to be taken together, facilitating the targeting of entire trafficking chains rather than just individual links. It is not readily apparent as to whether or not a definition constructed with these aims in mind is a good fit for the identification and protection of adult and child victims. It is perhaps instructive in this regard that the ‘UN Trafficking Protocol’ does not include a definition of a trafficking victim.

**Table 1. Definition of trafficking in persons: Action, means and purpose**

Trafficking is...	By means of...	For the purpose of exploitation, including...
(Action)	(Means)	(Purpose)
Recruitment	Threat	The prostitution of others
Transportation	Use of force	Other forms of sexual exploitation <sup>105</sup>
Transfer	Coercion	Forced labour or services
Harbouring	Abduction	Slavery or practices similar to slavery
Receipt	Fraud	Servitude
	Deception	Removal of organs
	Abuse of power	
	Abuse of position of vulnerability	
	Giving or receiving payments or benefits	
<p>When any one of the elements from each of the three columns above can be applied to the situation of an individual, the individual is considered to be ‘trafficked’.</p> <p>Where the individual is under 18 years of age, however, proof of any one of the elements from each of the first and third columns is sufficient.<sup>106</sup></p>		

Each of the five Nordic countries has introduced a section into its national criminal law that establishes the offence of trafficking in human beings or (in Iceland) ‘slavery’. The wording of each section has been informed by the ‘UN Trafficking Protocol’. The ‘act’ of human trafficking, i.e., the “recruitment, transportation, transfer, harbouring or receipt of persons”, is reflected in the relevant section of the penal code of all five countries, although the way in which this has been done and is worded differs.<sup>107</sup>

In the General Civil Penal Code of Norway, the act of human trafficking is addressed only in the second subsection of section 224 where it is criminalized. At the heart of the offence is the purpose of exploitation of a person, the profit gained from exploitation and the use of illicit means, including the abuse of a vulnerable position. Less emphasis is placed on how the person came to be in the exploitative situation, the act of human trafficking itself. Profit can be understood not only as monetary gain but also as immaterial gain, as was argued in a court jurisdiction. The defendant in the aforementioned case admitted to having gained ‘esteem’ in the online community

of child sex abusers by posting images on the Internet depicting how he had sexually abused a child. The court interpreted this esteem as a form of 'profit' gained by the exploitation of the child, and the defendant was sentenced on human trafficking charges rather than on charges of sexual exploitation of a child.<sup>108</sup>

### ***Trafficking and exploitation***

A number of issues have been identified with regard to the 'UN Trafficking Protocol' definition. These relate to both the definition itself and its application. In particular, the Protocol does not define exactly what constitutes 'exploitation' and neither is there an actual definition of the term under international law. There is guidance in some areas, however, such as the definition of 'forced labour' provided by the International Labour Organization (ILO) Convention concerning Forced or Compulsory Labour (No. C29). The term 'trafficking victim' is also not defined.

The 'UN Trafficking Protocol' definition does, however, provide a minimum list of forms of exploitation that should be considered as potential trafficking cases (article 3(a)). The definition of sexual exploitation has specifically been left to individual countries to decide, however. This one factor virtually guarantees differences in the way that trafficking is conceptualized in different countries. One view is that the inherently exploitative nature of prostitution means that all migrants involved in prostitution are by definition trafficked.<sup>109</sup> Applying this interpretation would obviously lead to very high trafficking figures.

There is also no consensus over whether children sold for adoption are covered by the definition of trafficking. A significant proportion of officials and practitioners view kidnapping for adoption as a form of trafficking.<sup>110</sup> The *travaux préparatoires* (official records of the negotiations) of the 'UN Trafficking Protocol' state, however, that only "where illegal adoption amounts to a practice similar to slavery...it will also fall within the scope of the Protocol."<sup>111</sup>

### ***Trafficking and sexual exploitation***

The way in which sexual exploitation is defined within the context of trafficking varies among the Nordic countries. The Danish Penal Code, for example, criminalizes trafficking for the purpose of "sexual immorality". This term is understood in relation to the section of the Code concerning pimping.<sup>112</sup> The concept of sexual immorality is related to situations of exploitation in prostitution. As other contexts of sexual exploitation are not explicitly discussed, it is not clear whether the multiple and diverse forms of sexual exploitation affecting children are covered by this term. Furthermore, the understanding of sexual exploitation as an issue of 'morality' may lead to biases in how victims of this offence are regarded.

The Action Plan to Combat Trafficking in Human Beings (2007-2010; Denmark) acknowledges that in practice it has been challenging to differentiate between non-national women engaged in prostitution in Denmark and women who have been trafficked to Denmark for the purpose of sexual exploitation in prostitution. The Action Plan notes further that many non-national women involved in prostitution in Denmark are exposed to or at risk of exploitation and need support. Against this background, many of the activities under the Action Plan are targeted at non-national women involved in prostitution in general and special attention is given to coordinate these measures with the activities implemented under the Action Plan against prostitution.<sup>113</sup>

In Finland, the offence of trafficking covers various forms of exploitation. 'Sexual

abuse' is mainly understood in reference to a more narrow concept of 'pandering', as addressed under chapter 20, section 9(1)(1) of the Criminal Code of Finland, which applies to cases in which a person, to seek financial benefit, "provides a room or other facilities where sexual intercourse or a comparable sexual act or a manifestly sexually obscene act performed by a child younger than 18 years of age are offered for remuneration".<sup>114</sup> It is not clear whether sexual exploitation that takes place independently of a third person providing a "room or other facilities" is covered by this provision.

### ***Trafficking and other forms of exploitation***

In Denmark, Iceland and Norway, the national law provides an exhaustive list of exploitative purposes. In Finland and Sweden, the scope of exploitation is left open by reference to "other demeaning circumstances" or "other (*exploitative*) activity".<sup>115</sup> An exhaustive list is in effect more limited than the 'minimum' provision of the 'UN Trafficking Protocol', as new and emerging forms of exploitation may not be covered and may require law reform. This can be a lengthy process, although Norway has already amended its law in relation to begging.

In Finland, child marriage is understood as a 'practice similar to slavery' according to article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and therefore qualifies as child trafficking.<sup>116</sup> Similarly, the provision on child trafficking in Sweden can be applied to cases of child marriage. Cases of forced marriage of an adult and cases in which commercial transactions are involved in marriage, such as the sale or purchase of a child for marriage, qualify as 'exploitation' as provided for under the criminal prohibition of human trafficking, and a parent involved in such transactions can be convicted accordingly.<sup>117</sup>

### ***Child trafficking and the issue of consent***

The 'UN Trafficking Protocol' provides that a child is to be considered a victim of trafficking even when none of the 'illicit means', which form part of the definition of trafficking of adult persons, such as force, coercion or the abuse of a vulnerable position, have been used.<sup>118</sup> This specific definition of child trafficking is commonly interpreted to imply that a child 'cannot consent to being trafficked'. The United Nations Office on Drugs and Crime emphasizes: "even if a child is not threatened, no force is used against him or her, or he or she is not coerced, abducted or deceived, the child cannot give consent to the act of trafficking for the purpose of exploitation."<sup>119</sup>

This special provision on child trafficking has been incorporated into the penal law of all five Nordic countries, so that child trafficking is criminalized regardless of the means used.<sup>120</sup> Evidence from Denmark, however, shows that the meaning of this provision has not yet been fully understood and applied in criminal proceedings, with judges failing to consistently consider consent irrelevant for those less than 18 years old.<sup>121</sup> More training and education may be needed in this regard.

In practice, children clearly do make conscious decisions that amount to a form of consent to their own exploitation, and they do so in many different contexts and situations, including in sexual exploitation.<sup>122</sup> A child's consent to enter, remain in or exit an exploitative situation therefore needs to be understood not only in relation to control, deceit or other illicit means by which an exploiter may exert influence over a child (in obvious or subtle ways) but also in light of the concept of children's 'agency' and evolving capacities. It must be recognized that children are active decision-



makers in their lives, and that they seek and impart information and act according to the opportunities and alternatives that they perceive.

This issue perhaps serves to highlight the differences in the usefulness of the trafficking definition from the point of view of criminal justice and victim support. From a legal perspective, the consent of the child cannot be used when a case is tried in court for the defence of a perpetrator who exploits a child. This also implies that a child who commits an offence as a direct result of being exploited is protected from being prosecuted or otherwise punished for this conduct.<sup>123</sup> Valuing the irrelevance of a child's consent essentially as a legal matter helps child victims in criminal investigations and proceedings without limiting the understanding and recognition of children's agency.

In terms of services for child victims of trafficking, however, the issue of their consent is clearly relevant. It seems apparent that different approaches and services are required for children who have to some degree chosen to remain in an exploitative situation and for those who have been forced or coerced. The advantages of grouping these children together under the label of child trafficking victim are not immediately clear.

### ***The element of control***

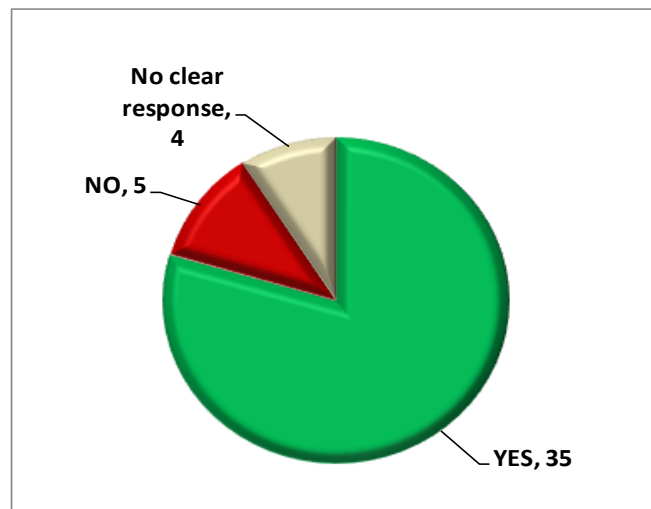
Finally, in regard to the definition itself, questions arose during the study as to the requirement under section 1(a) of the 'UN Trafficking Protocol' definition that a perpetrator must take 'control' of the trafficked person. Control can take multiple forms and is often difficult to define and to prove in court. In Sweden, the challenges related to clearly defining and proving control over a person had caused difficulties in applying the anti-trafficking law.<sup>124</sup> As a result, the law was reformed in 2010 to remove the element of 'control'. This remains an element of the Finnish criminal law on trafficking.

### ***Definitions used in the Nordic region***

When asked if they worked with a specific definition of trafficking in human beings, key informants gave diverse responses. The vast majority (35 respondents out of a total of 44 respondents) worked with a specific definition but 5 respondents did not work with any specific definition (see figure 5). Among those who considered it important to define trafficking in their work, the majority made reference to the international definition stipulated in the 'UN Trafficking Protocol' and the relevant section of the national criminal law. Some also noted other instruments (see figure 6). The diversity of definitions cited by informants suggests that the issue is being approached from a range of different angles.

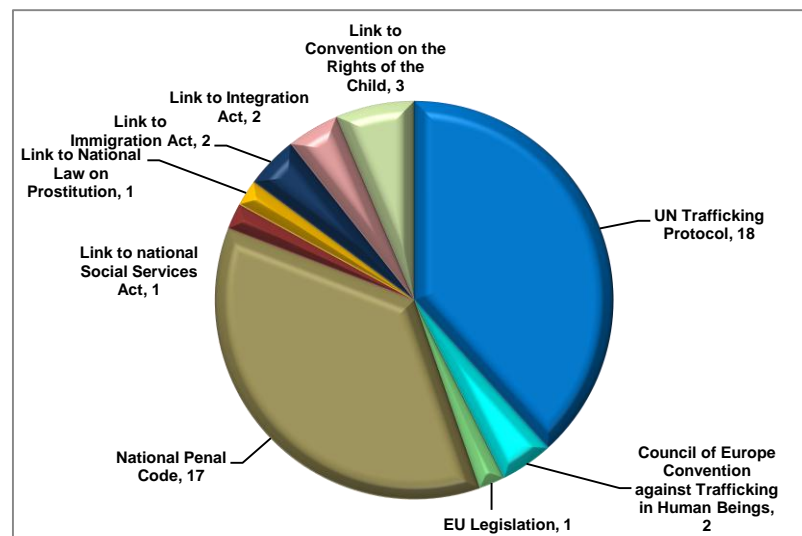
Several key informants cautioned against attaching too much importance to the definition. They argued that a strong focus on defining trafficking carries a risk that cases of violence, exploitation and abuse that do not neatly fit into this definition may be overlooked or considered with less priority.<sup>125</sup> This view is very much consistent with the overall findings of the study.

**Figure 5. Key informants' responses: "Do you work with a specific definition of trafficking in human beings?"**



**N=44.**

**Figure 6. Key informants' responses: "What definition of trafficking in human beings do you work with?"**



**N=35.** Given that multiple responses were possible, the pie chart totals more than 35.

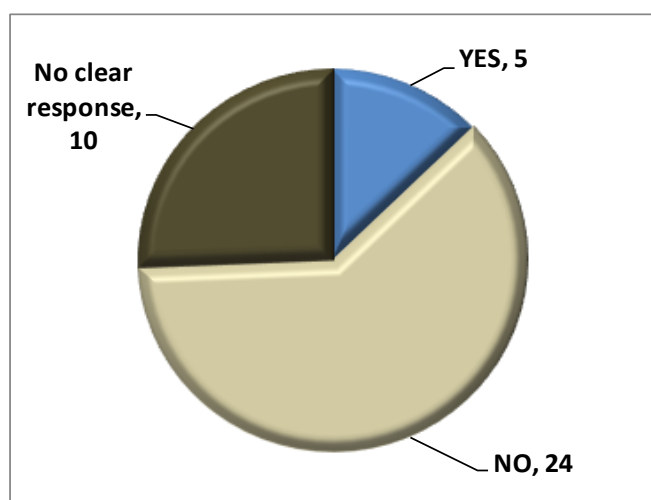
### ***How is trafficking understood?***

The wording of the trafficking definition enables the prosecution of each individual person involved in the trafficking process when the offence is committed by criminal networks, i.e., the person or persons who recruit the victim, those arranging transportation, those involved in harbouring and those who eventually receive and exploit the victim. This wording raises the question of whether the simple recruitment of a person for the purpose of exploitation constitutes trafficking when there is no transportation of the person involved. In the context of the Convention against Transnational Organized Crime, under which the definition was developed, this point is somewhat irrelevant, since trafficking across borders clearly requires movement. The fact that trafficking also occurs within borders has, however, led people to

question whether movement is a necessary component of trafficking and, if so, how much movement is required.

The study found no uniformity on the subject of whether trafficking includes the movement of a person (see Figure 7). The majority of informants in all five countries did not consider movement an element of the trafficking concept. Perhaps what is even more notable, however, is that divergent responses were given in all countries except Iceland.

**Figure 7. Key informants' responses: "Do you consider 'movement' to be a part of the trafficking concept?"**



**N=39.**

**Note:** The selection of key informants does not constitute a representative sample of all relevant experts in the Nordic countries. The informative value of the data is therefore in their variation.

**Source:** Analysis conducted by the UNICEF Innocenti Research Centre. Data as of November 2010.

In Denmark, the evaluation team of the Action Plan to Combat Trafficking in Human Beings (2007–2010) noted: “trafficking involves the movement of people from one location to another, typically from poorer areas to more affluent ones. Where it differs is in the absence of free consent of the victim. Traffickers use threats, force and other forms of coercion, including abduction, fraud, deception, and abuse of power, in order to persuade and control their victims.”<sup>126</sup> This interpretation is not entirely in keeping with the perceptions of key informants in Denmark on this issue. It further overlooks the specific notion of child trafficking, where the use of threats, force or other means of coercion is considered irrelevant. The Finnish National Rapporteur on Trafficking in Human Beings took a different position in that she “considers that committing a human trafficking offence does not require transporting a person from one place to another.”<sup>127</sup>

The view that movement is not essential for trafficking is understandable and perhaps in part reflects concerns that an overemphasis on the movement component of trafficking has taken attention away from situations in which persons are being recruited locally into exploitation. As far back as 2004, the Group of Experts on Trafficking in Human Beings of the European Commission asked: “what is the use of the Trafficking Protocol if it seemingly makes these distinctions between forced labourers, simply on the basis of elements of movements, harbouring, etc?”<sup>128</sup>

The suggestion that movement is not necessary for trafficking does, however, beg the question of how human trafficking then differs from other contexts of exploitation, by effectively making ‘trafficking’ synonymous with ‘exploitation’. It also appears

somewhat difficult to reconcile this suggestion with the common understanding of trafficking as primarily affecting non-nationals rather than nationals and citizens, and the dominance of source based initiatives in trafficking prevention programmes. The vast majority of persons who have been officially identified as 'victims of trafficking' or 'potential victims' in the Nordic countries are non-nationals.<sup>129</sup>

The complications around this concept are highlighted by the fact that some interpretations of trafficking suggest almost the opposite view, i.e., that the phrase 'for the purpose of exploitation' could be read as covering all acts up to the exploitative act but excluding the act itself, and that the end exploiters are not covered by the term 'traffickers'.<sup>130</sup> Indeed, the term 'trafficking' itself denotes movement but not necessarily exploitation, and it is still common to see the media use the terms 'people trafficking' and 'people smuggling' interchangeably. Perhaps this is not surprising given that the terms mean the same thing when applied to goods such as drugs and small arms.

In summary, the 'UN Trafficking Protocol' is an important instrument, particularly for the apprehension and prosecution of criminals involved in human trafficking. While most of the composite crimes involved in the act are already offences in many jurisdictions, the crime of trafficking allows the entire chain to be targeted across borders and jurisdictions where necessary.

There are, however, major complications around how the trafficking definition is understood and applied to real situations. This potentially limits its effectiveness as a protective instrument for those who are victims of or vulnerable to human trafficking. The next chapter examines the practical application of the definition as it relates to the identification of child victims of trafficking.

## **2.2 Identification of child victims of trafficking**

This chapter examines the current practices within the Nordic countries with regard to identifying child victims of trafficking. It is included here to illustrate how the definitions of trafficking discussed above are applied in practice.

Identification of trafficked persons is important in a number of ways. Without identifying victims it is not possible to identify trafficking cases, apprehend and prosecute traffickers and build understanding of how trafficking networks operate. Furthermore, evidence increasingly suggests that the real vulnerabilities of trafficked victims may be different to the vulnerabilities that prevention programmes have to date assumed exist among this group.<sup>131</sup> Clear information from victims as to who specifically is trafficked, and how and why, would appear to be a prerequisite for developing effective prevention programmes and strengthening anti-trafficking policies. Finally, ensuring that trafficked persons come to the attention of the authorities as victims of exploitation, whether or not they are specifically categorized as trafficking victims, is crucial to the provision of appropriate services.

### ***Identification of child victims of trafficking and verification of their status***

International standards, guidelines and recommendations call upon governments to ensure that persons who are victims of trafficking are correctly identified as such. The Council of Europe Convention on Action against Trafficking in Human Beings, for example, provides that States parties shall make qualified personnel available for the identification of victims of trafficking and that different authorities and organizations shall collaborate on this matter.<sup>132</sup>

In the Nordic countries, all national action plans on trafficking in human beings provide for specific identification measures. In each country, tools, indicators and checklists are in place for the identification of trafficked persons. These tools provide guidance on how to recognize indications of human trafficking, where to seek advice and how to refer the person concerned to appropriate assistance. All relevant tools give special consideration to children. In each country, the official mandate to assess and verify the victim status of a person has been assigned to specific authorities. In practice, however, many organizations, service providers and authorities are involved in identifying cases of human trafficking, including law enforcement agencies, immigration officials and social services. Significantly, these organizations use different sets of tools and indicators that may vary considerably in scope.<sup>133</sup>

In Denmark, different authorities are responsible for the verification of a person's status as a victim of trafficking, according to the person's national origin. The Danish Immigration Service assesses cases involving third-country nationals who are applying for a residence permit, whereas the Danish Centre against Human Trafficking (Center Mod Menneskehandel, CMM) assesses persons staying in Denmark on a valid permit, including nationals and EU citizens.<sup>134</sup> For the identification of potential child victims of trafficking, special expertise is available from the Danish Red Cross, which can be called upon by the various authorities, agencies and institutions involved in the referral of victims of trafficking (*see box 3*).

### **Box 3. Specialized expertise on the identification of potential child victims of trafficking in Denmark**

Since 2005, the Danish Red Cross, a contractual partner of the Danish Centre against Human Trafficking (CMM), has provided expertise and advice on the identification of child victims of trafficking in Denmark. One staff member at the Danish Red Cross is specifically qualified and tasked to identify potential child trafficking cases among unaccompanied children staying at the reception centres. When there are reasons to believe that a child may have been exposed to trafficking or may be at risk, this staff member conducts an interview with the child within 24 hours of referral to CMM. The primary objective of this interview is to ensure that the child is informed of his or her rights in Denmark, the possibility of applying for asylum, what human trafficking is and the specific services available to child victims of trafficking. The interview further aims to establish whether the child might be a victim or at risk of trafficking.<sup>135</sup>

As a member of the national referral mechanism for victims of trafficking, the Danish Red Cross works in close collaboration with a network of authorities, institutions and organizations, including municipalities, to provide expertise on the identification of possible child trafficking cases. The expertise at the Danish Red Cross informs the assessment of the cases of children who are staying at the reception centres as well as children who are not seeking asylum, including EU citizens, children who are in trouble with the law and children in prisons or youth penitentiaries.<sup>136</sup>

An evaluation of the Action Plan to Combat Trafficking in Human Beings 2007-2010 commended the broad mandate of the Danish Red Cross to assess the cases of all unaccompanied and separated children for possible indications of trafficking. It noted that the collaboration between the Danish Red Cross, CMM and municipal social workers allowed for the screening of a higher number of cases and a more systematic approach to the identification of potential child trafficking cases, including among children who were found to be in trouble with the law.<sup>137</sup> At the same time, the evaluation concluded that the responsibilities and mandates of the various authorities and organizations involved were fragmented and require further clarification.<sup>138</sup>

In Finland, the identification of victims of trafficking and verification of their status is connected to the asylum reception system. Two identification mechanisms for victims of trafficking are in place. One is focused on adults and is based at the Joutseno reception centre. The other, at the Oulu reception centre, focuses on children. The decision to include or remove a person from the system for victim assistance is made by the director of the reception centre following a proposal by an authority, by the victim himself or herself, or by a service provider. In assessing the case, the director of the reception centre is supported by a multidisciplinary evaluation group.<sup>139</sup>

At the Oulu centre, the evaluation group involves the local police, a child protection officer and a medical doctor.<sup>140</sup> When required, additional experts in child welfare or psychiatry are consulted, along with relevant municipal authorities, and labour market and occupational safety organizations. The evaluation group assesses a child's case in order to decide whether the child should be considered a victim of trafficking. It also assesses the child's needs for the purpose of providing assistance (including appropriate accommodation), conducts a risk assessment, applies for the measures that are considered necessary and decides when they are no longer required. The evaluation group manages the information flow between all parties involved in the case to ensure coordination and cooperation.<sup>141</sup> Decisions regarding a child's status as a victim of trafficking are made in writing; as administrative decisions, these may be subject to appeal.<sup>142</sup>

In Iceland, the national expert group on trafficking in human beings, an interdisciplinary group that also oversees the implementation of the national action plan on human trafficking, has been tasked with assessing and verifying the status of victims of trafficking and with their referral to appropriate assistance. Led by the Icelandic Ministry of Justice, the expert group includes representatives of relevant ministries and state agencies, the police, the Icelandic Directorate of Immigration and victim support agencies.<sup>143</sup>

In Norway, the Ministry of Justice and the Police is responsible for identifying and assisting victims of trafficking. At the request of the Ministry, the National Coordinating Unit for Victims of Trafficking (KOM) developed guidelines for the identification of persons who have been trafficked.<sup>144</sup> The guidelines distinguish between the identification of 'potential' and 'verified' victims of trafficking (see box 4). All service providers can identify persons as potential victims of trafficking whereas only the police and prosecution authorities, the immigration authorities or the child protection services can officially verify a person's status as a victim of trafficking.<sup>145</sup>

Sweden is taking a different approach. Children can be identified as possible victims of trafficking and referred to assistance by all relevant authorities and service providers. When the Swedish Migration Board suspects that a child may be the victim of trafficking or otherwise in need of protection, it reports the case to the social services, which in turn reports cases of children who do not have a valid residence permit for Sweden to the immigration authorities.<sup>146</sup> The status of a victim of trafficking is officially confirmed and registered only once a court conviction on human trafficking charges has been delivered or when a person has been granted a residence permit on the grounds of being a victim of trafficking.<sup>147</sup> A special handbook for the identification of child victims of trafficking and their referral to assistance was developed by the National Board of Health and Welfare (NBHW) and UNICEF Sweden (see the country example below).<sup>148</sup> A similar handbook, developed by CMM, is in use in Denmark.<sup>149</sup>

***Country Example, Sweden: Working with the UNICEF Guidelines to develop a handbook for the identification of and response to child trafficking cases***<sup>150</sup>

The *Guidelines on the Protection of Child Victims of Trafficking* (UNICEF, September 2006; the UNICEF Guidelines) aim to assist policymakers and practitioners in the identification, protection and assistance of children who are victims of trafficking.<sup>151</sup> They were developed in a consultative process involving state and non-state actors in South Eastern Europe in 2003 and underwent continued review prior to publication in 2006. The UNICEF Guidelines are based on international standards and emphasize the importance of collaboration and linking national measures to regional initiatives.<sup>152</sup>

In 2008, NBHW and UNICEF Sweden worked together to adapt the UNICEF Guidelines for the Swedish context, taking into account the relevant national laws, policies and institutional responsibilities. The objective was to produce a handbook for professionals who might come into contact with trafficked children. NBHW and UNICEF Sweden worked in close collaboration with a reference group comprising representatives from key departments, including law enforcement officers, prosecutors, social workers and immigration officials.

The handbook is divided into six chapters to provide a step-by-step guide on how to identify child trafficking cases and how to assist a child exposed to trafficking. The introductory chapter provides a checklist of measures for professionals to follow when they suspect that a child may be a victim of trafficking. The remaining chapters provide a list of indicators for the identification of a child trafficking case, clarify reporting obligations to the police and the social services, and offer guidance for cooperation among different authorities and institutions. Excerpts from Swedish legislation and relevant international standards are presented, and the contact details for key authorities and service providers who can supply further information or support are given.

When producing the handbook, specific attention was given to ensuring – in each action – the right of the child to non-discrimination. It was highlighted that non-national children who are identified as victims of trafficking in Sweden should enjoy the same rights and access to services as national children. Whereas the general principle of non-discrimination was not disputed, members of the reference group for this study found it hard to define exactly what this would entail in the potential scenarios confronting professionals when seeking to assist a child victim. It was thus considered important that the handbook offered very clear guidance, based on in-depth and reliable legal analysis, on how to handle a case in practice.

One such challenge related to guardianship for children who are victims of trafficking. The reference group found that the available guidance on guardianship for non-national children was focused on children in the asylum system; professionals were left without clear instructions on what to do when a child victim was in need of a guardian but not seeking asylum. Consultations within the reference group and with experts from the Swedish Ministry of Justice helped to clarify that the existing guardianship system applies equally to all children, irrespective of their status.

Beyond the specific context of child trafficking, the handbook emphasizes the responsibility of the municipal authorities to provide care and ensure access to health care services and education for all children, irrespective of a child's nationality or status. It also highlights more general obligations to report to social services instances where there is a suspicion that a child is being maltreated. These obligations concern all children on Swedish territory.

The inclusion of the handbook into the Swedish Government's action plan, and also the countrywide training held by UNICEF Sweden, NBHW and other authorities, signifies high-level recognition of and commitment to the rights and principles entailed in the handbook. Furthermore, the consultative processes involved in the handbook's development are seen as instrumental in strengthening cooperation and information exchange across different actors and sectors.

#### **Box 4. 'Potential victims of trafficking': A broader approach to identification**

The Council of Europe Convention on Action against Trafficking in Human Beings recognizes that the identification of a person as a victim of trafficking is considered a 'process' rather than a single event and also that correctly identifying victims of trafficking is often not straightforward. As a result, a person is entitled to receive assistance and protection as a victim of trafficking when there are reasonable grounds to assume that the person is a victim and he or she shall not be returned until the identification process has been completed. Official verification of a person's status as a victim of trafficking should not therefore be a precondition for access to assistance and a short-term regularization of stay.

In this light, the concept of the 'presumed' or 'potential' victim of trafficking, initially promoted by the Group of Experts on Trafficking in Human Beings of the European Commission and the Organization for Security and Co-operation in Europe (OSCE), was taken up by the Council of Europe Convention on Action against Trafficking in Human Beings.<sup>153</sup> The concept describes persons who are considered by the authorities or service providers to be victims of or vulnerable to trafficking and who are referred to the specific services in place for victims of trafficking while their cases are further assessed.<sup>154</sup> This concept has been adopted in some of the Nordic countries.

In Finland, for example, a broad definition of a 'victim of trafficking' is given under the immigration laws, which provide that a person is to be considered a victim of trafficking when there are reasonable grounds to believe that the person has been trafficked.<sup>155</sup> In addition, certain criminal offences have officially been recognized as 'crimes resembling trafficking in human beings'. These offences are 'aggravated pandering', 'extortionate work discrimination' and the 'aggravated arrangement of illegal immigration'. Persons identified as victims of such offences are able to access assistance services in place for victims of trafficking.<sup>156</sup>

In Norway, the National Coordinating Unit for Victims of Human Trafficking (KOM), and relevant service providers distinguish between 'potential' and 'verified' victims of trafficking. This distinction is also reflected in the data and statistics published by KOM. Potential victims of trafficking are granted access to the assistance measures available to victims of trafficking while their status is further assessed and verified.<sup>157</sup> The status of 'potential victim of trafficking' in Norway is a temporary one, lasting only until such times as the competent authorities have verified the person's status. When the assessment of the person's case leads the authorities to conclude that the person is not a victim of trafficking, his or her entitlement to the specific services offered to victims of trafficking ceases.

In some cases, persons who are considered potential victims of trafficking and granted access to assistance have already been exposed to exploitation. In other cases, the exploitation may not yet have taken place and the status of potential victim of trafficking is granted as a preventive measure. In Finland, several children were identified as potential victims of trafficking when they were in transit and the authorities suspected that they were heading towards exploitative situations or child marriage at their destinations. These children were granted residence permits and assistance in Finland as victims of trafficking.<sup>158</sup>

A study conducted by the Norwegian research institute 'Fafo' revealed that the indicators and checklists used by service providers for the identification of potential victims of trafficking in Norway differ in quality. When a child is presumed to be a victim of trafficking, he or she is not free to choose whether or not to receive assistance. A misidentification of a child using



unreliable or inconsistent indicators can therefore lead to a situation where the child is obliged to accept services that may not be suitable. While the study emphasized that the indicators used to identify children as potential victims should conform to common quality standards, it is perhaps more important to ensure that a thorough best interests assessment is conducted so that the measures taken are appropriate and suitable for the child concerned.<sup>159</sup>

Overall, the status of potential victim of trafficking appears to offer opportunities for prevention when it allows the early identification of children at risk of exploitation and their referral to assistance. At the same time, the use of one term to refer to both children whose trafficking status is unclear and children who may be trafficked in the future could potentially lead to confusion.

### ***Difficulties in identifying victims of trafficking***

The identification of child victims of trafficking is often understood as an event that will allow the child to exit the trafficking situation and proceed to a safer environment where he or she will receive assistance and protection. Terms such as 'rescue' or 'escape' are used to indicate that the exploitation comes to an end at the moment of identification. In some cases, identification coincides with the exit from an exploitative situation. More commonly, however, victim identification constitutes a process of several steps and elements: a) The child comes into contact with the authorities or service providers on one or repeated occasions; b) The identity of the child is established, either immediately or at the conclusion of a longer process in the case of a child who does not possess valid identity documents; c) The child's status as a victim of trafficking is assessed and verified by the competent authorities. This necessitates a verification process that varies in duration according to the nature and complexity of each case.<sup>160</sup>

In practice, it is often difficult to differentiate between child victims of trafficking and other vulnerable children who have experienced exploitation and abuse.<sup>161</sup> It is certainly easier to identify victims of trafficking who have been exploited by force than to recognize more subtle forms of coercion, such as the abuse of a vulnerable position, or to identify child victims of trafficking that is characterized by the absence of any form of coercion or other 'illicit means'.

Victims of trafficking are often expected to experience severe psychological distress, but may not always show signs of this when in contact with the authorities or service providers. If signs of distress are absent, the authorities may not recognize the child as a victim of trafficking. Study informants related case examples indicating that victims of trafficking perceive the situation and its impact in many different ways. Exploitative situations may cause some children severe psychological distress; other children may perceive such situations as a harsh reality of life, the only way to earn an income in the absence of safer or more viable alternatives, and/or difficult conditions that they must live through and hope are only of a temporary nature.<sup>162</sup> Some children who are exploited in illegal activities also may not consider themselves victims, instead seeing themselves simply as children in trouble with the law.<sup>163</sup> Children may also resist being assigned the status of victim of trafficking, particularly when, as highlighted during this study, it may serve to limit their mobility and freedom of choice.

The evaluation of the Danish Action Plan to Combat Trafficking in Human Beings noted that it is difficult to identify child victims of trafficking and children at risk of trafficking when a child is accompanied by an adult, particularly when the adult can

show documents stating that he or she is a parent or legal guardian of the child.<sup>164</sup> Similar problems are reported from Sweden.<sup>165</sup> Furthermore, as the institutional responsibility to identify victims of trafficking is often linked to the immigration authorities and the asylum reception centres, children from EU member States risk being overlooked in national efforts to identify victims.

The identification of children who have been trafficked is further complicated by the difficulty of assessing the age of a child who does not carry valid identity papers. It should be noted that when there are doubts about a person's age but there are reasons to assume that the person is a child, international standards provide that a person should be assumed to be a child until his or her age is clearly established.<sup>166</sup>

Although the Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings establishes clearly that the provision of assistance for victims of trafficking falls under the responsibility of the State party in whose territory the victim is located, the location of the exploitation can also have a bearing on whether or not a child is afforded victim status. Cases of children being identified as victims of trafficking in the Nordic countries only after they have already left an exploitative situation in another country have been reported in relation to asylum-seeking children. These children are, however, not necessarily afforded the status of victim of trafficking even if they are identified as such while their case is being processed.<sup>167</sup> In Denmark, for example, many stakeholders involved in implementing the Action Plan to Combat Trafficking in Human Beings interpreted trafficking to imply that children who had been exploited before coming to Denmark were not granted the status.<sup>168</sup> Given all these factors, children who have been trafficked may, in many cases, never be identified as victims by state authorities or service providers.

### ***Disincentives for child trafficking victims***

An additional dimension is that, for a number of reasons, children themselves may resist being assigned the status of trafficking victim. This would appear to be more likely where a child is deemed trafficked by virtue of his or her age, i.e., in the absence of the means that would ensure their circumstances were not regarded as trafficking were he or she at least 18 years old. Children may not actually perceive themselves as 'victims'. UNICEF Sweden, for example, notes that children who are exploited in illegal activities rarely consider themselves victims, instead seeing themselves simply as children in trouble with the law.<sup>169</sup>

Critical to the identification process are the child's own plans, ideas and fears, and the degree of trust or mistrust that the child has in officials or service providers. Authorities involved in the identification of victims of trafficking affirm that children (and adults) may often hesitate to be officially identified as victims of trafficking. Reasons include wanting to avoid contact with the police or being placed in immigration detention or other closed institutions. In Norway, for example, children officially identified as victims or potential victims of trafficking are not allowed to refuse assistance, which may entail their referral to a closed child protection institution, thus limiting their mobility and freedom of choice. (See chapter 5.2 on deprivation of liberty and assistance for victims of trafficking.)

Another barrier to children coming forward is the possibility of return to their country of origin, which is often an inevitable consequence of being identified as a victim of trafficking. In this context, it is particularly important that the views of the child are given due consideration when his or her best interests concerning the referral to appropriate assistance are being assessed.

The limited opportunity for adolescents to work while on a temporary residence permit for victims of trafficking is also a potential deterrent to coming forward. In Norway, while temporary residence permits for adults who are victims of trafficking can be combined with a work permit, this option is not available to those less than 18 years old. As non-national children in possession of a permanent residence permit have the right to work from the age of 15 years old, this appears to be an example of discrimination against child trafficking victims on the grounds of status.<sup>170</sup>

### ***The role and importance of identification in granting victim status***

The official identification of a person as a victim of trafficking is often a precondition for the person to access services and exercise his or her rights as a victim. As such, there are consequences when children who are victims of trafficking are not correctly identified as such but are instead considered migrant children (including irregular migrants or asylum-seekers), victims of sexual exploitation, children living on the streets, young perpetrators involved in the smuggling or selling of drugs, or children who are otherwise in trouble with the law.<sup>171</sup>

The Finnish National Rapporteur on Trafficking in Human Beings states: “The implementation of the legal rights of human trafficking victims depends on how successful the authorities and third-sector actors are in identifying persons who are victims or at risk of becoming victims of human trafficking.”<sup>172</sup> She further noted that the official status of a person who has been exploited depends also on the type of charges that are brought against the exploiter. In Finland, a person exploited as a victim of trafficking is granted the status of victim of crime. A person exploited in procurement, for example, is considered a witness and does not necessarily enjoy the same rights and safeguards as a victim of crime.<sup>173</sup> The implications of this are discussed in chapter 5.1. The potential for a victim of trafficking not to be categorized as such simply because his or her exploiter is prosecuted under a non-trafficking crime is an example of the kind of pitfalls that can occur when linking services to a designation of trafficked victim.

### ***Conclusions on the obligations and scope of identification***

States have an obligation to identify child victims of trafficking, and the importance of identification of victims of trafficking has been widely acknowledged by policymakers in the Nordic countries. It is, however, challenging in practice to ensure that child victims of trafficking are correctly identified. In part this relates to the nature of trafficking which may only become apparent with the occurrence of exploitation at the end of the process. The fact that children can be considered trafficked by virtue of their age, in circumstances under which the definition does not apply to adults, is also a complicating factor.

In addition, some children may not perceive themselves as victims or may not want to be identified as such. Some may be deterred by a lack of trust in the authorities or when the consequences of identification are not in line with their own aspirations. This may be the case when child victims are referred to institutions where their freedom of movement is limited or when gainful employment is forbidden while in receipt of assistance as victims of trafficking. In some situations, the obligation of authorities to protect children may be perceived as colliding with children’s agency.

The identification of child victims of trafficking is complicated also by the fact that the authorities responsible for identification may have contact only with certain groups of children. Accompanied child migrants from EU member States are less likely to be

identified as victims of trafficking, for example, when efforts to identify child victims are concentrated on unaccompanied asylum-seeking children and when the institutional responsibility for identification lies with the immigration authorities.

Notwithstanding these constraints, measures for the identification of victims of trafficking can be strengthened when all existing tools in use in a country are integrated into one officially approved toolkit that is in line with relevant international and national standards. In addition, guidance could include which measures to apply when a child is identified as being in a situation of exploitation or abuse (or at risk of it) even when this does not, or does not clearly, qualify as child trafficking.

Indeed, the obligation of state authorities is not limited to identifying child trafficking cases. It is equally important that other contexts in which children are exploited, or are at risk of exploitation, are identified and addressed with due priority. Accordingly, the identification of a child as a victim or potential victim of trafficking should not be considered a precondition for granting assistance to a child. The child's entitlement to access services should be informed primarily by an assessment of his or her individual situation and needs rather than the child's status. The priority attached to identifying a child's status as a victim of trafficking must therefore not take attention away from identifying other situations of risk or harm to which the child may be exposed. A child should not be afforded special protection and assistance primarily on the grounds of being a victim of trafficking but on the grounds of being a child.

## **2.3 Moving beyond the definition to protect exploited children**

Chapter 2.1 of this report highlighted issues around the definition of trafficking and how it is interpreted and understood by different countries and organizations. In particular, while trafficking is 'for the purposes of exploitation', the term 'exploitation' is not clearly defined in either the Trafficking Protocol or any other international legal instrument and the definition of sexual exploitation is specifically left to individual states to decide. As such, a consensus may never be reached on this particular point.

In addition, a view widely expressed among the Nordic countries was that trafficking as criminal conduct does not necessarily involve the movement of the exploited person across borders or within a country. Elsewhere, some people posit that the term '*for the purposes of exploitation*' means that trafficking covers acts preceding the exploitation but not the exploitation itself. In regard to children, it can be particularly difficult for authorities to recognize child trafficking cases in the absence of any illicit means, such as the use of threat, force or coercion. Furthermore, there are differences of opinion as to whether or not kidnapping for adoption is for the purpose of exploiting the child and thus falls under the category of trafficking.

Given these issues, it is difficult to see how a clear and unified understanding of the concept of human trafficking can be reached among officials, experts and practitioners working at the national, regional and international levels. Against this background, many study respondents expressed concerns around the linking of services for exploited persons to the categorization of victims of trafficking. Indeed, the concept of trafficking has the effect of categorizing cases according to how children and adults come to be in the exploitative situation rather than the nature of the exploitation itself. In other words, the presence or absence of factors such as recruitment, transportation, harbouring or receipt has greater significance than how children have been exploited. Thus, for example, the concept of trafficking groups together children sexually abused in a trafficking situation with adolescents exploited

through criminal activity (e.g., petty crime) but distinguishes them as separate to other child victims of sexual abuse and exploitation.

The distinction between human trafficking cases and other contexts of exploitation may be most relevant to a prosecution perspective, where it is important to establish precisely the conduct of the perpetrators/defendants. When a perpetrator or perpetrators strategically planned the crime and lured a person into exploitation, using force or threats or by exploiting a situation of vulnerability, the conduct is usually considered an aggravated criminal offence and the penalty is higher. Yet, even in the law enforcement context, from which the 'UN Trafficking Protocol' definition emerged, it is often more difficult to prosecute trafficked crimes under trafficking laws than the composite crimes involved, as these are often better understood and more straightforward to prosecute. One implication of this is that the cases prosecuted under other laws may not appear in trafficking statistics. This is also highly relevant in cases where, as evidenced in Finland<sup>174</sup> and Sweden,<sup>175</sup> the designation of trafficking victim is linked to the laws used to charge the perpetrator(s).

Such limitations of the trafficking definition are increasingly recognized by different countries and organizations. The International Organization for Migration (IOM), for example, is moving towards expanding its trafficking victim assistance programmes to include other "vulnerable migrants", thus making access to services less dependent on a person being categorized as a victim of trafficking and more closely linked to his or her individual needs. This initiative was endorsed by a recent IOM evaluation funded by the Norwegian Agency for Development Cooperation (NORAD).<sup>176</sup> As noted above, several Nordic countries have introduced the concept of potential victim to describe persons who may be victims of or vulnerable to trafficking. A group of international organizations that includes UNICEF has launched Children on the Move, an initiative that seeks to address issues relating to children in a more holistic manner.<sup>177</sup> The Government of Denmark has stated that the measures under the Action Plan to Combat Trafficking in Human Beings that are targeted specifically at child victims of trafficking should be extended to all unaccompanied children, regardless of whether or not they are identified as victims of trafficking.<sup>178</sup>

With the possible exception of the Danish example, these moves are all essentially attempts to ensure a better fit between the existing trafficking paradigm and the realities faced by vulnerable and exploited migrants. Yet, while a solution to the problems above is not readily apparent in the case of adults, an alternative exists in relation to children, at least from a protection point of view. For children, the pre-existing framework provided by the Convention on the Rights of the Child may instead be used to respond to child trafficking.

The Convention prohibits the exploitation of children in all its forms and in any context (articles 19, 32–36). It affords the same rights and safeguards to all children who have been exposed to exploitation, irrespective of the context in which this exploitation occurred. Children who have been exposed to exploitation in any form are considered 'child victims of crime' and as such are entitled to the same support and assistance for recovery and (re)integration and enjoy the same special rights and protection in the context of legal and judicial proceedings as child victims of trafficking. Furthermore, the Convention provides broader protections for children even without a confirmed status around exploitation.

Responding to child trafficking in the context of the protection framework provided by the Convention thus has the major advantage of transcending definitional and

conceptual difficulties by focusing on the needs and rights of individual children independently of his or her status as a trafficking victim or otherwise. Assigning a specific label to a case of child exploitation, such as 'trafficking', 'sale', 'procurement' or other, is considered secondary in importance. In prevention and response measures under the Convention framework, the primary obligation is to assess the individual situation and needs of the child and to ensure that his or her rights are fully safeguarded to prevent exploitation or to offer appropriate services if exploitation has already taken place.

At the same time, the child trafficking lens has proved a very useful one through which to identify both promising initiatives and response gaps within existing child protection systems as well as areas in which the countries concerned could do more to fulfil their commitments under the Convention. The remaining parts of this report examine the issues identified in more detail.

### 3. Responses of Nordic countries to child trafficking

All five Nordic countries have made serious and continually evolving attempts to address the issue of child trafficking. This progress includes legal reform; the establishment of specialized institutions and cooperation and coordination mechanisms; and the development of tools and measures for the identification of adults and children who have been trafficked. This part of the report provides an overview of national responses in broad terms with a particular focus on laws, plans and policies, and general assistance provisions for victims of trafficking.

#### 3.1 Response framework: Laws, plans and policies

##### *Incorporation of international standards into national legislation*

The Convention on the Rights of the Child was adopted in 1989 and all Nordic governments were States Parties to the Convention by 1992. All five states are also Parties to the 'UN Trafficking Protocol'. Finland is in the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography while the other Nordic countries have already done so. Ratification of relevant Council of Europe Conventions is less consistent across the Nordic countries and in the European region more broadly.

International treaties are not automatically introduced into the national legislation of Nordic countries upon ratification. As a result, provisions under international law are not directly applicable and cannot be invoked at national courts.<sup>179</sup> One instrument that has been incorporated into the national legislation of all five countries is the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms.<sup>180</sup>

The Committee on the Rights of the Child recommends that governments also incorporate the Convention on the Rights of the Child into national legislation in addition to bringing all national laws in line with the Convention and ensuring that the Convention will prevail where there is a conflict with domestic legislation or common practice.<sup>181</sup> In Finland and Norway, the status of the Convention is particularly strong. In Norway, the Convention and several other international human rights standards have been incorporated into the Human Rights Act of 1999 and its provisions are to take precedence over national law.<sup>182</sup> In Finland, international treaties are implemented by a national Act of Parliament and thereby become applicable law.<sup>183</sup> Little is known, however, on how the incorporation of the Convention has benefited children in practice.<sup>184</sup>

The Convention has not been incorporated into Danish legislation. According to the Government of Denmark, the Convention has the status of a relevant source of national law and as such can be invoked in court and applied directly by courts and administrative authorities.<sup>185</sup> The Danish Institute for Human Rights (Institut for Menneskerettigheder) suggests, however, that the application of the Convention is limited in practice, with little reference to the Convention apparent in the decisions of courts and authorities.<sup>186</sup>

The incorporation of an international treaty into national law can have a significant impact on awareness of the treaty and its use by courts and other authorities.<sup>187</sup> It also offers the possibility to initiate civil litigation when the rights established under the treaty are not fully respected.<sup>188</sup> In addition, as UNICEF Sweden has pointed out, fully incorporating the Convention and its optional protocols into Swedish legislation

“would imply a need to consider the CRC not only article by article, but also holistically, recognizing the interdependence and indivisibility of children’s human rights.”<sup>189</sup> In October 2011, in its Concluding Observations on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child recommended that the Government of Sweden should address this as a matter of urgency.<sup>190</sup>

#### **Box 5. The status of self-governing territories: Application of international standards**

The Kingdom of Denmark includes the self-governing territories of the Faroe Islands and Greenland. The Constitution of the Kingdom of Denmark is applicable in the Faroe Islands and Greenland,<sup>191</sup> but both territories have jurisdiction over certain issues. As a result, the Faroe Islands and Greenland must accede to the ratification by the Government of Denmark of international treaties on those issues that fall under their autonomous jurisdiction.<sup>192</sup>

In relation to the application of international standards in autonomous territories, the Committee on the Rights of the Child points to the overall responsibility of the central state: “Where a State delegates powers to legislate to federated regional or territorial governments, it must also require these subsidiary governments to legislate within the framework of the Convention and to ensure effective implementation.”<sup>193</sup>

The Convention is now fully in force in all Danish territories, as is the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography is not yet applicable in the Faroe Islands and Greenland although it is currently under consideration in Greenland. The governments of the Faroe Islands and Greenland have jurisdiction over issues related to gender equality and children’s rights. They prepare separate reports to the treaty bodies for the Convention on the Elimination of All Forms of Discrimination against Women, and Convention on the Rights of the Child on the implementation of the Conventions and associated Optional Protocols.

In Finland, the ratification of the Convention on the Rights of the Child applies to the whole territory, including the region of Åland, and there is unified reporting on its implementation.

#### ***Laws criminalizing trafficking in human beings and child trafficking***

All Nordic countries have introduced special articles or sections into their national criminal laws that prohibit and criminalize trafficking in human beings, including special provisions to criminalize child trafficking. In all countries except Denmark, the offence is considered as ‘aggravated’ or ‘gross’ and carries a higher sentence when committed against a person less than 18 years old.<sup>194</sup> A maximum of 8 years of imprisonment is provided for in Denmark and Iceland;<sup>195</sup> 4 months to 6 years in Finland or, in aggravated cases, 2 to 10 years; up to 5 years in Norway or a maximum of 10 years in aggravated cases;<sup>196</sup> and 2 to 10 years in Sweden.<sup>197</sup>

The criminal laws of the Nordic countries also contain extensive provisions to criminalize sexual abuse and sexual exploitation of children in multiple forms and contexts, including sexual exploitation in prostitution and through abusive images. These offences are therefore criminalized in cases that do not qualify as child trafficking. Children are further protected under labour laws from harmful working situations and exploitation, and the hours and conditions of children’s work and employment are clearly regulated. These provisions are not discussed further here but are referred to in the context of specific themes throughout this report.



When perpetrators who are citizens or residents of the Nordic countries commit criminal offences abroad, they can under certain circumstances be prosecuted in their home countries. This provision is regulated by the extraterritorial legislation and is particularly strong when it applies to offences committed abroad irrespective of the need for 'double criminality'. That is, a perpetrator can be held responsible if the conduct is criminalized under the national law of the prosecuting country regardless of the criminality of the conduct in the country in which it was committed.<sup>198</sup>

Finland, Norway and Sweden have introduced extraterritorial provisions that apply to the crime of human trafficking committed abroad by their citizens or residents. Double criminality is not required.<sup>199</sup> This provision was applied in Norway in relation to a conviction for child trafficking committed abroad in 2008.<sup>200</sup> In Denmark, the extraterritorial law applies to criminal offences committed abroad by a national or resident and for which the punishment foreseen under the Criminal Code is greater than four months of imprisonment. Double criminality is not required for sexual offences committed against children and for the offence of female genital mutilation/cutting, but trafficking in human beings is not explicitly covered.<sup>201</sup> In Iceland, extraterritorial application of the Icelandic General Penal Code is bound by double criminality. The Committee on the Rights of the Child has recommended that this requirement be removed.<sup>202</sup>

### ***National strategies and action plans for children***

Numerous national action plans and strategies for children have been adopted in each of the Nordic countries. These are sector-specific and include:

- The protection of children from various forms of violence, exploitation or abuse, including domestic violence, sexual abuse and exploitation
- Poverty reduction and social inclusion
- The situation and integration of immigrants, including unaccompanied children
- Equal opportunities
- Trafficking in human beings.

All Nordic countries have developed national action plans to address trafficking in human beings and all of these provide special measures for children. These cover multiple forms of exploitation, with the exception of the Swedish action plan, which is limited to prostitution and sexual purposes.<sup>203</sup> The action plans aim to prevent human trafficking, identify and assist victims, and apprehend and prosecute traffickers. They seek to build capacity and enhance collaboration between key actors, raise awareness among the general public and particular risk groups, and promote the safe return of non-national victims of trafficking. In Denmark and Sweden, the action plans are endowed with a specific budget. Implementation in other countries is funded by the relevant ministries and authorities involved or through project-specific budget allocations.

The action plans in Finland and Sweden have expired, but provisions under the expired plans are considered to continue to guide policy and practice.<sup>204</sup> In Denmark and Norway, new action plans have been developed and reflect the evolving understanding of the trafficking issue. As noted in part 2, the Government of Denmark has stated that the measures under its action plan that are targeted specifically at child victims of trafficking should be extended to all unaccompanied children, regardless of whether or not they are identified as victims of trafficking.<sup>205</sup> In

Iceland, the Action Plan against Trafficking in Human Beings is in effect until the end of 2012.<sup>206</sup>

The Norwegian Government's Plan of Action to Combat Human Trafficking (2011–2014) highlights the importance of institutional follow-up to reports concerning unaccompanied asylum-seeking boys who are involved in drug abuse and drug selling as well as children missing from asylum reception centres.<sup>207</sup> The Plan of Action also states that it may be difficult to distinguish between forced labour taking place in the context of human trafficking and labour exploitation that is considered 'social dumping', which is "both unacceptably low wages and breaches of regulations governing wages, health and safety, such as regulations concerning working time and accommodations".<sup>208</sup> With this in mind, the Plan of Action makes reference to two plans on social dumping.

Such cross-references in national action plans and strategies must be complemented by strong collaboration and information exchange among the various actors involved in implementing these plans. A mapping of how the different articles under the Convention on the Rights of the Child are addressed by the multiple action plans and strategies in place in the Nordic countries might offer important insight on the extent to which these plans overlap and where possible gaps persist.

### **3.2 Legislation on child protection**

Child protection and welfare measures in the Nordic countries are primarily addressed under specific acts for children. In addition, provisions on children are incorporated into the social welfare and social services acts, or other laws. The provisions regulating child protection measures apply to all children who are on the territory of the country.<sup>209</sup> Child protection services are primarily regulated under civil law, although some penal provisions are also addressed.<sup>210</sup>

Child protection laws provide decentralized services for children at the municipal level and establish local committees or other bodies to provide social services for families and children as well as specific services to protect children from violence, exploitation and abuse, and promote the development and well-being of children. Alternative care, custody issues and other matters concerning children's welfare are also regulated under these laws. A strong focus is placed on strengthening and supporting families, including through counselling and assistance services, day care facilities and support to children with special needs.<sup>211</sup> In some countries, the provision of care and assistance services for children is extended to aftercare for young adults, up to the age of 21 years in Sweden, 22 years in Denmark and 23 years in Norway.<sup>212</sup>

The social services and child protection laws in the Nordic countries provide for service provision to be planned on the basis of a case assessment, taking the views of the child into account. In Denmark, for example, the municipal authorities are to develop an individual action plan for any child or young person they assist.<sup>213</sup> The individual action plan shall be informed by a case assessment and be developed before a decision on protection or assistance measures is taken. It shall define the types and objectives of measures taken, targets and interim targets, and the expected duration of such measures. The Consolidation Act of Social Services provides that the individual action plan addresses issues related to the child's development, family matters, schooling, health and well-being, leisure time and friendships, and any other relevant matters.<sup>214</sup>

In Finland, the Child Welfare Act provides that a care plan for a client of the child welfare services and his or her family is to be drafted together with the parties concerned, and its implementation is to be reviewed periodically.<sup>215</sup> The Child Welfare Act also provides for preventive child welfare measures: “Preventive child welfare aims at promoting and safeguarding the child’s growth, development and wellbeing and supporting parenthood.”<sup>216</sup> Preventive measures are not targeted at individual child clients of the welfare services but at the services offered to children, youth and families more broadly, including in health care, day care, school and youth work.<sup>217</sup>

In Norway, child welfare services can provide assistance to a child only with the consent of the parents, except in cases of severe neglect and abuse. The Committee on the Rights of the Child expressed concern about this regulation, as it can lead to situations in which children in need of assistance are discouraged from approaching welfare services. The Committee recommended that children be given the right to contact the child welfare services of their own accord and irrespective of parental consent.<sup>218</sup>

In Denmark, Norway and Sweden, the child protection and social welfare laws allow the referral of children to closed institutions in order to protect them from self-harming behaviour or other harmful influences.<sup>219</sup> The Swedish Care of Young Persons Act, for example, regulates alternative care for children and young adults in cases when there is a risk of abuse, exploitation, neglect or other harm in the child’s home; when a child is at risk due to drug or alcohol abuse, criminal activities or “other socially degrading behaviour”; or when a child has been sentenced to closed institutional care under the Penal Code.<sup>220</sup> When a child or young person has been referred to alternative care under the Care of Young Persons Act, decisions and orders taken under the Aliens Act, including refusal of entry and deportation orders, are still valid and enforceable in Sweden, however.<sup>221</sup> The issue of closed institutions is discussed in chapter 5.2.

### **3.3 Assistance for victims of trafficking and potential victims**

The services to be provided for victims of trafficking are regulated by national action plans in four of the Nordic countries.<sup>222</sup> In Finland, assistance is regulated by law, although the relevant laws have been criticized for leaving room for interpretation and the Finnish Parliament has requested that the Government of Finland draft a new law specifically on assistance for victims of trafficking.<sup>223</sup>

Services for child victims of trafficking and potential victims of trafficking are provided primarily through existing protection structures for unaccompanied asylum-seeking children or institutions and services that provide care for national and resident children. An exception is Norway, where this role is undertaken by child welfare authorities and is limited to children aged 15 or under. The immigration authorities have generally been assigned responsibility for policy planning on matters related to victim support, including legal assistance, accommodation, health care services, social assistance and other care and support measures. Child victims of trafficking are accommodated in either a reception centre for asylum-seekers or in care institutions, group homes or foster families connected to the national care system. Once referred to these locations, children are provided services by local child protection or social welfare agencies.<sup>224</sup>

In practice, the nature of the accommodation and related services to which a child is referred differs according to the child’s specific situation and background. Third-

country nationals, whose immigration status is not yet regularized, for example, are more likely to be referred to asylum reception centres while their cases are being assessed. Children who have valid travel documents or a permit of stay are usually referred to institutions that also care for national children. Girls who have been exposed to sexual exploitation may be referred to women's shelters. Specific shelters or safe houses for boys (or men) who have been trafficked are not in place.<sup>225</sup> Children perceived to be at risk of harmful behaviour or recruitment into trafficking are also referred to closed institutions in some countries.<sup>226</sup>

Authorities in Finland and Norway have emphasized that services for victims of trafficking should be available at a low threshold in order to ensure that they are accessible by and available to a wider group of affected adults and children. The criteria to determine eligibility for services have not yet been established, however.<sup>227</sup> An important instrument in this regard is social outreach services for children and young people considered to be at risk of exploitation and abuse, including trafficking. The example from Norway of the work of the Uteseksjonen social outreach services provided by the City of Oslo is discussed below.

***Country Example, Norway - Social outreach work: Offering low threshold services for children and young people on the streets<sup>228</sup>***

Social outreach work is targeted at children and young people who spend most of their time out on the streets and in public places, including some time living on the streets. Many children and young people in contact with social outreach services, including both Norwegian and non-national children, face multiple difficulties and risks. These include: alcohol and substance abuse; involvement in crime; exposure to violence, exploitation and abuse; discrimination; psychological problems; and conflicts in the family, at school or in the workplace. These children and young people are often not reached by or in sufficient contact with public services.

In Norway, social outreach services operate with a high degree of flexibility as part of municipal social services at local level. There are about 85 such services in the country. Outreach workers try to establish contact and offer help to children and young people as early as possible in order to reduce the risks to which their clients are exposed. Intervention is offered through direct contact with clients on the street, through counselling, by referral to other service providers and through mediation between the client, his or her family and relevant public services and authorities. Services are unconditional and do not impose any obligations on the child or young person.<sup>229</sup>

Social outreach workers are able to monitor the general situation of children and young people on the streets as well as individual cases. They also interact with many different authorities and public services, for instance, general social services, child protection services, schools and school nurses, youth clubs, immigration authorities and the police. The experience of social outreach workers enables them to identify gaps that leave children unprotected, offering important insights into the functioning of national child protection systems and highlighting where reform might be needed.

***Uteseksjonen: Social outreach work in Oslo city centre***

Uteseksjonen, the municipal outreach service of the City of Oslo, offers social services to children and young people up to the age of 25 years. The main focus of its work is the prevention of drug and alcohol abuse and crime. A total of 28 academically trained Uteseksjonen outreach workers patrol the streets of Oslo city centre in pairs. They are out on patrol every day from 10 a.m. to 11 p.m. and provide

an emergency phone service for their clients. In addition to the contact it makes on the street, in shopping malls and at train or subway stations, Uteseksjonen operates a drop-in centre and offers follow-up services such as information and counselling, referrals and mediation. Contact with the outreach service is voluntary, free of charge and confidential.<sup>230</sup> For migrant children who do not speak Norwegian, the outreach workers use the services of a cultural mediator or interpreter who they contact by phone when required.<sup>231</sup>

Outreach workers may identify possible trafficking cases through observation or when they learn details about a person's situation through conversations and stories shared by the person or by others. Uteseksjonen works with the indicators for the identification of potential victims of trafficking developed by KOM. It promotes awareness and use of these tools among social outreach workers nationwide. The outreach workers emphasize, however, that in addition to the use of these tools, an overall evaluation of a child's living situation is important in assessing whether or not the child has been exposed to trafficking.<sup>232</sup>

During 2009, Uteseksjonen was in contact with 1,778 people. Of these, 956 received follow-up services, with an average of 7 to 8 follow-up meetings per person. Among those contacted during 2009, 487 people were under 18 years old, and 292 of these children had been registered for the first time during the year. The contacts were made mainly in environments related to drug use. Based on its experience, Uteseksjonen published an information brochure to guide professionals involved in social outreach work as well as other relevant professional groups. This brochure provides an overview of the rights of non-nationals in Norway, including asylum-seekers, undocumented migrants, labour migrants and potential victims of trafficking. It further provides information on relevant systems, laws and regulations; the role of social workers and their reporting obligations; and contact details of institutions and authorities that can assist the outreach workers with additional information and advice.<sup>233</sup>

### ***Reporting obligations, referral and follow-up***

Where outreach workers are concerned about the situation of a child who is registered at an asylum reception centre, they communicate this concern to the centre, seek to assess the child's situation and try to motivate the child to return to the centre. When outreach workers have a serious concern about the safety and well-being of a child, such as drug use or other situations where the health of the child is at risk, they must immediately inform the child protection services (*barnevernet*) in the municipality where the reception centre is located. The Norwegian Directorate of Immigration is also contacted to ensure that the case officers have access to all information considered relevant to the processing of the child's application for asylum. In the case of a child who is not registered at a reception centre, the child protection services in the municipality where the child is located must be notified.<sup>234</sup>

When a suspicion arises that a child is a victim of trafficking, the outreach workers immediately issue a 'report of concern'. This is sent to the local child protection services if the suspicion is raised during the daytime or it goes to the emergency child protection services (*barnevernsvakt*) if it occurs at night or during the weekend. The outreach workers provide information about the specific situation they have encountered and discuss how to respond to the case.<sup>235</sup>

Social outreach services, or the comparable emergency social services that are in place in all Nordic countries, are in a unique position since they have direct and

immediate access to their young clients as well as an overview of the services and systems operating for children and young people. The ability of social outreach services to access knowledge about the situation and views of marginalized children on one hand and the institutional responses on the other offers an invaluable potential resource. This might be mobilized more strongly to inform the national debate on child rights and protection, including issues and responses related to child trafficking, mobility and migration of children, juvenile delinquency, violence against children more broadly and patterns of discrimination, and how all of these issues are interlinked.

### 3.4 Institutional mandates and coordination mechanisms

Institutional responsibility for policy matters on different child rights and protection themes in the Nordic countries is spread across many different institutions (see Table 2). This provides advantages in terms of expertise but also has the potential to result in fragmentation of services. In Norway, for example, responsibility for policies concerning unaccompanied asylum-seeking children is split between two authorities according to the child's age (less than 15 years of age, or 15 years and above).<sup>236</sup> Care for children of 15 years old and above falls under the responsibility of the immigration authorities rather than social services. The Ombudsman for Children in Norway states that the "level of follow-up these children receive is considerably inferior to that provided to Norwegian children without caregivers in the country and unaccompanied minor asylum seekers under the age of 15."<sup>237</sup>

**Table 2. Leading central administration institutions for policy planning on child rights issues**

Responsibility for policymaking on:	Denmark	Finland	Iceland	Norway	Sweden
Child protection / welfare	Ministry of Social Affairs <sup>238</sup>	Ministry of Social Affairs and Health <sup>239</sup>	Ministry of Social Affairs, with Government Agency for Child Protection <sup>240</sup>	Ministry of Children, Equality and Social Inclusion <sup>241</sup>	Ministry of Health and Social Affairs <sup>242</sup>
Unaccompanied asylum-seeking children	Ministry of Refugee, Immigration and Integration Affairs, <sup>243</sup> with the Danish Immigration Service <sup>244</sup>	Ministry of the Interior, with the Finnish Immigration Service <sup>245</sup>	Ministry of Justice <sup>246</sup>	Ministry of Children, Equality and Social Inclusion, Child Welfare Service (children aged under 15 years) <sup>247</sup>  Ministry of Justice and the Police, Norwegian Directorate of Immigration (children aged over 15 years) <sup>248</sup>	Ministry of Justice, with the Swedish Migration Board <sup>249</sup>
Child victims of trafficking	Ministry for Gender Equality, with Danish Centre against Human Trafficking, Ministry of Justice, Ministry of Employment, Ministry of Interior and Health, and the Danish Ministry of Taxation <sup>250</sup>	Ministry of the Interior, with the Finnish Immigration Service <sup>251</sup>	Ministry of Justice <sup>252</sup>	Ministry of Justice and the Police <sup>253</sup>	Ministry of Integration and Gender Equality <sup>254</sup>
Coordination of implementation of the CRC	Ministry of Social Affairs and Integration <sup>255</sup>	No information available	No information available	Ministry of Children, Equality and Social Inclusion <sup>256</sup>	Ministry of Health and Social Affairs <sup>257</sup>

Organizations and institutions working with and for children have recommended that the leading institutional responsibility for unaccompanied asylum-seeking children and child victims of trafficking be assigned to the same institution that handles matters related to national and resident children, in order to strengthen integrated policies and to prevent differential treatment and discrimination.<sup>258</sup> Unified institutional responsibilities would also reflect a commitment to consider and treat children as children first and foremost, regardless of their status as asylum-seekers or victims of trafficking, as provided for under the EU Action Plan on Unaccompanied Minors 2010–2014 and in line with the rights afforded to all children under the Convention on the Rights of the Child.<sup>259</sup>

At the same time, many tasks related to the organization and provision of child welfare and child protection services fall under the competencies of local authorities, such as child protection or social welfare committees.<sup>260</sup> While in principle the local authorities are mandated to provide services for all children staying within their municipalities, their obligation to fund these services often concerns only national and resident children who are registered in the municipality.

When local authorities provide services for non-national children who are registered with the immigration authorities, they are entitled to reimbursement by the central administration for the costs incurred. In relation to non-national children who are not registered either in the municipality or with the immigration authorities, for example, undocumented children or children who are EU citizens and travelling in the Nordic countries, the funding situation is not clearly regulated. Applications for funding or reimbursement by the central state may, in some cases, delay or obstruct prompt action to assist a child.<sup>261</sup>

Outreach workers in Norway, for example, noted that in cases of children who have received a residence permit, authorities usually took action immediately in response to a report of concern from the social outreach services. In cases of non-national children, it is often less clearly established which authority is responsible for a child, particularly when the child's legal status and place of registration in Norway cannot be clearly identified.<sup>262</sup> This impacts on a wide range of issues: registering the child; offering services and referral; hearing and taking into account the child's views; and ensuring effective collaboration, communication and information exchange between all parties involved.<sup>263</sup> The Ombudsman for Children in Norway has noted that such children risk falling through the gaps caused by fragmented institutional mandates.<sup>264</sup>

The decentralized system also presents challenges in ensuring that the standards and quality of care and services available to children at the local level are comparable. As discussed in part 4, concerns about different standards and practices at the local level have been reported from several Nordic countries in regard to many diverse child rights and protection issues, including access to health care services and education, best interests assessment and the provision of child protection services.

### ***Coordination and cooperation mechanisms addressing human trafficking***

All Nordic countries except for Sweden have set up an inter-ministerial working group or a comparable institutionalized mechanism mandated to coordinate and oversee the implementation of the national action plans against trafficking in human beings.<sup>265</sup> In Denmark, Finland and Iceland, these groups incorporate representatives of NGOs and service providers, including organizations working specifically for children. The Finnish Steering Committee against Trafficking in Human Beings was discontinued in 2011 following completion of its mandate to

evaluate the implementation of the 2008 Revised National Plan of Action against Trafficking in Human Beings and to develop recommendations on relevant policy measures extending beyond the duration of the action plan.<sup>266</sup>

In addition to coordination at ministerial level, specialized coordination mechanisms are in place at the national, regional and local level, which institutionalize multi-stakeholder cooperation on specific issues. In Sweden, for example, the National Method Support Team against Prostitution and Human Trafficking operates a forum for the collaboration of law enforcement agencies, social services, the Swedish Prosecution Authority and the Swedish Migration Board. The National Method Support Team provides support to authorities and other partners on how to address trafficking in human beings and prostitution.<sup>267</sup> The Danish Centre against Human Trafficking (CMM) coordinates assistance and services for victims of trafficking and collects data on human trafficking cases. In Norway, the National Coordinating Unit for Victims of Trafficking (KOM) fulfils a similar task.

Although these coordination mechanisms are focused on addressing trafficking in human beings, they can also play a significant role in supporting local child protection authorities in responding to complex child protection cases involving non-national children. Service providers from several Nordic countries reported that there is often a degree of uncertainty among social welfare and child protection services regarding how to identify and respond to child trafficking cases and that the expertise of specialized bodies in providing information and guidance is considered important.<sup>268</sup> CMM and KOM have both had an impact in this regard.<sup>269</sup>

***Country Example, Denmark: Coordination in the social sector by the Danish Centre against Human Trafficking***

The Danish Centre against Human Trafficking (CMM) was established in 2007 as one of the measures under the Action Plan to Combat Trafficking in Human Beings (2007–2010). It is administratively located in the National Board of Social Services and reports to the Minister for Gender Equality and the Department for Gender Equality. CMM is involved in the coordination of national policy responses to trafficking and is tasked with ensuring that coordinated assistance services for victims of trafficking are in place. It also coordinates the dissemination of information on issues related to human trafficking among all relevant social actors, offers training and operates a helpline for professionals as well as victims of trafficking.<sup>270</sup>

Operationally, CMM works with partners in the area of social and outreach work, in particular those that target women involved in prostitution, and with organizations that operate shelters.<sup>271</sup> CMM draws on these partners to collect data on persons who are identified as victims of trafficking and who receive assistance through social and outreach work or in the shelters. These data are then analysed and publicized by CMM.<sup>272</sup> CMM partners focus primarily on providing services to women and children exposed to sexual exploitation, prostitution or trafficking for sexual purposes. Other sectors, including service providers that target persons who have experienced labour exploitation, are not represented. This limits the impact of the CMM work, including the collection of relevant data, in relation to other forms of human trafficking.

CMM's close collaboration with a network of authorities and NGOs complements the function of the inter-ministerial working group against trafficking in human beings. This network was formally established in 2002, with a focus on women and on sexual exploitation. Under the Action Plan to Combat Trafficking in Human Beings, the network was expanded to include the Ministry of Refugee, Immigration and



Integration Affairs, the Ministry of Social Affairs and Integration, the Danish Red Cross and Save the Children. Other authorities can be involved as required.<sup>273</sup> The network meets four times per year to exchange information and to consult on specific cases or particular challenges encountered by its members.<sup>274</sup>

CMM has established a national reference group and four regional reference groups, which provide institutionalized, multi-sectoral cooperation forums on the issue of human trafficking. The groups aim to strengthen the involvement of representatives from different sectors and levels of the country's administration in the implementation of the Action Plan to Combat Trafficking in Human Beings and its monitoring. A 2010 evaluation of the Action Plan's implementation concluded that overall the institutional framework in place to implement the Action Plan works effectively and that CMM plays a key role in this regard.<sup>275</sup>

The European Union Agency for Fundamental Rights noted that the coordination role of CMM does not by itself guarantee that the rights of child victims of trafficking are safeguarded. It does, however, offer a "permanent platform for dialogue, development and evaluation of measures that may, in the long term, contribute to and effectively accommodate the needs of trafficked children in Denmark, and thereby slowly enhance their rights."<sup>276</sup>

### ***National rapporteurs on trafficking***

National human rights structures are in place in all Nordic countries. These are discussed in chapter 4.4. In terms of national rapporteurs, the Council of Europe Convention on Action against Trafficking in Human Beings, article 29(4), provides: "Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements." This article builds on the previous recommendations issued by the European Union (EU) and the Organization for Security and Co-operation in Europe (OSCE), calling upon governments to establish independent national rapporteurs on human trafficking.<sup>277</sup> While there is no unified guidance on what the mandate of a national rapporteur should entail, it usually comprises tasks of collecting, analysing and publishing both quantitative and qualitative data on trafficking in human beings.

National rapporteurs on trafficking in human beings have been established in Finland and Sweden.<sup>278</sup> In Finland, the rapporteur's role is fulfilled by the Finnish Ombudsman for Minorities, an independent authority funded by and located within the Ministry of the Interior to deal with cases of discrimination on the grounds of ethnic origin or nationality.<sup>279</sup> These national rapporteurs have contributed significantly to enhancing the understanding of trafficking in human beings and the forms that it takes, while also monitoring responses and providing critical expertise both nationally (including to local and regional authorities and service providers) and internationally.

### ***Conclusion on institutional mandates and coordination mechanisms***

Many agencies working in the field of child protection have specialized mandates and areas of expertise. While this is generally a positive feature, it is clear that issues affecting exploited and vulnerable children often cut across different organizations. Problems may therefore arise when these mandates are executed in isolation from other institutions, resulting in a lack of coordination. In addition, while this specialization or separation of mandates is desirable at the policy level, it is essential that service provision should be uniform for all children regardless of nationality,

and/or status. It is therefore important to ensure that specialized mandates do not result in fragmentation. One of the possible consequences of such fragmentation is the differential treatment of children, which potentially conflicts with the Convention on the Rights of the Child general principle of non-discrimination. This issue is discussed in detail in the next chapter.

## 4. The Convention on the Rights of the Child: General principles

The Committee on the Rights of the Child pronounced the rights under articles 2, 3, 6 and 12 of the Convention on the Rights of the Child as ‘general principles’ of the Convention. These are:

- Article 2:** The right to non-discrimination
- Article 3:** The best interests of the child as a primary consideration
- Article 6:** The right to life, survival and development
- Article 12:** The right of the child to have his or her views heard and taken into account

These articles are applicable in relation to all other articles of the Convention and are to be given primary consideration in all matters affecting children, including in law, policy, programmes and procedures.<sup>280</sup> The Committee encourages the development of consolidated children’s rights statutes, while emphasizing the importance of all relevant ‘sectoral’ laws (education, health, justice, etc.) consistently reflecting the principles and standards of the Convention.<sup>281</sup>

These general principles of the Convention are referenced in regional standards and policies, including in the work of the Council of Europe (COE) and the European Union (EU). Under its EU Presidency in 2009, the Government of Sweden took the initiative to develop ‘the Stockholm Programme’, a multi-year programme for EU action.<sup>282</sup> Adopted in December 2009 by the European Parliament, the Stockholm Programme reiterates the relevance of the general principles of the Convention to all the policies of the EU and emphasizes the need to develop systematic, strategic and integrated approaches to their realization.<sup>283</sup>

In line with the overall theme of the study, this part of the report examines the application of the general principles of the Convention as they relate not only to verified or potential victims of child trafficking but also to other potentially vulnerable migrant children.

### 4.1 The right to non-discrimination

The Convention affords a broad and comprehensive protection from discrimination. Article 2, para. 1 provides that:

“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

The rights afforded under the Convention should therefore apply also to non-national children, including visiting children, refugees, children of migrant workers and undocumented children. (The prohibition of discrimination does not preclude affirmative action in the form of “legitimate differentiation in treatment of individual children” to prevent and address marginalization and exclusion.)<sup>284</sup>

The right to non-discrimination is reflected in different ways in the national legislation of the five Nordic countries. In addition to general provisions in the constitutions, all countries have enacted specific anti-discrimination laws, including a prohibition of

discrimination under the criminal laws in Denmark and Iceland. All Nordic countries except Iceland have also established specialized or independent institutions mandated to promote the right to non-discrimination and monitor the implementation of the national anti-discrimination laws.<sup>285</sup> The above prohibitions are, however, often limited to discrimination on specific grounds or in specific sectors. In reality, therefore, a general prohibition of discrimination, as afforded under article 2 of the Convention, is not yet fully guaranteed in the Nordic countries, notably in relation to immigration status.

Finland is the only Nordic country that has ratified Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe), which provides for a general prohibition of discrimination. Article 1 of the Protocol states: “The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” In light of the Protocol, the Constitution of Finland guarantees fundamental rights to all persons who are within the jurisdiction of Finland.<sup>286</sup>

In addition, the Finnish Non-Discrimination Act prohibits discrimination on the grounds of age, ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics.<sup>287</sup> It is focused on discrimination in the context of work and employment and discrimination on the grounds of ethnic origin. The rights to non-discrimination afforded under the Act do not, however, pertain to the “application of provisions governing entry into and residence in the country by foreigners, or the placing of foreigners in a different position for a reason deriving from their legal status under the law.”<sup>288</sup> One consequence is that non-national children have the right to access health care services and education under the same conditions as Finnish citizens and permanent residents only once they have obtained a residence permit.<sup>289</sup>

Iceland has also incorporated a broad provision in its constitution stipulating that all persons are considered equal before the law and entitled to enjoy the same rights, “irrespective of sex, religion, opinion, ethnic origin, race, colour, property, or birth or other status.”<sup>290</sup>

The issue of non-discrimination on the grounds of status relates not only to immigration status but also to other factors, such as status as a victim of trafficking. As has been noted throughout this report, the status of a victim or potential victim of trafficking can have a significant impact on the entitlement of children to access support services in some of the Nordic countries.

It is also important to note that victims of trafficking may be discriminated against based on the crime with which their exploiters are charged. In Finland, victims of trafficking are interested parties in criminal proceedings, whereas people exposed to procurement are regarded solely as witnesses. As interested parties, or plaintiffs, the right of victims of trafficking to legal assistance and compensation and their referral to assistance is more clearly pronounced and more readily accessible than it is for subjects of procurement. The Finnish National Rapporteur on Trafficking in Human Beings “considers this practice of putting victims into different positions to be discriminatory.”<sup>291</sup> She recommended that persons exposed to procurement be considered injured parties rather than witnesses in criminal proceedings.<sup>292</sup> Similar concerns were reported in Sweden, including specifically in regard to children exploited in procurement.<sup>293</sup> In Norway, the broad law on human trafficking makes it easier to try cases of procurement involving children under child trafficking charges and grant the exploited child victim status.<sup>294</sup>

The principle of non-discrimination might also be applied to age. In Norway, for example, the laws around asylum-seeking leave children aged 15 to 17 years old less well protected than younger children. Unaccompanied children seeking asylum in Norway who are less than 15 years old fall under the responsibility of the local childcare authorities, whereas older children fall under the responsibility of the Norwegian Directorate of Immigration (UDI). As indicated in the previous chapter, there were instances in which no authority would take the initiative to follow a case and take full responsibility for the child. The Norwegian Association for Outreach Work with Youth noted a risk that adolescents aged 15 to 18 years old may “fall between the chairs” and that removing the age based distinction would help to better protect these adolescents.<sup>295</sup>

### ***Guardianship/representation***

Guardians or representatives of non-national children, including unaccompanied children and child victims of trafficking, hold a key function in representing non-national children in specific situations, including asylum-seeking children and victims of trafficking. A strong guardianship system is thus important to ensure that the views of each child are heard and taken into account, that their best interests are respected and that services provided to children contribute to durable solutions in line with the child’s right to life, survival and development. The issue of non-discrimination based on status is also relevant in this context, as can be seen in box 6 below.

This section looks at issues of guardianship in relation to vulnerable migrant children, with a focus on the asylum process, where such issues are generally relatively well defined. Under Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers: “Member States shall as soon as possible take measures to ensure the necessary representation of unaccompanied minors by legal guardianship or, where necessary, representation by an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation.”<sup>296</sup> The Council Directive provides that a representative shall be appointed as soon as possible following the child’s initial contact with the authorities.

The representative shall inform the child about the meaning and possible consequences of the asylum interview, and shall be allowed to attend the asylum interview with the child and make comments. There is no obligation to appoint a representative if the child is at least 16 years old or is expected to reach adulthood before a decision is taken in the first instance; if the child can avail himself or herself, free of charge, of a legal adviser who would take on the tasks of a representative; or if the child is married.<sup>297</sup> The rationale for the latter is not clear, particularly as special consideration is not given in this context to the possibility that a child may have been subject to child marriage or arranged marriage.<sup>298</sup> Under EU law and regulations, authorities are also required to regularly assess and review arrangements for the representation of unaccompanied children.<sup>299</sup>

The Committee on the Rights of the Child provides more comprehensive guidance on the role of a guardian. The primary responsibility of the guardian is to represent the best interests of an unaccompanied or separated child, for example, ensuring his or her involvement in planning and decision-making processes, including immigration and appeal hearings, care arrangements and all efforts to search for a durable solution. The guardian acts as a “link between the child and existing specialist agencies/individuals who provide the continuum of care required by the child.”<sup>300</sup> Due to this direct involvement in many aspects of a child’s case, a guardian is in a

position to identify possible trafficking situations or related risks in the child's background and present situation. Targeted training should be made available to ensure that guardians are qualified to recognize situations of exploitation, including trafficking, and related risks.

The mandate of a guardian as recommended by the Committee on the Rights of the Child does not include legal advice or assistance. Children involved in administrative or judicial proceedings, including asylum proceedings, should therefore also be provided with separate legal representation as required.<sup>301</sup>

#### **Box 6. Representation and guardianship: Experience in the Nordic countries<sup>302</sup>**

In all Nordic countries, the system of guardianship is administered primarily by public authorities. The study identified a number of issues in regard to existing guardianship arrangements. In Denmark, for example, representatives appointed for child victims of trafficking must have relevant professional experience and qualifications, are formally employed by the Danish Red Cross and are remunerated.<sup>303</sup> Professional guardians can also be appointed for asylum-seeking children in Denmark, where immigration officials consider a child's situation to merit this special support.<sup>304</sup>

More commonly, however, representatives appointed for unaccompanied asylum-seeking children are volunteers who do not require any specific experience or qualifications. Volunteers are not reimbursed for their activities, as the system is intended to be 'expense neutral' for the state. This implies that the volunteers themselves must cover all costs related to transportation, fees or other expenses incurred in the course of activities undertaken with the child. Their tasks further require them to attend meetings with the immigration authorities, which usually take place during regular working hours.<sup>305</sup>

In its 2005 Supplementary Report to the Committee on the Rights of the Child, the Collaborating Group on the Children's Convention in Denmark expressed concern that these conditions may discourage interested persons from becoming representatives: They constitute differential treatment of unaccompanied asylum seeking children, since the representatives of children identified as victims of trafficking act as professionals who are employed and remunerated for their activities.<sup>306</sup>

In Norway, a guardian is appointed to support all children irrespective of age during the asylum process. The guardian is paid to participate in interviews and has expenses covered. There is no difference between victims of trafficking and non-victims as long as they are seeking asylum. No information was obtained about arrangements for children who do not fit into either of these categories, however.<sup>307</sup>

In Sweden, consultations in the context of the development of the Swedish version of the *UNICEF Guidelines on the Protection of Child Victims of Trafficking* were instrumental in clarifying that the existing guardianship system applies equally to all children, irrespective of their status.<sup>308</sup> Prior to this, professionals were left without clear instructions on what to do when a child victim was in need of a guardian but not seeking asylum. Thus there is now a uniform system of guardianship that cares for all unaccompanied children, irregular migrant children and victims of trafficking. The uniform system of guardianship is also found in Iceland.

In Finland, there has been a recent change to remove discrepancies in the treatment of trafficked children and unaccompanied asylum-seeking children. While unaccompanied child victims of trafficking "shall always be appointed a representative immediately"<sup>309</sup>, the appointment of a representative for unaccompanied asylum-seeking children has only become mandatory since a change in law on 1 September 2011.<sup>310</sup>

The sharp increase in asylum applications submitted by unaccompanied children in the Nordic countries in recent years has put significant strain on the timely appointment of

qualified representatives. The Finnish National Rapporteur on Trafficking in Human Beings noted: “With the rapid increase in the number of unaccompanied minors arriving to seek asylum in Finland, the shortage of new representatives has in practice led to a situation where some of the persons appointed as representatives have had no contact with social welfare or child welfare work and do not necessarily even have an understanding of the asylum process.”<sup>311</sup> In Sweden, Save the Children reported in 2011 that a guardian is not always appointed promptly and, in some cases, children may have to wait for several weeks or a couple of months before a guardian is appointed.<sup>312</sup>

As indicated above, many guardians are volunteers and the study found that the use of volunteer guardians creates difficulties in ensuring appropriate training and qualifications. Furthermore, in at least one country the laws regulating the screening of a person’s criminal record do not apply to volunteers who will be working with and for children.<sup>313</sup> It may be useful for the Nordic countries to review the system of guardianship/representation with a view to confirming and addressing such issues in order to ensure that the guardianship system is providing good quality and non-discriminatory support for non-national children.

#### **4.2 The best interests of the child**

The general principle of the best interests of the child is a central and all-embracing principle under the Convention on the Rights of the Child. Article 3 stipulates: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” The right to non-discrimination, the right to life, survival and development, and the respect for the child’s views are all considered relevant when the best interests of the child are being assessed and determined.<sup>314</sup>

The Committee on the Rights of the Child recommends that the principle of the best interests of the child be introduced into all legal provisions, projects and services relevant to children as well as any judicial and administrative procedures and decision-making processes affecting children. This includes the contexts of parental custody, alternative care and migration. In order to ensure the implementation and practical application of this general principle, professionals should be trained on how to conduct a Best Interests Determination. The Committee recommended further that guidelines be developed on how to make the principle operational.<sup>315</sup>

UNICEF Sweden underlines that the best interests of the child should be understood in light of the other general principles of the Convention. Also, “Methods need to be elaborated on how to assess the best interests of the child in the asylum procedure and when a child is a victim of trafficking. There must be indicators elaborated on what is in the best interests of the child and how to make these assessments. The assessment and the result of the assessment must be documented.”<sup>316</sup>

This recommendation was reiterated by the Separated Children in Europe Programme :<sup>317</sup> “...it would be in the interests of all concerned parties to develop formal procedures, safeguards and agreed criteria with which to ensure that the best interests of all separated children are assessed so that they are indeed a primary consideration in identifying the protection needs and a durable solution.”<sup>318</sup>

#### ***Recognition of the best interests of the child***

The general principle of the best interests of the child has been introduced into several sectoral laws, regulations and policy plans in the Nordic countries.<sup>319</sup> These relate primarily to child protection, parental custody and alternative care as well as

the reception of asylum-seeking children and assessment of their applications. The wording of these laws is often vague, however, with the result that other decision-making processes relating to more precisely worded laws may take precedence.<sup>320</sup>

A 2010 United Nations High Commissioner for Refugees (UNHCR) study on unaccompanied Afghan children in Europe found that there was no clear and consistent understanding of the meaning and scope of the concept of the best interests of the child, particularly in relation to unaccompanied asylum-seeking children. Challenges arise from the complexity of the issues at stake: "...the concept of best interests, especially in the context of durable solutions, is problematic given the complexity of the analysis required in making a determination and the need to adopt a culturally neutral approach."<sup>321</sup>

The Icelandic Child Protection Act makes reference to the interests of the child as one of the general 'principles of child protection work'.<sup>322</sup> Provisions on the best interests of the child have also been introduced into sectoral laws in Sweden. Here they relate mainly to social services, care and parental custody, immigration and asylum.<sup>323</sup> The Care of Young Persons Act in Sweden establishes that the principle of the best interests of the child needs to be understood in light of the views of the child concerned.<sup>324</sup>

In Finland, the national discourse on the concept of the best interests of the child, as reflected in laws, policies and international reporting, is particularly lively. The Policy Programme for the Well-being of Children, Youth and Families (2007–2011), a key reference document, defines as one of its primary objectives: "...the respect of the general principle of the best interests of the child and taking the principle to account in legislative work as well as in other decision making."<sup>325</sup>

The Finnish Child Welfare Act actually defines key elements of a 'best interest'. The Act refers to the best interests of the child as a primary consideration in the context of determining welfare measures to meet the child's needs. In particular, "consideration must be given to the extent to which the alternative measures and solutions safeguard the following for the child:

- 1) balanced development and wellbeing, and close and continuing human relationships;
- 2) the opportunity to be given understanding and affection, as well as supervision and care that accord with the child's age and level of development;
- 3) an education consistent with the child's abilities and wishes;
- 4) a safe environment in which to grow up, and physical and emotional freedom;
- 5) a sense of responsibility in becoming independent and growing up;
- 6) the opportunity to become involved in matters affecting the child and to influence them; and
- 7) the need to take account of the child's linguistic, cultural and religious background."<sup>326</sup>

This provision offers important and legally binding guidance to professionals on how the concept of the best interests of the child should be understood. The impact of this important law could be strengthened further by clearly referencing it to provisions on the best interests of the child in immigration and asylum matters and other sectoral laws. In Finland, steps have already been taken along these lines, including in the revision of the Act on the Integration of Immigrants and Reception of Asylum Seekers 493/1999. In the revised Act, it is established that the child's best interests,



development and health shall be considered in accordance with the Child Welfare Act when applying the law to persons less than 18 years old.<sup>327</sup> A similar provision is included in the newly created Act on the reception of people applying for international protection, which entered into force on 1 September 2011.<sup>328</sup>

In relation to migrant children, the principle of the best interests of the child has been incorporated into relevant laws and policies in Finland, including laws regulating residence permit applications as well as the reception of asylum-seekers.<sup>329</sup> The 2006 Government Migration Policy Programme makes reference to the best interests of the child as one of the key 'migration policy values' and provides that asylum and refugee policies take the best interests of the child into account as a general principle.<sup>330</sup>

### **Box 7. Best interests of the child: Terminology and definitions**

The United Nations High Commissioner for Refugees (UNHCR) has developed operational guidelines for the determination of the best interests of the child, for use globally.<sup>331</sup> Although the guidelines were developed for the specific context of refugee children, many of the methodological and procedural elements might inform processes in other areas, including in regard to cases of children who have been trafficked.<sup>332</sup>

UNHCR distinguishes 'best interests determination' from 'best interests assessment' and provides the following definitions:

"A best interests determination (BID) describes the formal process with strict procedural safeguards designed to determine the child's best interests for particularly important decisions affecting the child. It should facilitate adequate child participation without discrimination, involve decision-makers with relevant areas of expertise, and balance all relevant factors in order to assess the best option.

"A "best interests assessment" is an assessment made by staff taking action with regard to individual children, except when a BID procedure is required, designed to ensure that such action gives a primary consideration to the child's best interests. The assessment can be done alone or in consultation with others by staff with the required expertise and requires the participation of the child."<sup>333</sup>

### ***Implementation of impact assessments and Best Interests Determinations***

Despite the strong consideration given to the general principle of the best interests of the child in national laws and policies in the Nordic countries, implementation of impact assessments and Best Interests Determinations remains challenging and differs between the Nordic countries and among different professionals, sectors and groups of children. State authorities and services each assess the best interests of the child from a specific perspective according to its particular mandate and area of work.

When assessing the best interests of the child, immigration authorities focus specifically on whether it is best for the child to remain in the host country or return to his or her country of origin. Social welfare and child protection authorities assess the best interests of the child focusing specifically on care arrangements and possible risks or experiences of violence, exploitation or abuse.<sup>334</sup> Representatives of unaccompanied children, including child victims of trafficking, assess the child's best interests in relation to accommodation and well-being. Representatives often act as volunteers and their capacity to conduct such complex assessments varies as

systematic training for volunteer guardians and representatives is not available in the Nordic countries as indicated in box 6.

The example below describes an initiative focused on addressing this issue by strengthening cooperation between social workers and immigration officials during the best interests assessment for unaccompanied asylum-seeking children. This involved the development of a psychosocial interviewing model that gives particular attention to assessing a child's experience of violence, exploitation and abuse, including in the context of trafficking.

***Country Example, Finland: Development of a psychosocial interviewing model to strengthen the best interests assessment for unaccompanied asylum-seeking children<sup>335</sup>***

In 2008, All Our Children, a Finnish child welfare association, partnered with the Finnish Immigration Service, the reception centre for unaccompanied asylum-seeking children in Espoo (Espoon ryhmä- ja perheryhmäkoti) and the Federation of Special Welfare Organisations (EHJÄ ry) to launch the Yksintulleet (Unaccompanied) project. This sought to strengthen the assessment and consideration of the best interests of the child in the asylum procedure in Finland and to improve the assessment of the psychosocial situation and well-being of unaccompanied asylum-seeking children in this context. While the general principle of the best interests of the child is reflected in numerous laws, action plans and policy programmes in Finland (as noted above), there had previously been a lack of clarity around how this principle was to be understood and implemented in practice in relation to children seeking asylum.

In Finland, the social workers working at reception centres are invited to participate in the asylum interviews involving children. Alternatively, the social workers are asked to write a statement to the Finnish Immigration Service outlining their recommendation of what is in the best interests of their client. A standardized interviewing model was thus developed to guide social workers in assessing the psychosocial situation of unaccompanied children and making a statement about the best interests of such a child.

All Our Children developed the interviewing model in collaboration with social workers at the Espoo reception centre, and it was informed by consultations with other stakeholders and experts. The model is based on national and international standards and guidelines on children's rights and asylum-seeking, and psychological assessment tools – notably the UNHCR guidelines on the determination of the best interests of the child, which proved highly relevant.

The model has two main parts: an initial stage mapping and an in-depth interview. The mapping is done as soon as possible after the child has arrived at the reception centre. It addresses the child's experiences in the country of origin, reasons for leaving and experiences during the journey as well as the child's needs and views of his or her current situation. The initial stage mapping also includes questions on the child's well-being in order to elicit a general picture of his or her mental condition and needs.

At a later stage, social workers conduct an in-depth interview. This seeks to deepen the knowledge acquired during the initial stage mapping, for example, by exploring the quality of the relationships between the child and his or her family. In addition, the interview includes a separate section on events that may have caused psychological distress to the child. Obtaining information on the distressing events is

key to understanding the child's experiences and well-being and to supporting the child.

The information gathered in the course of the interview is used to plan the services needed by the child. It is also used to assess the best interests of the child and to prepare a written statement about the child's case, which gives a recommendation of what is in the best interests of the child in relation to the asylum procedure. In some cases this information might prove crucial to the assessment of a child's grounds for asylum. In order to identify possible victims of human trafficking, the model also includes a checklist of human trafficking indicators and advice on how to proceed if human trafficking is suspected. A further component is included in the model to provide the child with information about the asylum procedure and his or her rights and entitlements in Finland.

In relation to children whose cases are handled under the 'Dublin II Regulation' (Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the member State responsible for examining an asylum application lodged in one of the member States by a third-country national), the interviewing model seeks to assess the child's situation not only in the country of origin but also in the European transit country to which he or she would potentially be transferred back. In this way, the Yksintulleet project contributes a major added value, since children whose cases fall under the 'Dublin II Regulation' are often excluded from a thorough assessment of their best interests (see chapter 5.4). The model further offers additional safeguards to children who have been trafficked and exploited in other European countries and who came to Finland to escape these situations. The model was integrated into a computer based case management file and launched in reception centres in spring 2011.

#### **4.3 The right to life, survival and development**

The Committee on the Rights of the Child has stated that the right to life, survival and development "can only be implemented in a holistic manner, through the enforcement of all the other provisions of the Convention, including rights to health, adequate nutrition, social security, an adequate standard of living, a healthy and safe environment, education and play".<sup>336</sup> These issues are touched on in different ways throughout the report. This chapter focuses in particular on education and health, while also highlighting the overarching concept of long-term durable solutions.

##### ***The right to health care***

Article 24.1 of the Convention establishes that States Parties have a responsibility to provide children with 'the highest attainable standard of health' and that they shall 'strive to ensure' that children are not deprived of the right to access health care services. The provision of health care shall be ensured without discrimination and special attention be given to children of disadvantaged groups.<sup>337</sup>

In the Nordic countries, access to emergency health care services is guaranteed for every child.<sup>338</sup> Provisions regulating access by non-national children to more comprehensive medical treatment differ across the region, however, and problems with implementation at the local level are reported from several countries. Child victims of trafficking receive health care and services through either the municipality in which they are staying or at the asylum reception centre.

In Denmark, asylum-seeking children have access to the same social and health-care measures as national children. The provision of these services falls under the

competency of municipalities. It was, however, reported that there are variations in the type and quality of health-care services provided by different municipal authorities.<sup>339</sup>

In Sweden, health-care services are generally available to all persons on Swedish territory. County councils are responsible for ensuring that all persons within the territory have access to immediate health-care services as required. Non-national residents, including those with a temporary residence permit, are entitled to the same health-care services as nationals.<sup>340</sup> The Health and Medical Care for Asylum Seekers and Others Act (SFS 2008:344) regulates access to health care, medical services and dental care for asylum-seekers and rejected asylum-seekers, including children (who can access the same quality of services as resident children).<sup>341</sup>

Undocumented children who have never applied for asylum in Sweden are not, however, covered by the Act and must pay for any medical services used. It has also been reported that children whose asylum applications had been rejected but who could not be returned to their countries of origin have in some cases been excluded from accessing medical services and in others have had to pay for these services themselves.<sup>342</sup>

This was confirmed by a 2011 government review of the national laws regulating access to health care and medical services for asylum-seekers and undocumented migrants. The review found differences in the way that asylum-seekers and undocumented migrants are granted access to health care services at the local level in Sweden. These differences were found to result from the way that national legislation is interpreted in local guidelines issued by the county councils.<sup>343</sup> The review proposes that all asylum-seekers and undocumented migrants regardless of age are offered subsidized health and medical services under the same conditions and to the same extent as those offered to permanent residents in Sweden.<sup>344</sup>

In Norway, all children staying at reception centres for asylum-seekers have the right to access specialist health-care services according to need.<sup>345</sup> Undocumented migrants and asylum-seekers whose applications have been rejected have the right to access emergency health-care services in the period prior to their departure from Norway. In fact, "Children have full rights to health services regardless of their residence status".<sup>346</sup> The Norwegian Forum for the Convention on the Rights of the Child reported, however, that professionals employed in the public health services were not always aware of the unconditional right of children to access health care and had denied treatment to children who could not present a national identity number.<sup>347</sup>

In Finland, municipalities provide health-care services. Only those non-national children who hold a residence permit have the right to access health care under the same conditions as Finnish citizens.<sup>348</sup> Child asylum-seekers have access to health care through the reception centre in which they are staying. Each centre has a health-care nurse and cooperates with a health-care provider. Physical health care is available to child asylum-seekers, but access to mental health care and therapy services is not provided. This has led to concerns about the adequacy of care for children affected by psychological distress.<sup>349</sup>

The importance of providing mental health care and making appropriate services available to asylum-seeking children was also noted in Denmark. The NGO Reporting Group in Denmark has expressed concern that many children who seek asylum in Denmark are affected by mental illness and psychological distress. The Danish Red Cross conducts a psychological screening of all asylum-seeking children

in Denmark. The NGO Reporting Group in Denmark has argued, however, that psychological distress is not only about past experiences; it is also sustained by the insecure status of the children while their applications for asylum are dealt with and by long processing times and transfers between different asylum centres.<sup>350</sup>

In summary, there appear to be three basic barriers to Nordic countries meeting their responsibilities under the Convention to provide children with 'the highest attainable standard of health'. While countries generally have policies aimed at ensuring this standard, some hurdles exist, for example, the requirement in Finland for children to hold a resident permit. More commonly there are problems in ensuring that policies guaranteeing health care to all children are put into practice, particularly at the local level. Finally, concerns were raised in at least two countries about the availability and adequacy of mental health care for children not categorized as potential or actual victims of trafficking.

### ***The right to education***

Under articles 28 and 29 of the Convention every child is afforded the right to free and compulsory primary education and the right to available and accessible secondary education or vocational training. States Parties shall ensure equal opportunities in education for all children, prevent dropping out and ensure that education contributes to the development of respect for the child's cultural and linguistic identity.

In all Nordic countries, asylum-seeking children, including child victims of trafficking who are assisted at asylum reception centres, have the right to access schooling. Access to mainstream education is not guaranteed consistently, however, so schooling may be limited to special schools operating within the asylum reception centres. Responsibility for organizing mainstream public education, including for asylum-seeking children, generally lies with the municipal authorities.<sup>351</sup>

In 2009, a group of national NGOs in Denmark reported to the Committee on the Rights of the Child its concern about the ability of children staying at asylum reception centres to access quality education.<sup>352</sup> It noted that the quality of education offered in reception centres was below the standard of public schools and that children who receive education in reception centres may miss out on qualifications comparable to those acquired in regular education. A comparable qualification would facilitate such children's integration into regular education in Denmark or, in the event that a child must return, in his or her country of origin.<sup>353</sup>

The right to free basic education for 'everyone' is provided for under the Constitution of Finland (section 16). In practice, however, the right to basic education applies only to children who are permanent residents of Finland or hold a temporary residence permit. Under the Basic Education Act (628/1998), municipalities are not obliged to arrange basic education for asylum-seeking children, including child victims of trafficking who have applied for asylum, awaiting asylum application decisions. Nor do municipalities have to arrange basic education for children who are 17 years old (the cut-off age for compulsory schooling).<sup>354</sup>

In Sweden, asylum-seeking children have access to school and preschool education and day care on the same terms and conditions as resident children. A child loses these entitlements if his or her asylum application is rejected, although the municipality may continue to offer the child a school education.<sup>355</sup> Municipalities may also admit undocumented children who have never applied for a residence permit. Since there is no law to either regulate or prohibit this practice, the admission to

schools of undocumented children remains entirely at the discretion of school principals and municipal authorities. Although systematic data on how many children benefit from this practice are not available, some municipalities are known to admit undocumented children.<sup>356</sup>

In 2007, the Government of Sweden commissioned a review of national law in relation to public education access for children who were to be returned to their countries of origin.<sup>357</sup> The results acknowledged that the education of undocumented children creates additional costs for municipalities. The Government of Sweden subsequently allocated SEK 50 million (approximately 5.6 million euro) per year to municipal authorities for this purpose.<sup>358</sup> This funding is important in supporting access to education for undocumented children. But while the Government of Sweden acknowledges that undocumented children need to access education, it has not yet addressed the gap in national law to clearly establish their right to do so.

In Norway, non-national children who are expected to remain in the country for more than three months have the right to access primary and lower secondary school education and are obliged to attend school as soon as they have remained in Norway for three months.<sup>359</sup> This applies not only to asylum-seeking but also to undocumented children. Schools do not require a child's passport or identity number in order to enrol the child. A study conducted by the Norwegian Directorate of Immigration revealed, however, that some undocumented children living in Norway were excluded from enrolling at schools.<sup>360</sup>

As shown above, many non-national children, including in some cases victims of trafficking, are not consistently guaranteed access to education of a quality commensurate with that afforded national children. Regardless of the policies that are in place, the ability of such children to access schooling often depends on the discretion of local school authorities, meaning that they are unable to claim their rights on the same terms as other children.

### ***Durable solutions and the promotion of 'life projects'***

In its General Comment No. 6, the Committee on the Rights of the Child stated: "The ultimate aim in addressing the fate of unaccompanied or separated children is to identify a durable solution that addresses all their protection needs, takes into account the child's view and, wherever possible, leads to overcoming the situation of a child being unaccompanied or separated."<sup>361</sup> The term 'durable solution' is commonly used to describe the outcome of a decision-making process for non-national children whose cases are being assessed by state authorities to determine the services they need and whether they are to remain in the country, be returned to their country of origin or resettled in a third country.

Finding a durable solution is imperative to all unaccompanied and separated children, including refugees and asylum-seekers, child migrants who have been referred to the asylum reception system, and children who are victims of trafficking. A durable solution focuses on longer-term objectives that ensure the child's safety and promote all aspects of his or her right to development.<sup>362</sup>

The Separated Children in Europe Programme emphasizes that the outcome of a Best Interests Determination should be the primary consideration in identifying the protection needs and durable solution for each child. Multiple agencies and the child's independent guardian should be involved in determining the child's best interests and an appropriate durable solution, and the views of the child should be heard and taken into account.<sup>363</sup>

With durable solutions in mind, and building on recommendations from the Committee on the Rights of the Child, the Separated Children in Europe Programme, UNHCR and others, the Committee of Ministers, Council of Europe adopted a recommendation in 2007 on 'life projects' that called upon member States to strengthen their policies and practice in responding to the situation of unaccompanied migrant children.

The recommendation is not limited to unaccompanied or separated asylum-seeking children; it covers all children less than 18 years old who are outside their country of origin, irrespective of their status and reasons for migrating. This includes undocumented children and child victims of trafficking. The recommendation aims to promote the identification of lasting solutions that will help unaccompanied migrant minors to build life projects, guaranteeing them a better future. It promotes a holistic approach to policy and practice, emphasizing the importance of taking into account the diversity of the situations facing unaccompanied migrant children; of recognizing their vulnerable situations; and of developing "individualised, multidisciplinary and participatory" responses with due consideration to the views of the child.<sup>364</sup>

"Life projects aim to develop the capacities of minors allowing them to acquire and strengthen the skills necessary to become independent, responsible and active in society. In order to achieve this, life projects, fully in accord with the best interests of the child...pursue objectives relating to the social integration of minors, personal development, cultural development, housing, health, education and vocational training, and employment...They define the minor's future prospects, promote the best interests of the child without discrimination and provide a long-term response to the needs of both the minor and the parties concerned."<sup>365</sup>

It is intended that the life project be implemented in the country of destination or origin, or in both. Strengthening bilateral and international cooperation is important in this regard.<sup>366</sup> State authorities are called upon to make available support measures and services that help children to realize their projects, including through guardianship, the training and qualification of professionals, provision of information, access to education and opportunities to enter the labour market, social integration and consideration of cultural issues. The life project is conceived of as a mutual commitment by the unaccompanied child and the authorities, and its implementation is subject to regular monitoring and evaluation. It is recommended that a formal review of the life project, including progress made in its implementation, takes place at least once every six months.<sup>367</sup>

The comprehensive, integrated and interdisciplinary approach promoted by the life project concept has been commended by multiple institutions and organizations, including the European Union Agency for Fundamental Rights, UNHCR and UNICEF.<sup>368</sup> In a 2010 study on unaccompanied children in the EU, UNHCR noted, however, that EU member States are not yet systematically implementing the life projects model.<sup>369</sup> Stronger consideration given by the Committee of Ministers, Council of Europe to implementing the recommendation would help to shape more systematic and rights based approaches to assisting children who are victims of trafficking or at risk of being trafficked.<sup>370</sup>

#### **4.4 The right of the child to be heard and to have his or her views taken into account**

The Convention on the Rights of the Child imposes legal obligations on States Parties to ensure that the child who is capable of forming his or her views has the right to express those views in all matters affecting him or her, and that these views be given due weight in accordance with the age and maturity of the child (article 12). Article 12 embraces children's participation in social and political matters (article 12.1) as well as in judicial and administrative proceedings concerning the child (article 12.2).

As a general principle, the child's right to be heard and to have his or her views taken into account reflects the concept of children's 'agency', viewing children not only as vulnerable human beings in need of special protection but also as informed decision-makers and active members of society. This chapter looks at the realization of the child's right to be heard in relation to criminal justice processes, provision of services and complaints mechanisms. The issue of the child's right to be heard is also touched upon in other sections throughout this report, particularly in chapter 4.2 on the best interests of the child.

##### ***The right of the child to be heard in judicial and administrative proceedings***

In judicial and administrative proceedings, it can be difficult for children to express their views and be understood. Children exposed to violence, exploitation or abuse may be affected by psychological distress, while non-national children may require access to an interpreter.<sup>371</sup> Special measures can help to ensure that such children, including those who have been trafficked or are at risk of it, are able to exercise fully their rights under article 12.2, both in the context of asylum procedures and other judicial and administrative proceedings. It is also important to guarantee that professionals are trained in taking children's statements and that comparable standards are in place to ensure consistent practice nationwide, including at the local level.

Article 12.2 of the Convention has been incorporated into the national legislation of the Nordic countries and is reflected in many sectoral laws, including in relation to social and child protection services; schools; child victims of crime; children who have participated in offences; issues related to custody, residence and contact when the child's parents are separating; and laws on asylum.<sup>372</sup> At the same time, different age limits have been set in relation to the right of the child to be heard in judicial and administrative proceedings. As a result, the right of younger children to be heard is not addressed in the same way as the right of adolescents.

A particularly broad provision on the right of the child to be heard has been incorporated into the Constitution of Finland. It states that children "shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development."<sup>373</sup> The Child Welfare Act provides that the views of a child shall be heard and taken into account in child welfare matters "in so far it is possible considering the age and level of his or her development."<sup>374</sup> In regard to the right of very young children to be heard, the *travaux préparatoires* of the Act emphasize "the experiences of even a very young child on his or her immediate surroundings may be made known to decision makers when this is done by a child psychologist or an experienced child welfare professional."<sup>375</sup> Under the Child Welfare Act, the child is always considered a party to proceedings in child welfare matters. At 12 years old, children acquire full procedural rights in most welfare matters affecting them.<sup>376</sup>



The Aliens Act in Finland, however, provides that children who seek asylum together with a parent or guardian are to be interviewed separately only as of 15 years of age. Younger children can be heard in an asylum interview in accordance with their age and maturity, but hearing the child is not obligatory and the law provides that it can be considered unnecessary to hear a young child when the child's parent or guardian has been heard.<sup>377</sup> These provisions differ from the standards established for national children under the Child Welfare Act above. They also raise questions about how child-specific grounds for asylum are assessed for children under 15 years old.

In Iceland, the Child Protection Act considers respect for the views of the child as one of the 'principles of child protection work'.<sup>378</sup> Under the Child Protection Act, a child aged 12 years or above shall always be given the opportunity to express his or her views. As of 15 years of age, the child is entitled to act as a party to a child protection case concerning himself or herself, and as a litigant if the case is taken to court.<sup>379</sup> The Children's Act makes reference to the right of the child to be heard and to speak his or her opinion on matters affecting him or her. The right also applies to family life: "Parents shall consult their child before making decisions concerning their personal affairs, having regard to the child's age and maturity."<sup>380</sup>

In Denmark, the Consolidation Act on Social Services provides that the views of a child shall always be considered in accordance with the age and maturity of the child concerned.<sup>381</sup> The Children's Reform provides that children have "the right to be involved from the age of 12 years in all aspects including complaints about assignment of special support, repatriation from a placement or a foster family or other angles on children's life."<sup>382</sup>

In Norway, a child has the right to be heard as of seven years of age under the Children's Act, Immigration Act and Act of 17 July 1992 no. 100 relating to Child Welfare Services (Child Welfare Act). For younger children, the possibility to be heard is provided for but is not obligatory.<sup>383</sup> In the context of health issues, children have the right to be heard only as of 12 years of age.<sup>384</sup>

In Sweden, the Care of Young Persons Act provides the right to be heard in legal and administrative proceedings only to children aged 15 years or above. Younger children shall be heard where it is likely to benefit investigations and not cause harm to the child.<sup>385</sup> The Social Services Act emphasizes the importance of listening to the views of the child but falls short of clearly affording the related rights and obligations as stipulated under article 12 of the Convention on the Rights of the Child.<sup>386</sup>

### ***Evidence and experience related to the child's right to be heard***

Guidance on how to speak and listen to children is available from multiple sources for professionals and officials working with and for children in diverse settings.<sup>387</sup> Problems remain in practice, however. The Swedish Agency for Public Management (Statskontoret), for example, conducted a survey to assess the incorporation of article 12 of the Convention on the Rights of the Child into Swedish legislation. Findings affirmed that the provision has been incorporated into various sectoral laws but that implementation needs to improve.<sup>388</sup>

One specific example provided by the survey suggests how the practical application of the child's right to be heard may be improved. Whenever a judgement or ruling is made that affects a child, the court or government agency is required to explain how it has assessed the investigation. At present the court or government agency is not similarly required to explain how the views of the child have been taken into account.<sup>389</sup> Addressing this gap would appear to be a relatively easy matter,

involving a small modification to an existing process. Other countries may wish to consider adopting a similar requirement.<sup>390</sup>

Decentralization poses particular challenges to the consistent implementation of the child's right to be heard. Feedback from Denmark, Norway and Sweden has highlighted concerns about gaps in the systematic recognition of this right at the local level, particularly in cases relating to care and immigration issues.<sup>391</sup>

In Finland, the Committee on the Rights of the Child noted that in some cases a child's views were related to the court by a third party. This presents a risk that the third party might not consult with the child appropriately, or indeed at all, beforehand.<sup>392</sup> The right of the child to be heard at court was also affected by limited resources and insufficient training of relevant officials. In response, the Government of Finland reported: "...the possibilities of the Courts to hear children directly remain insufficient due to insufficient training provided for judges and other staff on hearing children and to a lack of child-friendly premises provided for this purpose."<sup>393</sup> The model of The Children's House in Iceland and elsewhere may offer important opportunities in this regard (see chapter 5.1).

### ***The right to be heard in regard to support services***

There is at present limited information on the realization of the child's right to be heard with regard to support services for victims of trafficking and other forms of exploitation in the Nordic countries. Information that is available suggests that this right may be attributed greater or lesser weight across the different countries. In Norway, for example, a child who is identified as a victim or potential victim of trafficking has the right to express an opinion about the services offered but is not free to choose whether or not to accept these services.<sup>394</sup> In contrast, children in Finland are free to choose whether or not they want to accept the services available to victims of trafficking.<sup>395</sup> A child without a valid permit of stay who declines these services would remain in the reception centre for asylum-seekers and receive the general assistance available to asylum-seeking children. National children or non-nationals with the right to reside in Finland would be assisted through the child welfare services in the municipality where they are registered.

A UNICEF Sweden survey of 20 asylum-seeking children in the Stockholm area highlights concerns around service provision from the child's perspective. Survey participants disclosed that they were not consulted or heard during the asylum procedure, and often they had not received information about their rights in relation to either this procedure or access to health-care services and school education. Many felt troubled by the insecurity they felt during the long period spent awaiting an asylum application decision, which for some lasted up to three years. All children had been in situations where they had been denied health care and were referred to emergency health care services only.<sup>396</sup> A positive experience for the children was having access to education.<sup>397</sup>

### ***The role of interpreters in hearing non-national children***

The right of the child to have his or her views heard and taken into account in the asylum procedure is highly dependent on language and communication skills. Non-national children seeking asylum and immigration officials assessing asylum applications do not always have the language skills required to communicate views on the complex issues covered in the course of an asylum application assessment. The same applies to other groups of non-national children, including child victims of trafficking.

A 2009 study conducted in Sweden reviewed the case documentation of 26 Russian-speaking unaccompanied children who had applied for asylum in Sweden during the period 2001–2005. The study revealed that translations by interpreters were often inaccurate. In many translations, the style and content of the questions asked and the child's responses had been modified. In some instances, interpreters had edited the child's responses or exerted pressure on the child to respond to a question. Interpreters also tended to exclude the child when seeking to clarify the content of his or her response with the interviewer. As a result, some of the information shared by the children, including evidence of violence and psychological distress suffered, and the overall authenticity of the children's statements were changed or lost in translation. Children who had a basic knowledge of the Swedish language were sometimes able to identify mistranslations and attempt to correct them.<sup>398</sup>

Overall, the study found that the right to be heard had been restricted in the cases examined by several factors, including "the insufficient interrogation techniques used by practitioners, unskilled interpretation of both questions and answers, interventions initiated by the interpreters, as well as lack of trust".<sup>399</sup> Furthermore, "few interviewers were trained and skilled in child-sensitive interviewing, which is conducive to the needs, rights and situation of the asylum seeking children...the interpreters' qualifications, communicative skills and conversational strategies had direct consequences for the quality and outcome of the hearing".<sup>400</sup> Special training of interviewers and interpreters was therefore recommended.<sup>401</sup>

Similar observations were made by the European Union Agency for Fundamental Rights in its 2010 study based on interviews with unaccompanied children seeking asylum in EU member States. The study revealed that some children were aware of the challenges related to interpretation: "Children also had negative experiences with interpreters, who did not always speak their dialect and, in some cases, expressed doubts about their impartiality."<sup>402</sup>

The Ombudsman for Children in Norway has also expressed concern that the challenges of accessing qualified interpretation services for children may lead to *de facto* discrimination against children who do not speak or understand Norwegian or who use a different native language. Often it is not clear which authority is responsible for providing interpretation; interpreters are not always called in; or children are used as interpreters. Asylum officials and interpreters are not always sufficiently trained in how to collaborate with a child in the context of an asylum interview. These challenges may limit children's access to public services thus constituting discrimination. Creating standard procedures on the use of interpreters may help to overcome these challenges.

### ***Child-sensitive complaints mechanisms for children***

National human rights structures are in place in all Nordic countries. Many of these institutions are referred to as ombudsmen.<sup>403</sup> An institution typical for the region is the parliamentary ombudsman. A parliamentary ombudsman exercises oversight and monitors the legality of public institutions, decisions and procedures. Its mandate extends to all public institutions except the courts of justice and parliament.<sup>404</sup> In theory, any person, irrespective of age or nationality, can file a complaint with a parliamentary ombudsman. Before a complaint can be lodged, however, the complainant must seek administrative redress, which is done through the relevant national authority, ministry or specialized appeals body.<sup>405</sup> This condition presents significant obstacles to children who wish to complain of their own accord.

Nordic countries have also established institutions that deal specifically with children's human rights. Ombudspersons for Children are present in all countries except for Denmark, where the National Council for Children acts as an independent body for children's rights.<sup>406</sup> The Ombudsman for Children in Sweden is not considered fully independent as it simultaneously represents the interests of the Government of Sweden and those of children.<sup>407</sup> The mandates of these offices include raising public awareness of the Convention on the Rights of the Child, monitoring compliance of national laws and administration with the Convention, assessing the implementation of children's rights and providing technical advice to national authorities and parliament on issues affecting children.

Numerous institutions and organizations have called for the establishment of easily accessible and child-sensitive reporting and complaints mechanisms, to which children can turn for information, advice and counselling, and where children are supported in filing complaints and claiming their rights.<sup>408</sup> At present, however, none of the Ombudspersons for Children in the Nordic countries are mandated to receive individual complaints. The Committee on the Rights of the Child has repeatedly criticized the limited mandates of both parliamentary ombudsmen and the Ombudspersons for Children and has recommended that these mandates be extended to receiving and investigating individual complaints, including from children.<sup>409</sup>

These issues are recognized within the countries themselves. The Ombudsman for Children in Norway noted that existing complaints mechanisms, such as those offered by the Equality and Anti-Discrimination Ombud and the Parliamentary Ombudsman, have dealt with relatively few complaints received from children or on behalf of children. The lack of cases "may, in practice, be a reflection of the inaccessibility of public complaint mechanisms to children."<sup>410</sup> Denmark's National Council for Children also noted that existing complaints mechanisms are mainly targeted at adults and that children have few avenues by which to claim their rights: "Too few children make use of existing provisions. Children do have rights, yet in practice they fail to receive justice."<sup>411</sup> The Ombudsman for Children in Sweden specifically recommended that children living in institutions in Sweden be enabled through information provision and awareness raising to understand their rights and to recognize situations in which they are prevented from exercising these rights. An independent authority should be in place to which children can turn to report concerns and submit complaints, including in relation to their care and treatment in institutions.<sup>412</sup>

### ***Conclusions on the right to be heard***

This study has highlighted difficulties in the practical implementation of the child's right to be heard. Some countries do not yet appear to have in place clear processes to ensure that the views of victims of trafficking and related forms of exploitation are adequately taken into account in regard to the services provided to them. This includes matters such as the deprivation of liberty, opportunities for employment, and the return or transfer to countries of origin or other countries. The realization of child participation within the criminal justice system is also inconsistent. Specific concerns were noted in several countries in regard to the role of interpreters, for example.

This assessment is backed up by the limited information currently available from affected children themselves. Overall, little information is available from the region on how children perceive the services available to them, how they view their situations and the aspirations guiding their decisions and actions. There is also limited documentation available as to how children's views are taken into account.

In light of this, it is a concern that child-friendly complaints mechanisms are not currently in place across the Nordic region. When functioning effectively such mechanisms have the ability not only to uphold the child's right to be heard, but also to provide new and relatively up-to-date information on problems and gaps in current responses. This provides an important safeguard in identifying and helping to address such gaps. With this in mind, governments are encouraged to view the establishment of child-friendly complaints mechanisms throughout the Nordic region as a matter of priority.

## **5. Vulnerable migrant children and the legal, judicial and administrative process**

Part 5 of this report focuses on issues concerning trafficked children and other vulnerable migrant children in relation to legal, judicial and administrative processes. As noted in the introduction, the term ‘victim of crime’ is an important legal concept that is inherently empowering and restorative in sentiment. Under international standards, child victims of crime enjoy certain rights and safeguards, including in relation to guardianship, legal assistance, protection services, regularization of immigration status, and the right to seek redress and compensation, and participation as an interested party or plaintiff in criminal proceedings.<sup>413</sup> All of these safeguards are critical to child victims of exploitation, whether or not a case qualifies as child trafficking.

Chapter 5.1 first discusses the rights of children in the criminal justice process in general terms and then specifically in relationship to standards around the non-punishment of children involved in crimes committed as part of the act of trafficking. It also highlights the benefits of The Children’s House in Iceland model, both in protecting child victims of crime and in supporting the apprehension and prosecution of perpetrators. The remaining chapters focus on issues of particular relevance to victims of trafficking: deprivation of liberty; reflection periods; temporary assistance periods and asylum; and return processes and procedures.

### **5.1 Children’s rights in the criminal justice process**

Under article 39 of the Convention on the Rights of the Child:

“States Parties shall take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

Article 39 is understood to relate to children who have been exposed to many different forms of violence, exploitation and abuse, including child victims of trafficking, refugee children, children exposed to child labour and children involved in the system of juvenile justice.<sup>414</sup>

The United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Resolution 2005/20) define ‘child victims and witnesses’ as “children and adolescents, under the age of 18, who are victims of crime or witnesses to crime regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders”.<sup>415</sup> Accordingly, UNICEF believes that children who commit crimes should also be considered victims.<sup>416</sup>

At EU level, the key reference document relating to victims of crime is the Council Framework Decision on the Standing of Victims in Criminal Proceedings (15 March 2001), which is legally binding on EU member States.<sup>417</sup> This does not make any explicit reference to child victims but refers to ‘vulnerable victims’ and affords them “specific treatment best suited to their circumstances”.<sup>418</sup> The development of special measures for vulnerable victims is left to the discretion of member States. The Council Framework Decision suggests, however, that this may include protection

from the effects of giving evidence in open court, and ensuring that professionals and officials in contact with victims receive suitable training with particular reference to the needs of the most vulnerable groups.<sup>419</sup>

Under the Council Framework Decision on Combating Trafficking in Human Beings (19 July 2002), child victims of trafficking are considered particularly vulnerable victims with reference to the Council Framework Decision on the Standing of Victims in Criminal Proceedings.<sup>420</sup> In 2011, the European Commission presented a proposal for a directive to complement the Framework Decision on the Standing of Victims in Criminal Proceedings by strengthening the protection and support for victims of crime. The European Commission aims to reinforce existing national measures and to ensure that victims of crime are enabled to fully exercise their rights in all EU member States, regardless of their nationality or country of residence.<sup>421</sup>

During its presidency of the EU Council of Ministers in 2009, the Government of Sweden declared as one of its priority areas cooperation to combat and prevent crime, giving due account to the rights of victims and perpetrators of crime. One of the outcomes was a study on child victims of crime in the EU. The study investigated the extent to which the specific rights and needs of child victims of crime are being respected and safeguarded in the criminal justice systems of EU member States.<sup>422</sup> It concluded that there has been only a limited discourse on the status and rights of child victims in the context of criminal justice processes and that certain groups of child victims, in particular victims of sexual offences and trafficking in human beings, have received more attention than others.<sup>423</sup>

### ***Protection of child victims of trafficking from sanctions or prosecution***

Multiple international instruments highlight the importance of victims of trafficking not being charged for criminal offences committed as a result of being trafficked.<sup>424</sup> The protection of child victims of trafficking from prosecution for unlawful actions that they committed or became involved in as a result of being trafficked is not, however, dependent on official verification of their status as a victim of trafficking. International standards afford this protection to all child victims and witnesses of crime.

The Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime acknowledge this risk: “children who are victims and witnesses may suffer additional hardship if mistakenly viewed as offenders when they are in fact victims and witnesses”.<sup>425</sup> The UN Guidelines emphasize that child victims should be considered and treated as such, “regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders”.<sup>426</sup> This calls for the protection of child victims of crime from prosecution irrespective of any form of ‘consent’ or active involvement in the offence and regardless of national laws defining the age of criminal responsibility.<sup>427</sup>

The UN Guidelines are directly relevant to the multiple situations children may face when they are at risk of or exposed to exploitation, including in the context of trafficking. The UN Guidelines are also relevant to situations where children are themselves in trouble with the law and when they have doubts or are hesitant about cooperating with the authorities.

In the context of trafficking and related issues, the protection of children from prosecution is crucial. As discussed in chapter 1.3, children are exploited in the Nordic countries in criminal activities, including petty crime, burglary and drug selling. Some of these children are known or presumed to be victims of trafficking. In addition, child victims of trafficking may be irregular migrants. In all five Nordic

countries the contravention of immigration regulations is a penal matter, punishable by a fine or imprisonment.<sup>428</sup>

In Denmark, the national law does not specifically protect victims of trafficking from sanctions or prosecution for offences that they committed in connection to their situation as a victim of trafficking. The 2010 evaluation of the Action Plan to Combat Trafficking in Human Beings recommended that the law be reformed to make it easier to drop charges against persons who are victims of trafficking. It cited cases of children who were placed in prisons and remand centres for entering Denmark on forged travel documents and noted that children already in a vulnerable situation could be severely affected by detention. This could also reduce the chances of establishing the necessary trust to obtain information from the child to inform police investigations.<sup>429</sup> One of the measures within the national Action Plan to combat human trafficking is to develop specific guidelines for prosecution authorities in order that the punishment of victims of trafficking is avoided for offences committed in relation to the act of trafficking, for example, using forged travel documents to enter Denmark.<sup>430</sup>

In Iceland and Norway, several general provisions under the criminal law offer options to defer, abate or abandon an action. In Iceland, this refers to young perpetrators who are aged 15 to 21 years old at the time of the offence and who confess to committing the offence.<sup>431</sup> The General Civil Penal Code of Norway provides for a general possibility to exempt a person from punishment for offences committed in a situation of emergency or under force, which is similar to a defence of duress.<sup>432</sup> In addition, courts have the possibility “not to mete out punishment when special circumstances so dictate, even though guilt is considered proven.”<sup>433</sup> The application of these procedures remains, however, at the discretion of the judge.

In the process of ratifying the Council of Europe Convention on Action against Trafficking in Human Beings, the Norwegian Ministry of Justice and the Police instructed the Director General of Public Prosecutions to inform officials at the prosecution authority of the non-punishment provision and ensure that it was respected and applied. In response, the Director General of Public Prosecutions issued a circular to inform prosecutors throughout the country that persons who are victims of trafficking are to be granted the status of victim of crime.<sup>434</sup> The circular further mentioned the possibility for such persons to access a waiver of prosecution, including in cases involving illegal entry, the use of forged documents and participation in ‘illegal work’.<sup>435</sup>

A general provision for exemption from punishment is afforded under the Swedish Penal Code. It applies to any person who was ordered to commit a criminal act, “if in view of the nature of the obedience due, the nature of the act and the circumstances in general, it was his duty to obey the order.”<sup>436</sup> This provision would apply to victims of trafficking, including adolescents above the age of criminal responsibility, when the conditions under which they entered Sweden and were exploited fall under the wording of the law. Under the Penal Code of Finland, persons who are victims of trafficking are exempt from punishment for ‘border offences’, i.e., they shall not be punished for entering Finland or staying in Finland without valid travel documents.<sup>437</sup>

Information on how these rather general provisions are being applied for children who have been exposed to trafficking or other forms of exploitation in the Nordic countries, and on children’s experiences in this regard, could not be identified in the context of this study. More documentation and further research on this matter would be useful.



### ***Safeguarding the rights of the child in the justice process***

The Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime aim to assist in the development, review and reform of national laws, procedures and practices related to child victims and witnesses of crime, with a view to ensuring that their rights are fully respected and safeguarded. The UN Guidelines are also intended to guide programming and practice in relation to child victims and witnesses of crime.<sup>438</sup>

The UN Guidelines reiterate the critical importance of the general principles of the Convention on the Rights of the Child and recommend that national laws on victim assistance make explicit reference to these principles. They set forth standards to protect children from unnecessary hardship during the justice process and recommend that procedures are sensitive to children's needs. A child-sensitive approach includes: providing interview rooms designed for children; ensuring that interdisciplinary services for child victims are integrated within the same location; reducing the number of interviews; and eliminating unnecessary involvement in the formal justice process, for example, by video-recording a child's statement for use in court.<sup>439</sup> The model of the Children's House in Iceland, discussed below, offers services that correspond to many of the standards and principles provided for under the UN Guidelines. In all countries in which the model exists, however, its use is discretionary rather than mandatory.

The UN Guidelines pertain primarily to the rights of child victims and witnesses in the criminal justice system. As such, they are of direct relevance to child victims of trafficking. Under the international standards and principles that the UN Guidelines build upon, however, the identification of a child as a victim of trafficking is not a precondition for the child to exercise these rights. It is sufficient to identify that the child has been exposed to exploitation. Furthermore, the UN Guidelines suggest that the standards set in this sphere may inspire legal reform in other areas where children need protection, such as custody, divorce, adoption, immigration and refugee law.<sup>440</sup> The Model Law on Justice in Matters involving Child Victims and Witnesses of Crime extends the protection to "children not willing or not able to testify or provide information and child suspects or perpetrators who have been victimized, intimidated or forced to act illegally or who have done so under duress."<sup>441</sup>

### ***Country Example, Iceland: The Children's House model***

One of the issues facing child victims is the number of times they are required to recount their stories. Child victims of sexual abuse in particular are often exposed to several interviews by service providers and law enforcement authorities seeking to find out what happened, establish evidence and assess the child's need for assistance. Repeated interviews can, however, place a child under additional strain and potentially have a negative impact on investigations, since they are "likely to distort the child accounts of events, in particular if there are many interviewers."<sup>442</sup>

Countries are therefore encouraged to consider how best to meet the needs of service providers and criminal justice officials while minimizing child victims' exposure to multiple interviewers and interviews. The court process must also take into account issues such as children's inability to remember specific dates and the potential for initial interviews with traumatized children to contain incorrect information.

The Children's House in Iceland is a specialized institution that offers professional expertise across multiple disciplines and a comprehensive set of services in

response to cases of actual or suspected child sexual abuse. The Children's House was established in 1998, initially as a two-year pilot. It is located in Reykjavik and provides services for the whole country. The institution collects evidence through forensic interviews and medical examinations and offers case assessment and treatment, all within a child-friendly environment. All processes, including interviews and medical examinations, are documented so that they can potentially be used as evidence in court.<sup>443</sup>

In the Children's House, only one professionally trained interviewer talks to the child. Since it offers multiple services under one roof, the Children's House is not only able to provide high quality support to children but also to create a forum for collaboration between court judges, prosecution services, the police and child protection services. This integrated approach helps to prevent the need for repeated interviews and to ensure that a child victim is referred to all of the relevant services that he or she requires.<sup>444</sup>

The four interviewers at the Children's House in Iceland have professional backgrounds in psychology, criminology and pedagogy. They are highly specialized in taking the statements of children, assessing the developmental stage of a child according to age and cognitive capacity, and taking into account the impact of disabilities or other factors. The interviewers use open-ended questions and are trained to encourage the child to give statements in free narrative, which is the least leading form of questioning when seeking to establish evidence.<sup>445</sup>

From a criminal justice perspective, the child's statement is often the only evidence available in cases of child sexual abuse. Expertise in child-sensitive forensic interviewing techniques is therefore crucial to successful prosecution:

"The key to uncovering child sexual abuse – to successfully prosecute the offender and most importantly to provide the child victim with the necessary treatment and support – is the *child's disclosure*...in the absence of other evidence, the child's story often represents the only source of information on which the whole case rests. This is the reason why interviewing the child is crucial in successfully handling child sexual abuse cases. It is precisely on this issue that mistakes are most often made due to lack of professional competence in implementing forensic interviews."<sup>446</sup>

Statements primarily take one of two forms: testimonies for court proceedings requested by a court judge, and exploratory interviews. For testimonies, a forensic interviewer from the Children's House takes the statement of a child who was exposed to sexual abuse. The interview is video-recorded and transmitted to a separate room where the judge, prosecutor, child's lawyer and defence lawyer are present, along with representatives from the police and child protection services. The judge and others present can communicate with the interviewer to pose questions to the child. A child who is interviewed at the Children's House will not have to testify again in court. The Children's House sends a report to the prosecution services that is taken into account in decisions on financial compensation for harm suffered. The involvement of the institution is thus critical also in regard to the child's right to compensation.<sup>447</sup>

Since the Children's House in Iceland is not located on the same premises as the courthouse, child victims do not have to fear that they will encounter the defendant when they testify. The child-friendly environment helps both to reduce the child's anxiety about the process and to prevent secondary victimization by minimizing the

harmful impact that investigative interviews, examinations and court testimony can have on a child victim.<sup>448</sup> A 2009 study into the effectiveness of the services offered by the Children's House concluded that the specific interviewing technique is being used effectively, allowing even very young children to provide testimonies.<sup>449</sup>

Exploratory interviews can be requested by child protection services even when no police investigation is under way. In such instances, a social worker from child protection services is the sole observer of the interview and can direct questions to the interviewer. All interviews are video-recorded so that they may be used as evidence if a child later decides to report an incident to the police. The statute of limitations for reporting sexual offences against a child has been removed from Icelandic legislation, so it is a viable option for child victims to press charges once they have undergone treatment and feel able to face the criminal proceedings.<sup>450</sup>

In addition to these procedures and standard victim support services such as case assessment, medical attention and information provision, the Children's House generates data and statistics that help to build knowledge on the scope and patterns of child sexual abuse in Iceland.<sup>451</sup> By the close of 2010, the institution had assisted 2,641 children since its inception in November 1998.<sup>452</sup>

A potential shortcoming at present is that the police and district court judges are not obliged by law to use the services of the Children's House. Investigative interviews with children aged 15 to 17 years old can be conducted by the police without the involvement of the Children's House.<sup>453</sup> District court judges are also able to convene a hearing on court premises and interview a child themselves. The District Court of Reykjavik, in which the Children's House is based, is in practice the only district court that does not consistently use its services.<sup>454</sup> It seems, therefore, that any barriers to the use of the institution are not financial or logistical in nature.

In 2009, the Government Agency for Child Protection in Iceland recommended that any child who is assumed to be a victim of trafficking be interviewed at the Children's House.<sup>455</sup> This recommendation has been adopted by the Icelandic Directorate of Immigration in rules for the assessment of asylum applications involving children. Where there is a suspicion that an asylum-seeking child is a victim of trafficking, these rules provide that the child be referred to the Children's House for an investigative interview.<sup>456</sup> The extension of the mandate of the Children's House beyond sexual abuse cases is therefore making progress and the lessons learned in this area might inform responses to child trafficking and related forms of exploitation of children, both in the Nordic countries and beyond.

### ***The Icelandic Children's House model in other Nordic countries***

The model of the Children's House in Iceland has attracted a lot of attention and received recognition within Iceland and globally.<sup>457</sup> The Children's House initiative has since been set up in Norway and Sweden. Finland has plans along the same lines and proposals also exist in Denmark and Greenland.<sup>458</sup>

In the absence of the Children's House institution, different options exist in Denmark and Finland so that child victims and witnesses of crime do not have to face a defendant when giving court testimony. Provisions are available in both countries for video-recorded interviews with children to be used as evidence in court. In addition, Finland provides for the possibility of making the defendant leave the courtroom when a child victim testifies in person.<sup>459</sup>

In Norway, the Children's House initiative was first established in 2007 and covers

children who are victims of sexual or physical abuse or other forms of violence, and child witnesses of domestic violence.<sup>460</sup> The Action Plan against Domestic Violence (2008–2011): Turning Point provides that premises be established in all regions of Norway.<sup>461</sup> As in Iceland, the positive impact of the Children's House has been clearly demonstrated.<sup>462</sup> The service is currently only available to national children, however, and as in Iceland, its use by court judges is not mandatory. When judges and other professionals are required to travel to the location of the Children's House, they sometimes opt not to due to the cost associated with this travel, and interviews are then conducted in courtrooms. The presence at the interview of a representative of child welfare services is also at the discretion of the judge.<sup>463</sup>

In Sweden, the Children's House initiative was first established in 2005. Premises have since been set up in different locations.<sup>464</sup> An evaluation of the initiative in 2008 found that the position of the child in the legal process had been strengthened and that the child's perspective was receiving more attention than before.<sup>465</sup>

## 5.2 Deprivation of liberty

This chapter looks at deprivation of liberty first in relation to children in general and then specifically in relation to child victims of trafficking. In regard to the former, the Convention on the Rights of the Child affords under article 37(b): "No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time".

Under the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), 'deprivation of liberty' is defined as "any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority."<sup>466</sup> The Committee on the Rights of the Child also uses this definition and considers immigration detention of unaccompanied or separated children to fall under the scope of article 37(b) of the Convention:<sup>467</sup> "unaccompanied or separated children should not, as a general rule, be detained. Detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status, or lack thereof."<sup>468</sup> The Working Group on Arbitrary Detention (United Nations) supports this view.<sup>469</sup>

The Committee further emphasizes that article 37(b) also protects children from the deprivation of liberty in relation to child protection matters.<sup>470</sup> The Commentary to article 37 of the Convention interprets the article to apply to the placement of a child in a 'closed institution', even though the Convention does not explicitly address this issue.<sup>471</sup>

At EU level, the immigration detention of third-country nationals is primarily regulated by Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in member States for returning illegally staying third-country nationals. The EU Return Directive establishes that third-country nationals may be detained prior to their return only under certain circumstances, for example, when there are reasons to assume that the returnee will seek to evade the return. It also points to the possibility of choosing less coercive alternatives to detention (article 15). In relation to unaccompanied children and families with children, the EU Return Directive establishes, in line with article 37(b) of the Convention on the Rights of the Child, that detention shall be ordered only as a measure of last resort and for the shortest appropriate period of

time, giving due consideration to the best interests of the child.

Qualified personnel and appropriate accommodation should be made available to unaccompanied children as well as children detained together with family members. Children in detention “shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age, and shall have, depending on the length of their stay, access to education.”<sup>472</sup>

When there appear to be no obvious alternatives to placing a child in a closed institution, the duty of the authorities to protect a child from a concrete risk situation may be perceived to be in conflict with the child’s right to freedom of movement. This dilemma was discussed in preparation for the World Congress III against Sexual Exploitation of Children and Adolescents (Rio de Janeiro, 25–28 November 2008). The background paper on child trafficking prepared for the World Congress recommends that an individual risk assessment be conducted before a decision about the referral of a child to a closed institution is made. The risk assessment should give due consideration to the best interests of the child in light of evident risks or protection concerns, for example, risks posed by traffickers, by family members or by the child’s own risk-taking or self-harming behaviour.<sup>473</sup>

### ***Detention of child trafficking victims***

International law is thus clear on the issue of deprivation of liberty in relation to children. In regard to trafficked persons, the detention of child victims of trafficking for immigration issues is contrary to the international recommendations of the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking, which call upon states to ensure “trafficked persons are not, in any circumstances, held in immigration detention or other forms of custody”.<sup>474</sup> This relates to both the detention of victims in shelters and the detention of victims on the basis of crimes committed as part of the trafficking act.

The 2010 Commentary on the Principles and Guidelines adds that:

“The Trafficking Principles and Guidelines are explicit on the point that the detention of victims of trafficking is inappropriate and (implicitly) illegal. Under their provisions, States are required to ensure that trafficked persons are not, under any circumstances, held in immigration detention centres or other forms of custody.”<sup>475</sup>

The Commentary also suggests the detention of trafficked persons may breach article 9(1) of the International Covenant on Civil and Political Rights on arbitrary detention.<sup>476</sup>

### ***Practices in the Nordic countries***

In the Nordic countries, children are deprived of their liberty for various reasons and the standards and practices in place also differ. Accompanied and unaccompanied children can be held in immigration detention, including prior to being returned.<sup>477</sup> Children can be referred to closed institutions or safe houses when they are taking drugs or demonstrate self-harming behaviour, including when they are victims of trafficking or considered to be at risk of it. Children are further referred to closed institutions to prevent them leaving a reception centre when there is a perceived risk that a child might be recruited into trafficking.<sup>478</sup>

Little information is available on how these closed institutions are operated, how

decisions are made to refer children to such institutions, and whether or not a child's placement is monitored and reviewed (and if so, how this is done). More documentation and further research, including in consultation with affected children, is important to understand better how referral to closed institutions impacts on child victims of trafficking and children at risk, and how children perceive their stay at such institutions.

In Denmark, accommodation for child victims of trafficking is primarily arranged in the reception centres for asylum-seeking children.<sup>479</sup> The Action Plan to Combat Trafficking in Human Beings (2007–2010) notes, however: “where there is a need to secure the child or the young person’s presence in connection with the processing of his or her case with the immigration authorities, detention may occur in accordance with the Danish Aliens Act.”<sup>480</sup> The Danish Institute for Human Rights reported in 2010 that the legislation regulating immigration detention does not make any exceptions for adults or children who are victims of trafficking. Children who have been trafficked are therefore not protected by law from administrative detention in relation to their immigration status.<sup>481</sup>

As the administration of immigration detention falls under the responsibility of the immigration authorities in the Nordic countries, child protection or social welfare authorities are usually not directly involved when non-national children are detained. In Finland, however, when the police or border guards are considering holding a non-national child in detention, they are obliged to contact the social welfare authorities to inform them of the case and seek the opinion of a social worker. The opinion of the social worker is entered into the detention decision and the child’s representative is informed of the decision. This practice is used for accompanied and unaccompanied children and provides an important safeguard.<sup>482</sup>

Despite these obligations, individual cases were reported of children held in immigration detention in Finland with a parent or caregiver for up to several months. While in detention, children had no access to school education.<sup>483</sup> Also in Finland, the referral of children to a childcare institution is considered a viable option in cases where shelter staff believe that there is a risk that the child might leave the centre in order to return to the ‘trafficker’. The Oulu reception centre does not restrict the movement of the children it hosts but a childcare institution can do so.<sup>484</sup>

In Norway, victim assistance may entail referral to a closed child protection institution. This may affect both confirmed victims and potential victims.<sup>485</sup> Furthermore, a proposal for an amendment to the Child Welfare Act allows the child welfare services to remove a child’s mobile phone and to enclose the child in a place that he or she cannot leave freely, in order to prevent the child being recruited by traffickers (at the time of writing, the decisions regarding this law had been made but the amendment had not yet been officially adopted).<sup>486</sup>

In Sweden, the police usually refer children who have been sexually exploited, including in the context of trafficking, to shelters for adult women, since there are only limited places available specifically for children.<sup>487</sup> The police emphasize the importance of placing child victims of trafficking in separate and secure types of accommodation, where the social services are in contact with the child and provide the appropriate services. According to the police, security measures are necessary to protect the child from any further contact with perpetrators seeking to reclaim the child.<sup>488</sup>

The number of accompanied children, including young children, held in immigration detention in Sweden together with a parent or caregiver is significantly higher than

the number of unaccompanied children held.<sup>489</sup> Under the Swedish Aliens Act a non-national child may not be separated from a parent or guardian in immigration detention.<sup>490</sup> While this provision recognizes the right of the child not to be separated from his or her parent or caregiver, full respect to the best interests of the child requires that alternatives to detention for accompanied children, and unaccompanied children, are also explored and developed.

One such potential alternative is ‘supervision’. A supervision measure is imposed when immediate return is not possible and when detention is also not an option. Under supervision, non-nationals, including children, must report regularly to the police or Swedish Migration Board. They may also be obliged to hand over identity documents to the authorities. The supervision order must be reviewed regularly, at least once every six months.<sup>491</sup> The decision to use detention or supervision is made by the Swedish Migration Board or other relevant authorities involved in processing a case.<sup>492</sup>

The authorities consulted during the study were generally aware of the concerns around deprivation of liberty but highlighted problems that ensue when children disappear from reception centres. There are particular concerns in regard to child victims of trafficking and the possibility that they may still be under the influence of their traffickers.<sup>493</sup>

These are valid concerns but do not detract from state obligations to deprive children of their liberty only as a measure of last resort and for the shortest appropriate period of time. Information collected as part of this study suggests that Nordic countries could pay more attention to this issue, namely by focusing on developing and strengthening safeguards in relation to detention and by exploring alternatives such as closer monitoring and supervision.

### **5.3 Reflection periods, temporary residence permits and asylum**

Victims of trafficking who are nationals of EU or European Free Trade Association member States are in general entitled to stay in the Nordic countries for a period of three months.<sup>494</sup> Victims of trafficking who are third-country nationals and who are not in possession of a valid permit of stay may apply for a temporary residence permit on the grounds of being a victim of trafficking. In the Nordic countries there are three different options for victims of trafficking, including children, to regularize their status and remain in the country: a short-term reflection period, a longer-term temporary residence permit and asylum.

Reflection periods and temporary residence permits are not granted automatically but must be applied for.<sup>495</sup> The authorities responsible for assessing a person’s entitlements vary across the region; they include the immigration authorities in Denmark and Sweden, and the district police and border control authorities in Finland.<sup>496</sup>

Reflection periods have been shown to be beneficial for both victims and criminal justice authorities. Experience suggests that victims are much more likely to cooperate with authorities if they feel that their basic needs are being met and that they are not solely being used as an instrument of law enforcement. The United States Department of State has noted, for example, that the rate of convictions of traffickers based on victim–witness testimony has increased in major destination countries where special visa arrangements have been made for victim-witnesses.<sup>497</sup>

### ***Recovery and reflection periods for victims of trafficking***

The Council of Europe Convention on Action against Trafficking in Human Beings affords that States Parties shall legislate for a 'recovery and reflection period' of at least 30 days. The recovery and reflection period is intended for persons who are victims of trafficking or "when there are reasonable grounds to believe that the person concerned is a victim."<sup>498</sup> Official verification of the person's status as a victim of trafficking is thus not required. The recovery and reflection period is intended to allow a person time to recover from the immediate effects of exploitation and to escape the influence of the exploiter. During this period the person shall be protected from expulsion and have access to the assistance services available to victims of trafficking, according to the standards provided for under the Council of Europe Convention.<sup>499</sup> The person shall further be enabled to make an informed decision about cooperating with the competent authorities.

In the Nordic countries reflection periods are available for a period of 30 days (as provided for under the Council of Europe Convention) up to six months (the minimum duration provided for under the Council Directive 2004/81/EC [Council of the European Union]).<sup>500</sup> In Finland, the reflection period is granted only if the person breaks off contact with the alleged 'trafficker'.<sup>501</sup> The advantage of this caveat is not clear. In contrast, the granting of the reflection period in Norway is not conditional on either the person cooperating with the law enforcement agencies or exiting the trafficking situation. During the reflection period, the person is, however, expected to accept assistance from the authorities, including referral to safe accommodation (if required) and help to exit the exploitative situation and break off all ties with the exploiters.<sup>502</sup> As noted in the previous section, this safe accommodation may be a closed institution. The reflection period is also available to nationals of European Union and European Economic Community countries and to third-country nationals who are staying in Norway on a regular permit of stay.<sup>503</sup>

### ***Temporary residence permits for victims of trafficking***

The Council of Europe Convention on Action against Trafficking in Human Beings provides that States parties shall issue a renewable residence permit to victims of trafficking when it is considered necessary that they remain in the country due to their personal situation and/or when their stay is required for the purpose of cooperating with the competent authorities in criminal investigations or proceedings.<sup>504</sup> For child victims, the Council of Europe Convention states: "The residence permit for child victims, when legally necessary, shall be issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions."<sup>505</sup> Temporary residence permits are available for longer periods of time and allow the person to stay in the country for the duration of criminal investigations or proceedings connected to his or her trafficking case. Temporary residence permits are available to victims of trafficking in Finland, Norway and Sweden.<sup>506</sup>

A temporary residence permit places obligations on the person concerned. It is often conditional on the person's collaboration in criminal investigations and proceedings.<sup>507</sup> In Finland, an exception can be made for those considered to be in 'a particularly vulnerable position'.<sup>508</sup> Official verification of victim status is therefore not required when a temporary residence permit is granted.<sup>509</sup>

In Denmark and Sweden, non-nationals who are victims or witnesses of a crime committed in the country can be granted a temporary residence permit when the authorities consider it important that the person is available for the duration of



criminal investigations and proceedings. This provision applies equally to adults and children and covers but is not limited to the crime of human trafficking.<sup>510</sup> The duration of these temporary residence permits is not subject to any general limitations.<sup>511</sup> Although these permits are connected to criminal proceedings, they can potentially offer additional safeguards for non-national children who have been exploited but whose status as a victim of trafficking cannot be clearly established.

At the same time, it is important to ensure that residence permits are available to children irrespective of their willingness and ability to cooperate with law enforcement agencies. Along these same lines, the Finnish National Rapporteur on Trafficking in Human Beings affirms the importance of granting temporary residence permits to victims of crime even when it cannot be clearly established whether they have been exposed to human trafficking or other crimes. A broader approach would also offer advantages when a human trafficking offence is prosecuted under other charges, or is not investigated due to limited evidence or because the crime was committed abroad.<sup>512</sup>

Also in Finland, the Revised National Plan of Action against Trafficking in Human Beings (2008) points out that a child cannot be expected to cooperate with law enforcement agencies: “An assessment by a child protection expert or child psychiatrist must be obtained regarding cooperation before asking an underage victim to cooperate with the authorities under special circumstances. Cooperation must not be requested if the assessment shows that this would not be in the child’s best interests.”<sup>513</sup> This provision may offer important additional safeguards for children, based on an individual assessment of the child’s situation. A reflection period is not considered appropriate for a child since its duration is limited. In view of this, the Revised National Plan of Action states that residence permits for children “must be processed with urgency”.<sup>514</sup>

### ***Asylum for child victims of trafficking***

In general, children who are third-country nationals and victims of trafficking may apply for asylum if they wish to seek international protection in the Nordic countries. Recognizing child trafficking as a child-specific ground for asylum is particularly important given concerns expressed above as to the appropriateness of existing regulations for reflection periods and temporary residence permits for children.<sup>515</sup>

According to international standards, a child who is a victim of trafficking or at risk of it may be considered to have a well-founded fear of persecution, in line with the 1951 Convention relating to the status of refugees.<sup>516</sup> The Convention covers acts of persecution by both state and non-state actors. In the context of human trafficking, persecutory acts are committed mostly by non-state actors. The United Nations High Commissioner for Refugees (UNHCR) emphasizes, however, that it is critical to assess the capacity and willingness of the state of origin to protect the person who is a victim of trafficking or a potential victim. In a country where human trafficking is “*de facto* tolerated or condoned by the authorities or even actively facilitated by corrupt State officials...the agent of persecution may well be the State itself, which becomes responsible, whether directly or as a result of inaction, for a failure to protect those within its jurisdiction.”<sup>517</sup> Under these circumstances, the well-founded fear of persecution possessed by a person who is a victim or at risk of trafficking is clearly affirmed, and the person should be granted asylum.

UNHCR further points out that the role of family or community members and their potential complicity in organizing or consenting to the trafficking of a child must be carefully assessed.<sup>518</sup> Child-specific grounds for asylum are of relevance not only to

applications received from unaccompanied and separated children, but also to applications received from children seeking asylum together with parents or other family members.<sup>519</sup>

In Norway, the Immigration Act provides explicitly that a person's status as a victim of trafficking is to be considered a possible humanitarian ground for asylum when an application is assessed.<sup>520</sup> UNICEF Sweden pointed to the importance of amending the Aliens Act to include a similar reference to child-specific forms of persecution and to ensure an individual case assessment for each child in this regard.<sup>521</sup>

The Danish Action Plan to Combat Trafficking in Human Beings (2007-2010) recommends that a child be granted a residence permit on humanitarian grounds when his or her return to the country of origin is considered unsafe.<sup>522</sup> The Action Plan provides the following example:

"A potential scenario could, for example, be that the child would have a difficult time getting by in his or her country of origin because he or she does not have a sufficient network in the form of family, other adults, public care or similar mechanisms. Information regarding the child's health and needs for special care and support will also be part of the assessment [of the child's application for asylum]. Finally, the general situation in the child's country of origin will be taken into consideration."<sup>523</sup>

In recognition of the potential overlap between children (and adults) who have been or are at major risk of being trafficked and those seeking asylum, UNHCR is working with IOM to develop joint checklists for use by both those reviewing asylum cases and those working with possible victims of trafficking.<sup>524</sup> This may offer a potentially useful tool to governments within the region.

Child trafficking, however, is not the only violation that may amount to child-specific persecution. Any form of exploitation in the home or transit country, including the worst forms of child labour, sexual exploitation and child pornography, could amount to child-specific persecution and the child may be recognized as a refugee if the other criteria in the law are also met.<sup>525</sup> It is therefore important that adequate measures are in place to recognize child trafficking and child exploitation as forms of child-specific persecution – and to ensure that child victims have access to the asylum procedure.<sup>526</sup> For example, those working on asylum claims should have an understanding of the appropriate action to take when a victim or potential victim of child trafficking or exploitation is identified, and those working on trafficking and related forms of exploitation should be aware of the option to seek asylum.

#### **5.4 Return of unaccompanied children, including child victims of trafficking**

When a non-national child is identified by state authorities as being unaccompanied or separated from his or her parent or caregiver, and when there are no grounds for the child to be issued a permit to remain in the country, the possibility of returning the child to his or her country of origin will be assessed. The return of children who have been exposed to trafficking or are at risk of it should always involve a thorough assessment of the situation of the individual child and his or her family, both in the country in which the child is staying and in the country to which the child would be returned. The principle of the best interests of the child is critical in this regard.

The EU Return Directive 2008 regulates the return of third-country nationals to countries of origin, transit and third countries. It applies to third-country nationals who

do not possess a valid permit of stay. The EU Return Directive applies to all EU member States and countries participating in the Schengen Agreement. These countries were required to ensure that their national laws on return reflected most of the standards of the EU Return Directive by the end of 2010. The EU Return Directive makes reference to the best interests of the child and emphasizes the importance of considering issues of family life, the state of health of the returnee and the principle of non-refoulement. In regard to unaccompanied children, article 10.2 provides that state authorities “shall be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return.”<sup>527</sup>

The Committee on the Rights of the Child emphasizes that the return of an unaccompanied or separated child must take place in a safe, child-appropriate and gender-sensitive manner (see box 8). These basic safeguards are particularly relevant to children who have been trafficked.

#### **Box 8. Determining the best interests of a child in relation to return**

The following factors should be taken into consideration when determining the best interests of a child in relation to return:

- Safety, security and other conditions, including socio-economic conditions, awaiting the child upon return, including through home study, where appropriate, conducted by social network organizations;
- Availability of care arrangements for that particular child;
- Views of the child expressed in exercise of his or her right to do so under article 12 [of the Convention on the Rights of the Child] and those of the caretakers;
- The child’s level of integration in the host country and the duration of absence from the home country;
- The child’s right “to preserve his or her identity, including nationality, name and family relations” (article 8 of the Convention);
- The “desirability of continuity in a child’s upbringing and to the child’s ethnic, religious, cultural and linguistic background” (article 20 of the Convention).

*Source:* Committee on the Rights of the Child, General Comment no. 6, Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 2005.

Existing regulations and practices of return have been much debated in the Nordic countries and Europe-wide. The return of unaccompanied children is perceived as a strongly politicized issue, and state and non-state actors often hold different opinions on this matter. In 2010, a UNHCR study on unaccompanied Afghan children in Europe noted that when a child’s possible return is assessed, the principle of the best interests of the child is often interpreted on the basis of general assumptions and individual assessments are not always made:

“There is a particular risk of the principle being over-simplified, as can be seen in the current approach in a number of EU Member States, in which return and reunion with the family often appears to be automatically equated with best interests. While this is a reasonable assumption and may well be the case for the majority of children who are deemed not to be in need of international protection, it is only following a best interest determination that the suitability of family reunion for individual children may be established, including in respect of those deemed not to be in need of international protection. At the other extreme, some

governments, and many NGOs, assume the opposite: that return to a poor country, particularly one that is insecure or unstable, can never be in a child's best interest."<sup>528</sup>

In the Nordic countries, approaches differ in regard to the return of children (including child victims of trafficking and children whose applications for asylum were rejected) to their countries of origin. Returns are organized by state authorities, which collaborate to some extent with IOM (see *figure 7*) and with NGOs. For example, the Government of Denmark organizes the return of unaccompanied children, including child victims of trafficking, to their countries of origin in collaboration with organizations and the authorities in the relevant countries.<sup>529</sup> A network of more than 100 NGOs assists the authorities in organizing returns. These NGOs are based in the countries to which migrants are being returned and support the process locally.<sup>530</sup>

When a child victim of trafficking is to be returned, special consideration is given to assessing the child's family situation in order to identify whether the parents have been involved in trafficking the child.<sup>531</sup> The Government of Denmark reports that:

"If the search leads to reliable information that the child has been trafficked and that the parents were responsible, no attempts will be made to reunite the child with the parents. If information about the parents' participation in trafficking emerges, this information is passed on to the relevant police authorities, including those in the parents' country of residence, for further investigation."<sup>532</sup>

A different practice is followed for children who are citizens of EU member States and who were identified as being in trouble with the law in Denmark. Such children are often returned directly from the closed institutions in which they have been kept in custody. The 2010 evaluation of the Action Plan to Combat Trafficking in Human Beings criticized this practice and noted that there are no established contacts with NGOs in the children's countries of origin to support the children upon return. Some of these children may be victims of trafficking, but often the information available about their backgrounds is insufficient and their cases are not assessed thoroughly.<sup>533</sup>

In Iceland, the return of non-national children, including child victims of trafficking, is managed by the Government Agency for Child Protection. The Action Plan Against Human Trafficking (2008–2009) points out that the preparation and implementation of a safe return is to be guaranteed for every person who chooses to return, including in collaboration with IOM or the Red Cross.<sup>534</sup> The Action Plan contains special measures for the safe return of child victims of trafficking, which apply also to children who are presumed to be victims of trafficking – victim status does not necessarily have to be confirmed before the possibility of returning the child is assessed.<sup>535</sup> The Government Agency for Child Protection is in charge of assessing the possibility of returning a child to his or her country of origin and makes contact with the child protection authorities in that country. The final responsibility for ensuring that the child will receive protection and care from his or her parents or guardian following return rests with the child protection authorities of the country of origin, not the Icelandic authorities.<sup>536</sup>

In Sweden, it is the responsibility of the Swedish Migration Board to ensure that a child who is returned to his or her country of origin is met upon arrival by a parent or guardian, a family member, an official or an organization. The same rules and procedures on return apply to all unaccompanied children whose applications for

residence or asylum have been rejected, including children who have been trafficked.<sup>537</sup>

In Finland, the Government Migration Policy Programme provides guidance on the return of unaccompanied children to their countries of origin. Its overall objective is to promote the voluntary return of unaccompanied children: “Any preparations to return an unaccompanied child must be made carefully, taking into account the child’s best interests. A child arriving unaccompanied is often a victim and criminal activity may be involved in the sending of the child. A child should not be re-victimised.”<sup>538</sup> Importantly, the Government Migration Policy Programme does not limit this consideration to the crime of human trafficking but emphasizes that unaccompanied children have often been exposed to a range of different crimes on their journeys. This broad approach could be further strengthened by providing more specific guidance on how the child’s status as a victim of crime should be taken into account when the best interests of the child are assessed – both in relation to the situation of the child in Finland and in relation to the possible return.

The monitoring of return practices, and the adjustment of relevant laws and practice based on the findings, is important in ensuring that the rights of the child are fully safeguarded before, during and after return. Important lessons in this regard come from Norway. In 2008, the Norwegian Agency for Development Cooperation (NORAD) conducted a review of activities implemented or supported by the Ministry of Foreign Affairs under national action plans against human trafficking from 2000 to 2010. The review found that return and reintegration programmes for victims of trafficking would benefit from stronger and more systematic attention to individual case and risk assessments:

“Little attention is paid to important issues such as the fact that many victims are recruited by close family members or boyfriends – what does this mean for the possibility of reintegration and not least protection when they return to their home country? Talks with the organisations [involved in the return and reintegration procedure] indicate that the organisations have far more experience than appears in the applications and reports, but that this experience is often not systematised or documented.”<sup>539</sup>

When the parents or guardians of an unaccompanied child cannot be identified in the country of origin, returning the child from a Nordic country is not an option and the child is usually granted a time-limited residence permit valid until they reach 18 years of age. Both this waiting period and the awareness of their imminent return once they turn 18 years old can adversely affect children in many ways.<sup>540</sup> In order to broaden the range of possibilities available to these children, some Nordic governments pursue alternative strategies of return. In Norway, consideration is given to returning a child to caregivers in the child’s extended family: “Norwegian authorities will assess relatives, such as grandparents, aunts, uncles, or legal age siblings, as care persons, even if they did not have caring responsibilities for the minor when he or she left the home country.”<sup>541</sup>

The Governments of Norway and Sweden have also explored the possibilities of returning unaccompanied children to reception centres in their countries of origin. They have entered into negotiations with the authorities in Afghanistan and Iraq around the possibility of establishing and financing special centres for the reception and reintegration of unaccompanied children who are not found to have individual protection needs or other grounds to remain in Norway or Sweden.<sup>542</sup> These discussions have, however, been put on hold for the moment by the Government of Norway. The Government of Denmark signed an agreement with Iraq on the return

of persons whose application for asylum in Denmark had been rejected. Twenty-one children have been returned under this agreement.<sup>543</sup>

Municipal authorities also return children to their countries of origin. This practice is used mainly in relation to adolescents from EU member States and involves the municipal authorities collaborating directly with the embassies or consulates of the child's country of origin.<sup>544</sup>

Little information is available about this practice and how the rights of the child are safeguarded in this context, not only in relation to the authorities in the Nordic countries but also in regard to the authorities in the countries to which children are to be returned. Information is also limited in regard to the return of children who have been exposed to trafficking together with a parent or other family member. More research is advocated to better understand the conditions of return, how these impact on children and how children's situations evolve following return.

In regard to all returns, the best interests of the child should be given due consideration, for example, in prioritizing family based care over institutional care for children and addressing safety and security concerns, including the prevention of recruitment into exploitation or trafficking from institutions.<sup>545</sup>

#### **Box 9. Assisted return through the International Organization for Migration**

The Nordic governments are cooperating with the International Organization for Migration (IOM) on the return of non-nationals to their countries of origin through "assisted voluntary return" programmes.<sup>546</sup> These programmes are also available to children and young persons who were less than 18 years old when they entered the Nordic countries, and special programmes are offered for victims of trafficking. The IOM Regional Office in Helsinki functions as the regional office for the Nordic and Baltic states. An IOM office has also been established in Norway.<sup>547</sup>

The IOM assisted voluntary return programme for victims of trafficking provides special assistance for children. The services offered include a pre-departure assessment of the child's family situation and the risk of re-trafficking. An assessment report is given to the legal guardian of the child and to the child welfare services, which will make an informed decision on the child's return. IOM organizes the reunion with parents or legal guardians in the country of origin and provides school education or other forms of education, a subsistence allowance for daily needs, accommodation at a rehabilitation or crisis centre, and psychosocial and health support. IOM monitors the returnee's situation in his or her home country and offers follow-up services for a minimum period of three months for adults and six months for children.<sup>548</sup> After this period, IOM sends a report on the returnee's situation to the authorities of the country from which the person was returned.<sup>549</sup> This three-to six-month time period appears to be determined primarily by budgetary factors. It is generally considered short in relation to trafficking victims.<sup>550</sup>

The number of children returned by IOM from Nordic countries varies. Although an agreement is in place in Denmark, there have so far been no cases of children returned through IOM assisted voluntary return programmes.<sup>551</sup> The IOM Regional Office in Helsinki assisted seven unaccompanied children to return to their countries of origin through the assisted voluntary return programme from January to September 2008.<sup>552</sup> In Norway in 2009, 19 of 23 persons considered by the National Coordinating Unit for Victims of Trafficking (Koordineringsenheden for Ofre for Menneskehandel) to be potential victims of trafficking chose to return to their countries of origin with the assistance of IOM. Three persons were less than 18 years old (two boys and one girl).<sup>553</sup>

It should be noted that while these programmes are termed 'assisted voluntary return', a recent independent evaluation of IOM questioned the use of the term 'voluntary' in contexts where children have few other options.<sup>554</sup>

### ***Transfer of children under the 'Dublin II Regulation'***

The Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the member State responsible for examining an asylum application lodged in one of the member States by a third-country national ('Dublin II Regulation') is an agreement among EU member States and other countries, including Norway and Iceland, that regulates which country is responsible for examining a person's asylum application. For separated and unaccompanied children, the 'Dublin II Regulation' provides that an asylum application may be examined by the country in which the child has submitted his or her first asylum application, or where he or she has parents or other relatives, if this is in the child's best interests. When a child has begun an asylum application or has undergone age assessment in another country, the child may be transferred to that country.<sup>555</sup>

Participating member States are, however, not obliged to transfer persons under the 'Dublin II Regulation'. Concerning unaccompanied children, the 'Dublin II Regulation' gives consideration to the possibility of reuniting children with their parents or families, unless this is not in the best interests of the child.<sup>556</sup> In addition, a child may be transferred to a third country where a family member who is able to take care of the child has been identified. Another option is for member States to accept responsibility for examining a protection application and not to transfer the individual concerned, for example, when such a decision is considered to be in line with the best interests of the child concerned.<sup>557</sup>

The 'Dublin II Regulation' is based on the important premise that common and comparable standards of asylum reception systems are in place in participating countries, including for children. Based on this premise, the child is transferred to another participating member State on the assumption that the child will be received, and have his or her application for asylum processed, under standards and safeguards of the same quality as those of the transferring member State. For the same reason, it is not considered necessary to monitor the situation of a child who is transferred and follow-up measures are not provided for. In reality, as pointed out by the European Court of Human Rights and UNHCR, the goal of comparable standards in all member States has not been achieved.<sup>558</sup> This has significant implications for the children involved.

In Finland, the Revised National Plan of Action against Trafficking in Human Beings (2008) provides for protection measures for adults and children who are presumed to be victims of trafficking and who are ordered to leave Finland or are to be transferred under the 'Dublin II Regulation'. The Revised National Plan of Action states that removal or return should be suspended when the person is found or presumed to be a victim of trafficking. It also states, "Particular care must be taken to ensure that such persons – particularly underage ones – receive information and protection."<sup>559</sup> There have yet not been any instances of organised returns of persons who were officially identified and recognized as victims of trafficking and exited the system of victim assistance in Finland.<sup>560</sup>

This approach reflects the standards set by the Council of Europe Convention on Action against Trafficking in Human Beings (May 2005). The Council of Europe Convention provides: "Each Party shall ensure that, if the competent authorities have reasonable grounds to believe that a person has been a victim of trafficking in human beings, that person shall not be removed from its territory until the identification process as a victim of an offence provided for in Article 18 of this Convention has been completed by the competent authorities".<sup>561</sup> In relation to child victims of

trafficking, the Council of Europe Convention further states: “Child victims shall not be returned to a State, if there is indication, following a risk and security assessment, that such return would not be in the best interests of the child.”<sup>562</sup>

The situation is different in practice, however. The Ombudsman for Minorities in Finland has expressed concern that unaccompanied children are transferred from Finland to other countries under the ‘Dublin II Regulation’ without an appropriate assessment of the child’s best interests. As a result, children may be removed from Finland under this agreement even when they are known to be victims of trafficking or are considered very vulnerable.<sup>563</sup>

A child usually does not have the possibility to appeal against a transfer decision during the short period of time before it is executed. The study further identified cases of children who were transferred to another member State under the ‘Dublin II Regulation’ despite having handed in an appeal against the decision: “the appeal has often not been considered in more detail or it has been withdrawn because the child has [already] been returned.”<sup>564</sup>

Key informants across the Nordic region reported similar concerns. For example, the Icelandic Human Rights Center, a national NGO, noted in 2007 that a person whose application for asylum falls under the ‘Dublin II Regulation’, “will without exception be returned to the country responsible for examining the application under the Regulation.”<sup>565</sup> In Norway, children have been transferred under the ‘Dublin II Regulation’ despite having expressed the wish to return directly to their countries of origin. In these cases, the ‘Dublin II Regulation’ has usually taken precedence, although the Norwegian Directorate of Immigration is looking into the issue to assess possibilities that would ensure children’s direct return to their home countries.<sup>566</sup>

An additional point to consider is that when a child is to be transferred under the ‘Dublin II Regulation’, the case is handled according to the papers presented by the child. These are often the papers that the child was given upon his or her initial arrival in an EU member State. Key informants reported cases of children who claimed to be 18 years old when they first came in contact with immigration authorities and who then received papers indicating adult status. When children who hold such papers move on and are identified again in other EU countries, they are initially treated as adults. In this context, it can also be important that a child has the possibility to request an age assessment.<sup>567</sup>

In summary, study respondents expressed significant concerns about the apparent lack of safeguards for children transferred under the ‘Dublin II Regulation’. These concerns are supported by a 2010 study on the asylum procedure, which confirmed that children are exposed to risks, threats and actual violence in countries participating in the ‘Dublin II Regulation’.

“Among the asylum applications in 2009 there were several unaccompanied minor applicants who had been victims of violence, had been living on the streets without access to any reception facilities, and without social security or food, or had been threatened or coerced by criminals in the country in which they had applied for asylum for the first time.”<sup>568</sup>

These findings combined with the experiences reported from Finland and the information obtained from other countries underline the need to strengthen the accountability of member States to ensure that common standards and safeguards are in place. Until this is the case, stronger efforts should be made to ensure that the



transfer of children under the 'Dublin II Regulation' is guided by a Best Interests Determination and an individual case assessment conducted for each child.

***Conclusions on vulnerable migrant children and the legal, judicial and administrative process***

The study has identified several significant issues concerning the treatment of child victims of trafficking and other exploited or vulnerable migrant children in relation to legal, judicial and immigration processes. Notably, there is uneven protection of children from prosecution or punishment for offences they commit in connection to their situation as a victim of crime. Also, even where children are identified as victims of crime, they are sometimes subjected to forced detention in shelter facilities, a practice that is questionable under international law.

In regard to the return of children to their home countries, study respondents expressed concerns about the suitability of existing regulations on reflection periods and temporary residence permits for child trafficking victims, particularly where these are made contingent on other factors such as the perceived usefulness of the victim in criminal proceedings and/or his or her willingness to cooperate with the authorities. More could also be done in relation to strengthening the links between protection services for child victims of trafficking or exploitation and asylum processes, not only so child victims of trafficking or exploitation in their home countries may have the opportunity to apply for asylum, but also so the threat of trafficking or exploitation may be taken into account in the processing of asylum applications. A potentially serious gap was noted in relation to the transfer of child asylum-seekers under the 'Dublin II Regulation': such returns are often carried out without the benefit of a Best Interests Determination.

## **6. Conclusions and recommendations**

### **6.1 Conclusions**

The Nordic countries have placed a high priority on addressing trafficking in human beings. Significant progress has been achieved in the reform of criminal law, immigration law, and social welfare and child protection laws that give special consideration to trafficking in human beings and child trafficking. Progress is also visible in relation to the establishment of specialized institutions and cooperation and coordination mechanisms, and in the development of tools and measures for the identification and referral to assistance of adults and children who have been trafficked. State and non-state actors actively collaborate in many different ways. Assistance and services for child victims of trafficking are provided primarily through existing protection structures for unaccompanied asylum-seeking children, and local child protection or social welfare services play a key role in providing care for these children.

Many provisions under national legislation provide for a child to have access to protection and care irrespective of his or her status. This study highlights how a child's status is very significant in practice, however. The response to children's needs and situations in the countries studied is largely based on the categorization of children into different groups, for example, unaccompanied asylum-seeking children, child victims of trafficking, child victims of crime in general, children living and working on the streets, etc. The study has further highlighted how this categorization has a significant impact on the extent and nature of services provided to children, including on the availability of budgetary support for service providers, and on the criteria used to assess the circumstances, needs and best interests of different children.

One consequence is that unnecessary importance appears to be placed on the official identification of a child as a victim (or possible victim) of trafficking. While examples were noted throughout the study of areas in which the rights of trafficked children were not always realized – for example, in relation to the right to be heard and referral to closed institutions – respondents suggested that identification as a victim of trafficking generally enabled access to a better quality of services than those available to other vulnerable migrant children. Although it is essential that child trafficking victims have access to appropriate services, the privileging of those who are defined as trafficked appears to represent a form of discrimination against other vulnerable groups of migrant children whose rights are not fully met – as well as trafficked victims who have not, for various reasons, been identified as such.

Concerns were reported in regard to ensuring that other vulnerable migrant children are guaranteed access to appropriate services and assistance and are enabled to fully exercise their rights. These children include potential child victims of trafficking, children who are exposed to exploitation in contexts other than sexual exploitation, children from EU member States who are exploited by accompanying adults, and children who have been trafficked before coming to the Nordic countries. Undocumented children are a particularly vulnerable group and are not always afforded access to the same services as children who have a regularized status or national children.

Yet, as indicated throughout the report, many of the child rights and protection themes related to child trafficking are mutually interrelated and affect very diverse groups of children. Certainly the diversity of child trafficking does not allow for any generalized conclusions about the need for services and assistance specific to child

victims of trafficking. The need for psychosocial counselling, access to health care services and legal assistance, for example, may be as common among child victims of trafficking and other child victims of crime as it is among migrant and asylum-seeking children affected by psychological distress. It is potentially relevant for all non-national children to be able to access the asylum procedure and return programmes. Considerations around the safety and security of all child victims and witnesses of crime (including child victims of trafficking) and of some child migrants and asylum-seekers are of critical importance. Among children who have been exposed to trafficking, service and assistance needs vary according to the age and sex of the child and the way in which he or she has been exploited. A boy or a girl who has been exposed to sexual exploitation is likely to have different assistance needs to a child who has been exploited in criminal activities. A distinct 'assistance system' for child victims of trafficking thus cannot be readily defined.

Furthermore, the clear identification or 'categorization' of children according to a specific status – whether as a victim of trafficking or otherwise – may not always be attainable. Indeed, as highlighted in chapter 2.1, this is due in no small part to complications around how the trafficking definition contained in the 'UN Trafficking Protocol' was developed in the context of organized crime and is understood and applied to real situations.

Most notably within the Nordic region, there were differing views on whether movement was a necessary component of trafficking. The majority of study respondents expressed the view that it was not. While this has the positive effect of placing exploitation at the heart of the trafficking problem, it would effectively make trafficking synonymous with exploitation, raising questions about the added value of the trafficking concept. This combined with other inconsistencies in how the concept of trafficking is understood and applied in practice significantly limit its effectiveness as a protective instrument for those who are victims of, or vulnerable to, human trafficking or related forms of exploitation.

Taken together, these factors suggest that the specification of services to children based on a fair and consistent application of the trafficking definition may be neither feasible nor desirable. Various attempts have been made to get around these definitional problems, in particular by expanding the concept of victim to encompass potential victims (a concept that incorporates both presumed but unconfirmed victims of trafficking and those who might be vulnerable). This has clear advantages in terms of making services more widely available, but it does not address the core problem of the differential treatment of vulnerable migrant children based on status.

With these points in mind, the study has put forward the Convention on the Rights of the Child as an alternative framework for meeting the needs of child victims of trafficking and other vulnerable child migrants in a way that matches services to individual needs in an holistic manner while reducing the importance of categorization. This promises to: (i) reduce the negative impact on children exploited in the context of migration who are overlooked in the identification of trafficking victims; (ii) improve the access of other vulnerable migrant children to their rights; and, as a consequence, iii) help to ensure the rights of all groups of children (including those who are victims of trafficking) are met consistently and in full, and in a non-discriminatory manner. It is envisaged that this finding may also have significant application beyond the Nordic countries, as many of the problems identified in the region are also present elsewhere.

The advantages of a broader child rights framework over a narrow child trafficking focus include: overcoming problems around how the concept of trafficking is defined,

understood and applied in practice; facilitating the more efficient use of resources; supporting unified rather than fragmented approaches; and helping to ensure that services to children focus more on the nature of their exploitation than on how they came to be in the exploitative situation.

At the same time, the child trafficking lens has proved a very useful one through which to identify both promising initiatives and response gaps within existing child protection systems as well as areas in which the countries concerned could do more to fulfil their commitments under the Convention. Using child trafficking as an entry point, the study has assessed existing protection policies and practices for non-national children in the region against the four general principles of the Convention: the right to non-discrimination; adherence to the best interests of the child; the right to life, survival and development; and the right to be heard.

The issue of non-discrimination is essentially at the heart of many of the problems identified by the study. The Nordic countries have made significant progress in incorporating the general principles of the Convention into constitutions, children's rights statutes and many sectoral laws. Strong national laws are also in place to safeguard children's rights and, in general, child protection systems are very strong in the Nordic countries. Not all children have equal access to these systems, however, due to differential treatment based on status, nationality, age and even the type of crime under which a child exploiter has been prosecuted. Examples noted in the study include unequal access to health-care services and education, and to child-friendly treatment in legal proceedings.

Another example given was in relation to guardianship/representation. The representatives of non-national children, including unaccompanied children and child victims of trafficking, play an important role in representing the best interests of the children they assist. Due consideration should therefore be given to ensuring that all representatives are trained and competent in representing children's best interests in all relevant situations. The provisions on guardianship in the Nordic countries can be strengthened further in this regard and extended to cover all unaccompanied non-national children, irrespective of whether or not they have been exposed to trafficking.

In regard to the best interests of the child, this general principle has been incorporated into the national laws of the Nordic countries. Its application differs across the Nordic countries and among different professionals, sectors and groups of children, however. This risks a fragmented approach that may cause children to be assessed under different criteria or to be excluded from having their best interests properly assessed and determined by the competent authorities. Children affected may include those transferred under the 'Dublin II Regulation' and those who apply for asylum together with their parents.

Procedures to assess and determine the best interests of the child must be consistent for all children and take into account all of the rights of the child, including the right to be heard. In the case of non-national children, mechanisms to combine the assessments of social welfare or child protection services with those conducted by the immigration authorities, for example, might strengthen a more holistic approach to and understanding of a child's best interests.

In relation to the right of the child to have his or her views heard and taken into account, the study found that the application of this principle in the Nordic countries was inconsistent, notably in regard to judicial and administrative proceedings and the services provided to trafficked and potentially trafficked children. For example, some

countries do not yet have clear processes in place for ensuring that the views of victims are adequately taken into account in regard to the services provided to them. The treatment of children's views within the criminal justice system is also inconsistent, with differences arising from factors such as age and the discretion of the authorities. Furthermore, while independent human rights structures have been established in each of the Nordic countries, child-sensitive reporting and complaints mechanisms are generally not yet in place.

The study identified several other significant issues concerning the treatment of child victims of trafficking and other exploited or vulnerable migrant children in relation to legal, judicial and immigration processes. Notably, there is uneven protection of children from prosecution or punishment for offences they commit in connection to their situation as a victim of crime. In Denmark, for example, the law does not specifically offer protection for victims of trafficking on this point. In Norway, the application of legal provisions that offer such protection remains at the discretion of the judge. Also, even where children are identified as victims of crime, they are subjected in some cases to forced detention in shelter facilities, a practice that is questionable under international law.

Various options exist in the Nordic countries to regularize the stay of non-national children who have been exposed to trafficking or are considered to be at risk. Child victims of trafficking have the possibility to apply for reflection periods and, in some countries, temporary residence permits that are available either specifically for victims of trafficking or for victims or witnesses of crimes more generally. Since these measures are often conditional on the child's cooperation with law enforcement agencies or are connected to criminal proceedings, some study respondents have highlighted that they are not appropriate for children and as such different approaches are required.

In regard to the return or transfer of children to their home countries or other countries, a potentially serious gap was noted in relation to the transfer of child asylum-seekers under the 'Dublin II Regulation'. Such transfers are usually carried out without a Best Interests Determination. Concerns were also expressed about the direct return of children from municipalities. This highlighted a broader concern about the issue of decentralization in relation to the provision of child services. Respondents suggested that the quality of services in place for children at the local level is not always comparable. Further training of professionals working with and for children in local authorities is critical in order to strengthen local implementation.

Examples of how services for child victims of trafficking have been successfully integrated into existing structures and systems have been documented throughout this report. The Children's House model, for example, offers services for child victims of violence, exploitation and abuse as well as for child victims of trafficking and unaccompanied asylum-seeking children. These facilities are only available to national children (except in Iceland), however.

At the same time, it is worth highlighting that integrating services for child victims of trafficking into other structures and systems for children need not be in contradiction to developing targeted and issue-specific approaches to trafficking in human beings, including child trafficking, as appropriate. All those involved in working with vulnerable migrant children must be aware of the existence and nature of child trafficking, how it may impact their work and how to respond to it. Specific expertise on the identification and management of child trafficking cases complements specialized structures and systems in place for children. It further contributes to the apprehension and prosecution of traffickers. While not a core focus of this study,

effective action against traffickers, particularly those involved in the exploitation at the end of the trafficking chain, is essential in making trafficking a less profitable and more risky criminal business, and thus reducing the number of children and adults affected.

While parts 4 and 5 of this document in particular have focused mainly on gaps and limitations, they have done so in the context of what are generally positive responses to issues affecting trafficking victims and other migrant children throughout the region. Responses within the region appear to compare favourably to other parts of the world and are continually evolving. The study stakeholders are generally already aware of many of the gaps and limitations identified, and policies and practices are being updated on an ongoing basis.

Addressing the types of issues raised in this study is not always straightforward. Many issues are complicated and touch on a range of sensitive political, social and cultural factors. With this in mind, it is encouraging that there is a vibrant discourse on trafficking and related issues throughout the region, and that this is well informed by evidence and the expertise of numerous state and non-state actors and guided by national responses to international standards and principles. The findings and recommendations contained in this report are offered as a contribution to this discourse.

## **6.2 Recommendations**

Recommendations arising from the study are arranged under different headings in order to group suggestions according to common subjects. Additional text has been included to provide relevant background or additional details. There are 19 consecutively numbered general recommendations, followed by additional country-specific recommendations. The order in which the recommendations are listed does not reflect importance.

**1. *Governments are encouraged to consider addressing child trafficking primarily as part of a broader approach to child protection, placing at the forefront the child rights framework provided by the Convention on the Rights of the Child.***

The Convention offers a broader and pre-existing framework in which to address issues around the exploitation of children. As noted in this study, the specification of services to children based on a fair and consistent application of the trafficking definition may be neither feasible nor desirable. Adopting the Convention as a core framework could help to overcome problems identified with the trafficking definition, which limit its value as a protective instrument. It would also serve to reduce the negative impact on children exploited in the context of migration who are overlooked in the identification process for trafficking victims, and to improve the access of other vulnerable migrant children to their rights. This does not preclude the use of trafficking-specific responses as appropriate.

**2. *Governments are encouraged to incorporate the Convention into national law where this has not already been done and to consider more detailed elaboration of law, policy and practice.***

Incorporating the Convention into national law makes its provisions directly applicable in court and strengthens consideration for the Convention not only article by article but also holistically. Special consideration should be made to provisions relating to: the right to non-discrimination; adherence to the best interests of the child; the right to life, survival and development; and the right of the child to have his or her views heard and taken into account. Relevant

provisions should be worded as concretely as possible without limiting the application of the principles. In Finland and Norway, where the Convention has already been made national law, research and analysis might be considered on how this has benefited children and whether there is room for further improvement.

## **National and institutional responses**

### Strengthening capacity and coordination

- 3. Governments are encouraged to clarify institutional responsibilities in responding to the implementation of child rights and protection measures. Ideally, organizational mandates should be integrated and incorporate all children, regardless of national origin or status.**

In the Nordic countries, as elsewhere, it is not always clearly established how action plans and strategies addressing child trafficking (usually as part of broader strategies to address trafficking in human beings) relate to other action plans and strategies that are relevant to specific child rights and protection themes.

Furthermore, matters concerning child victims of trafficking, and migrant and asylum-seeking children often fall under the mandates of different ministries, and multiple institutions and authorities are involved in their implementation. In some countries, institutional mandates are fragmented still further according to a child's immigration status, national origin or age.

Taken together, these issues can lead to approaches that are not only fragmented and uneven but also discriminatory against children based on status. This study has highlighted some examples of this as well as several instances in which countries have taken action to address gaps or discrepancies.

Coordination of national and local policy implementation can be improved when linked to monitoring and reporting functions. The institutions or bodies that are mandated to report on child trafficking and related issues, monitor the phenomenon and responses to it, and coordinate relevant policy response should be closely linked and inform each other. It is recommended that each country consider a mapping of how child trafficking, exploitation and the situation of non-national children are currently addressed in policy and in practice, with a view to making any necessary adjustments.

- 4. Governments are encouraged to strengthen collaboration between different sectors to ensure a more holistic and consistent approach to Best Interests Determinations, particularly in relation to the possible return or transfer of children to other countries.**

Formal Best Interests Determinations for non-national children, including child victims of trafficking, are often conducted in a sector-specific way. For example, immigration authorities assess the best interests of a child primarily in relation to stay or return, whereas social welfare or child protection services assess a child's best interests with a focus on care and protection measures. The process and outcomes of a Best Interests Determination should always be documented and explained in written form, and must give due consideration to assessing a child's psychosocial situation, including past and present experiences of violence, exploitation and abuse, and the child's views.

- 5. It is recommended that institutionalized expertise on child rights and protection, including child trafficking, be strengthened in all Nordic countries and made available and accessible to professionals and officials working with and for children at all levels.**

Evidence emerging from the study suggests a degree of uncertainty among local social welfare and child protection services on how to identify and respond to child trafficking and other complex child protection cases involving non-national children. Where centralized expertise is available, it has provided useful advice and guidance to local authorities on how to respond to such cases. Special expertise on children could also be made available to inform legal and judicial proceedings that involve children, whether as victims or witnesses.

In addition, information on child trafficking and the specific rights and entitlements of non-national children, including contact information for key providers of relevant expertise, could be incorporated into tools and guidelines used by social welfare and child protection services where this has not already been done.

#### Services for exploited and vulnerable children (national and non-national)

**6. *Governments are encouraged to consider strengthening social outreach work for children to monitor the situation of children who live in situations of particular marginalization and vulnerability.***

In line with the emphasis in the study findings on moving away from approaches based primarily on placing children into different categories, social outreach workers play an important role in identifying and assisting children in need across definitional boundaries. Furthermore, through their collaboration with child protection services, immigration authorities and the police, social outreach workers have strategic knowledge of the strengths and limitations of existing protection systems for marginalized children. The study highlighted the effective role played by outreach services with particular reference to Norway. Such services might be usefully considered in places where they are currently absent or limited.

**7. *Governments are encouraged to consider the establishment of The Children's House initiative in countries where this is not yet in place. In countries where houses are in place, efforts should be made to ensure that the services they provide are also available to non-national children.***

The Children's House in Iceland model offers a range of advantages from a child protection point of view and also in regard to criminal justice objectives. These include providing high quality holistic services to victims, reducing exposure to multiple interviews and interviewers, strengthening the value and consideration of a child's testimony in court proceedings and improving cross-sectoral collaboration. Where The Children's House initiative is already in place, consideration should be given to making their use mandatory rather than at the judge's discretion, where this is administratively feasible and in the best interests of children. Further training of judges might be necessary in order for them to see the value in using The Children's House initiative.

#### Child trafficking-specific responses

**8. *Governments are encouraged to strengthen knowledge and awareness among professionals and officials working with and for children of the specific concept and meaning of child trafficking and how to respond to it.***

Evidence suggests that children who have been exposed to exploitation and trafficking are not always correctly and promptly identified as victims, or that their identification as victims of trafficking does not necessarily result in a referral to assistance, for example, when the exploitation took place in another country.

Notwithstanding the advantages of addressing child trafficking in a broader child



protection context, it is important that all those working with migrant children are fully aware of the possibility, nature and manifestations of child trafficking. This could involve incorporating training on child trafficking into the standard training curricula of all relevant professionals and officials working with and for children, including in social services, law enforcement and the judiciary.

Where identification tools for trafficking such as indicators or checklists are in use, these should be streamlined and standardized using a broad definition in line with the Council of Europe Convention on Action against Trafficking in Human Beings. The tools should include clear guidance to professionals and officials on how to refer child victims of trafficking and potential victims to assistance and how to respond to a child who is found to be vulnerable to or at risk of exploitation when the child is not considered a victim of trafficking. Governments are encouraged to consider cross-referencing trafficking tools with tools for screening asylum-seeking children (*see recommendation 16*).

## **General principles of the Convention on the Rights of the Child**

### Best interests of the child

- 9. Governments are encouraged to ensure that the provision of services is always primarily guided by an individual assessment of the child's case and best interests, regardless of the child's status, and that the child is able to participate in this process commensurate with his/her level of age/maturity. Governments are further encouraged to ensure a consistent and coordinated approach to such assessments and to formal Best Interests Determinations across different organizations working with vulnerable migrant children.**

Nordic countries make explicit reference to the general principle of the best interests of the child in national legislation. The wording of the relevant provisions is often vague, however, and other more clearly worded laws and provisions may therefore take precedence. Furthermore, the study highlighted how the concept of best interests is understood and interpreted differently by organizations with different mandates in the absence of clear guidelines. The Finnish Child Welfare Act provides legally binding guidance on the issues to be considered for a Best Interests Determination and may be considered a good example.

### The right to non-discrimination

- 10. Governments are encouraged to ensure that all children are afforded consistent protection in law and practice from discrimination on the grounds of status. This includes the right of non-national children to protection and assistance on the same terms and conditions as national and resident children, a right that should not be overridden by immigration concerns.**

The right to non-discrimination has been enshrined into the constitutions and national sectoral laws of the Nordic countries. Children are not yet afforded consistent legal protection from discrimination on the grounds of status in all Nordic countries, as provided for under article 2 of the Convention and other international standards, however. Rather, a child's status is often a key determinant of his or her entitlements. Access to assistance currently differs among the Nordic countries according to multiple factors, including the child's age, national origin, immigration status and identification as a victim of trafficking or potential victim.

This recommendation would help to address the status quo whereby children in some situations are prevented from enjoying the rights afforded under national child protection and social welfare laws due to their unregulated or undocumented immigration status. In line with this recommendation, while it is suggested that governments continue to explore ways to ensure that services available to victims of trafficking are also available to those who may possibly be victims of trafficking, more emphasis may be placed on reducing the importance of the trafficking designation in the provision of services. Children would also benefit from receiving information on their right to non-discrimination in order to recognize and report discriminatory situations and seek redress.

**11. *It is recommended that governments review the system of guardianship with a view to ensuring the consistent and equitable provision of services to children in need, regardless of nationality, status and geographical location.***

Guardians or representatives hold a key function in representing the views and ensuring respect for the best interests of unaccompanied children in specific situations, including asylum-seeking children and victims of trafficking. At present, differences exist in regard to the training and remuneration of guardians based on how children are categorized. Training, monitoring and consistent compensation of representatives is required. All candidates should be screened for criminal records.

The right to be heard

**12. *Governments are encouraged to ensure that the right to be heard is consistently afforded to all children, regardless of their age and immigration status.***

This might include:

- ensuring that all children involved in criminal proceedings have the right to be heard, including through the training of professionals in the use of child-sensitive interviewing techniques, and the training and monitoring of professional interpreters;
- establishing and publicizing child-sensitive reporting and complaints mechanisms linked to existing independent human rights structures;
- developing stronger systems and practices to ensure that children receiving services are given the opportunity to express their views and be heard in decisions that affect their lives, commensurate with their age, including in relation to services to be made available to them and to provide feedback on their satisfaction with these services. This might include joint goal-setting in regard to the outcomes of the service process,<sup>569</sup> and
- consultations with children to better understand possible deterrents, inhibiting factors and other aspects that may discourage children from talking to authorities, disclosing their experiences and accepting assistance.

The right of the child to be heard on matters affecting him or her has been enshrined into numerous national sectoral laws and policies in the Nordic countries. There are, however, gaps in practice, in regard to the implementation of these rights. A particularly notable gap relates to child-friendly complaints mechanisms in the Nordic countries. Such mechanisms should be created and made easily accessible to children, including non-national children. It is also important that children have access to information on their rights and how to access the reporting and complaints mechanisms available to them.

Surprisingly little evidence is currently available from the Nordic countries on how children perceive the services available to them, how they view their situations and what aspirations guide their decisions and actions. As noted in the introduction, very few of the available documents contained perspectives of children. There is also limited documentation available as to how children's views are taken into account, for example, in relation to the provision of services. Where information is available, the findings are not universally positive. In Norway, for example, victims or potential victims of trafficking are unable to refuse services.

As highlighted in the study, children who have been trafficked do not necessarily perceive themselves as victims, and multiple challenges may inhibit the correct identification of children as victims of trafficking. This is one area where further research may be useful. This might shed light not only on immediate factors relating to identification but also on possible dissatisfaction with available services.

## **Legal, judicial and administrative processes**

### Children and criminal proceedings

- 13. Governments are encouraged to ensure that all children who have been exposed to exploitation are considered victims of crime and afforded appropriate protection in line with international standards and principles, including non-punishment for those who have been exploited in criminal activities or who have contravened immigration regulations. This may include a review of national legislation and policies and guidance regulating the rights of children in criminal proceedings.**

Under international standards, the 'non-punishment' principle protects child victims of trafficking and other crimes from sanctions and prosecution for offences that they committed as a consequence of their situation. This principle should apply regardless of their role in the offence and where the offence was committed, and irrespective of the initiation or outcomes of criminal proceedings, or the charges brought forward against the perpetrators. General provisions to abate an action or mete out punishment under certain circumstances are already provided for under the national criminal laws of the Nordic countries. The application of these provisions may be strengthened by explicit reference to child victims of crime, including trafficking, and by providing additional guidance to prosecutors and judges.

In this regard, the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime might be made available among relevant professionals in national languages and be incorporated into standard training curricula for relevant groups of professionals. As well as strengthening the understanding of the principle of non-punishment, application of these guidelines could provide important safeguards for child victims of trafficking and children who have been exploited in other circumstances, including by enabling child victims and witnesses to access information on their rights in criminal proceedings in a language that they understand.

- 14. Governments are encouraged to consider removing any provisions that make reflection periods and temporary residence permits for trafficked children conditional on the child's cooperation with law enforcement agencies or connected to criminal proceedings.**

Experience has shown the removal of such conditions not only benefits the

children concerned but also helps to build trust with the authorities, increasing the likelihood and value of cooperation.

- 15. *It is recommended that governments review current procedures involving the placement of trafficked and other vulnerable children in closed institutions, with a view to provisions under international law that deprivation of liberty is to be ordered only as a ‘measure of last resort’ and for the ‘shortest appropriate period of time’, and should be subject to periodic review.***

In the Nordic countries as elsewhere, children, including victims of trafficking and children at risk, may be deprived of their liberty for various administrative reasons, including in immigration detention and pre-return detention, and in closed institutions when there are safety and security concerns. Through national consultations, including with children, it should be clearly defined how the provisions under international law are to be interpreted and understood in relation to child victims of trafficking and potential victims. Efforts should further be made to explore and promote alternatives that do not involve the deprivation of liberty, such as supervision. Research should be conducted with children who have been referred to closed institutions for child protection reasons or to prevent their recruitment into trafficking in order to solicit and analyse such children’s views and their perceptions of the institutions.

- 16. *In the processing of asylum applications for children, governments are encouraged to give due consideration to child-specific forms of persecution, including child trafficking and other forms of exploitation.***

Under international standards, any form of exploitation in the home or transit country could amount to child-specific persecution and the child may be recognized as a refugee if the other criteria in the law are met. This not only includes child trafficking but also the worst forms of child labour, sexual exploitation and child pornography. It is therefore important that adequate measures are in place to recognize child trafficking and other forms of exploitation as forms of child-specific persecution – and to ensure that child victims have access to the asylum procedure. For example, those working on asylum claims should have an understanding of the appropriate action to take when a victim or potential victim of child trafficking or exploitation is identified, and those working on trafficking and related forms of exploitation should be aware of the option to seek asylum.

#### Return of non-national children

- 17. *Governments are encouraged to ensure that the principle of the best interests of the child is taken into account in relation to all transfer or return decisions. Before transferring a child under the ‘Dublin II Regulation’ or returning a child to a country of transit or origin, a formal Best Interests Determination should be carried out in order to ensure that any decision on a possible durable solution is made in the best interests of the individual child concerned.***

Concerns were expressed throughout the study in relation to uneven access to Best Interests Determinations for returns and transfers of children. These were most common in relation to the ‘Dublin II Regulation’, with respondents noting examples of unaccompanied children, possibly including victims of trafficking, being transferred without benefiting from a Best Interests Determination. Concerns also related to returns, such as those conducted directly through municipalities.

Children should be explicitly recognized as a vulnerable group in light of the 'Dublin II Regulation' article 3 and, in consequence, the transfer of children under this procedure should be considered non-mandatory. Transfers under the 'Dublin II Regulation' should also not be prioritized over returning a child directly to his or her country of origin, when this is in the best interests of the child.

The feasibility of post-return monitoring systems should also be considered, both for children transferred through the 'Dublin II Regulation' and children returned to countries of origin under other arrangements, particularly when the children involved have been identified as victims of trafficking. Experts in the recovery and reintegration of exploited children should be consulted about appropriate time frames for such monitoring.

**18. *It is recommended that governments document and analyse return procedures, including those conducted through municipalities, and provide capacity-building to key municipal and local authorities as appropriate.***

Research might be conducted to better understand the potential risks and benefits for children involved in return procedures, including those undertaken directly through municipalities in collaboration with the relevant embassies or consulates. The research might assess the accountabilities of municipalities and authorities in the Nordic countries and in the children's countries of origin to guarantee a safe return and reception. It might also seek to identify additional needs for training and capacity-building among municipal authorities to help ensure safe return.

**Other**

**19. *It is recommended that additional information be collected and discussion undertaken on a range of topics, with a view to further strengthening the systematic protection of non-national children. Consultation with children should be an integral part of these data collection efforts.***

The topics might include:

- how to assess and determine the best interests of a child;
- how to strengthen the capacity of local child protection services to follow-up with non-national children;
- how to address the challenges posed by decentralization of services;
- how to better protect accompanied children from EU member States;
- structural challenges that prevent children from fully exercising their rights as afforded under international standards and national law, and which may thereby cause or exacerbate children's vulnerability to exploitation and trafficking; and
- how to strengthen the collection and analysis of data on child victims of trafficking and vulnerable groups of children, with a view to better informing the development of prevention and response measures and facilitating the evaluation of their impact.

## Country-specific recommendations

### Denmark:

#### National human rights institutions

Denmark has not yet an Ombudsperson for children. The Government of Denmark is therefore encouraged to establish this institution in line with the Principles relating to the Status of National Institutions ('the Paris Principles') or the Committee of the Rights of the Child General Comment No.2 (on the Role of Independent National Institutions in the Protection and Promotion of the Rights of the Child).

#### Guardianship

It is recommended to have a uniform guardianship system in place for all unaccompanied asylum-seeking children and trafficked children, national or non-national, independently of their status. It is important that all children receive the same level of services.

#### Non-punishment of children

In line with international standards, it is recommended to protect exploited and potentially trafficked children from detention for offences that they committed in connection with their situation, such as carrying false documentation.

#### Fragmentation of authority mandates

In Denmark, the evaluation of the Danish Action Plan for Combating Trafficking in Human Beings concluded that the responsibilities and mandates of the various authorities and organizations involved in working with vulnerable migrant children are fragmented. It is recommended that these mandates are clarified and their complementarity is ensured.

#### Children's House model

Plans for the establishment of Children's Houses are being developed. It is recommended that the new institutions are based on the already proven models implemented in the other Nordic countries and that the services of the Children's House are extended to non-national children and child victims of trafficking.

### Finland:

#### Ratification of international instruments

It is recommended that Finland ratify the Council of Europe Convention on Action against Trafficking in Human Beings and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

#### Victim status

It is recommended to review how the treatment of victims of exploitation, including possible victims of trafficking, is affected by decisions on the crimes for which the perpetrators are charged. It is further recommended that persons exposed to procurement be considered injured parties in criminal proceedings rather than witnesses. This should be the case particularly when children are involved.

#### Access to the right to education

It is recommended that action be taken to address the problem that children in reception centres may not have access to school education. This problem arises especially when they have not been registered in a municipality.

**Children's House Model**

It is recommended to establish a Children's House for victims of crime including victims of trafficking.

**Iceland:****Ratification of international instruments**

It is recommended that Iceland ratify the Council of Europe Convention on Action against Trafficking in Human Beings and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

**Extraterritorial legislation**

It is recommended that Iceland remove the requirement of double criminality as established in the General Penal Code article 5.

**Minimum age for a child to be heard in judicial and administrative procedures**

The minimum age for a child to be heard in Iceland is 12 years. It is recommended to revise the minimum age to be heard under the Child Protection Act in order to allow younger children to express their views and have them taken into account.

**Expand usage of the Children's House**

At present, police and district court judges are not obliged by law to use the services of the Children's House. Given the demonstrated advantages of doing so, it is recommended that courts make consistent use of the Children's Houses where they exist.

**Norway:****Age discrimination**

All unaccompanied and separated children under the age of 18 should be under the care and assistance of child welfare services. The quality of care for both national and non-national children should be equal and consistent.

**Application and implementation of law on all governance levels**

It is important that national laws affecting vulnerable children are consistently implemented throughout the country, including at central, regional and municipal levels of government. Of particular importance is stronger collaboration between outreach work, social services and referral mechanisms.

**Strengthening coordination and action among authorities**

It is important to ensure that authorities take action immediately to assist children who have received a residence permit as well as non-national children without such permits. In the latter case, there needs to be clarity of responsibility among authorities, particularly when a child's legal status and place of registry in Norway cannot be clearly identified.

**Sweden:****National Action Plan on trafficking in human beings**

It is recommended that Sweden develop a new Action Plan that would cover all forms of exploitation of children (and not only trafficking for sexual purposes). This would take into consideration exploitation of children in a range of situations including, but not limited to, human trafficking.

**Implementation of the Convention of the Rights of the Child and the OPSC within national legislation**

The Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) should be fully incorporated into national legislation.

**Data collection**

Strengthened collection and disaggregation of data are needed. An overview of the situation and a breakdown of the number of trafficking victims are both lacking. Reported cases from the Swedish Police, and data from the Swedish Migration Board are not disaggregated by age and sex. Swedish authorities are encouraged to produce more detailed statistics, including data on reported cases, convictions and persons identified to be at risk of being trafficked.



## NOTES

- <sup>1</sup> See: United Nations Office on Drugs and Crime, *Trafficking in Persons: Global Patterns*, UNODC, Vienna, April 2006, accessed from: [www.unodc.org/documents/human-trafficking/HT-globalpatterns-en.pdf](http://www.unodc.org/documents/human-trafficking/HT-globalpatterns-en.pdf).
- <sup>2</sup> See, for example: United Nations Children's Fund, *Reversing the Trend: Child Trafficking in East and South-East Asia*, UNICEF East Asia and Pacific Regional Office, Bangkok, 2009, accessed from: [www.unicef.org/eapro/Unicef\\_EA\\_SEA\\_Trafficking\\_Report\\_Aug\\_2009\\_low\\_res.pdf](http://www.unicef.org/eapro/Unicef_EA_SEA_Trafficking_Report_Aug_2009_low_res.pdf). United Nations Children's Fund, *Risks and Realities of Child Trafficking and Exploitation in Central Asia*, UNICEF Regional Office for CEE/CIS, Geneva, 2009, accessed from: [www.unicef.org/ceecis/Child\\_trafficking\\_in\\_central\\_asia\\_FINAL\\_23\\_03.pdf](http://www.unicef.org/ceecis/Child_trafficking_in_central_asia_FINAL_23_03.pdf). United Nations Children's Fund Innocenti Research Centre, *Child Trafficking in Europe: A broad vision to put children first*, Innocenti Insight, UNICEF IRC, Florence, 2008, accessed from: [www.unicef-irc.org/cgi-bin/unicef/Lunga.sql?ProductID=498](http://www.unicef-irc.org/cgi-bin/unicef/Lunga.sql?ProductID=498). Dottridge, Mike, 'Young People's Voices on Child Trafficking: Experiences from South Eastern Europe', *Innocenti Working Paper No. IWP-2008-05*, UNICEF Innocenti Research Centre, Florence, 2008, accessed from: [www.unicef-irc.org/publications/pdf/iwp\\_2008\\_05.pdf](http://www.unicef-irc.org/publications/pdf/iwp_2008_05.pdf).
- <sup>3</sup> See, for example: United Nations Children's Fund, *Reversing the Trend: Child Trafficking in East and South-East Asia*, UNICEF East Asia and Pacific Regional Office, Bangkok, 2009, p. 19, accessed from: [www.unicef.org/eapro/Unicef\\_EA\\_SEA\\_Trafficking\\_Report\\_Aug\\_2009\\_low\\_res.pdf](http://www.unicef.org/eapro/Unicef_EA_SEA_Trafficking_Report_Aug_2009_low_res.pdf). United Nations Children's Fund Innocenti Research Centre, *Child Trafficking in Europe: A broad vision to put children first*, Innocenti Insight, UNICEF IRC, Florence, 2008, accessed from: [www.unicef-irc.org/cgi-bin/unicef/Lunga.sql?ProductID=498](http://www.unicef-irc.org/cgi-bin/unicef/Lunga.sql?ProductID=498). 'A Broader Perspective to Protect the Rights of Children on the Move – Applying lessons learnt from child trafficking research', Speech delivered by Daja Wenke, UNICEF IRC, at the international conference 'Focus on Children in Migration: From a European research and method perspective', Warsaw, 20–21 March 2007, accessed from: [www.childsrights.org/html/documents/adem/16.%20Conference\\_Report\\_Warsau.pdf](http://www.childsrights.org/html/documents/adem/16.%20Conference_Report_Warsau.pdf). Save the Children, Background paper to the conference 'Addressing the Protection Gap for Unaccompanied and Separated Children in the EU: Role of the Stockholm Programme', Brussels, 15 September 2009, p. 2, accessed from: [www.savethechildren.net/alliance/europegroup/europubs/Background\\_Paper\\_to\\_September\\_Conference\\_Final\\_June\\_2009.pdf](http://www.savethechildren.net/alliance/europegroup/europubs/Background_Paper_to_September_Conference_Final_June_2009.pdf). United Nations Children's Fund, *Risks and Realities of Child Trafficking and Exploitation in Central Asia*, UNICEF Regional Office for CEE/CIS, Geneva, 2009, accessed from: [www.unicef.org/ceecis/Child\\_trafficking\\_in\\_central\\_asia\\_FINAL\\_23\\_03.pdf](http://www.unicef.org/ceecis/Child_trafficking_in_central_asia_FINAL_23_03.pdf).
- <sup>4</sup> United Nations, United Nations Convention against Transnational Organized Crime, A/RES/55/25, United Nations, New York, 8 January 2001, Annex II, article 3, pp. 32-33, accessed from: [www.unodc.org/pdf/crime/a\\_res\\_55/res5525e.pdf](http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf), pp. 32-33; Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, Warsaw, 16 May 2005, article 4, accessed from: <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=197&CM=8&DF=15/02/2011&CL=ENG>.
- <sup>5</sup> United Nations Children's Fund, *What is Child Protection?*, Child Protection Information Sheet, UNICEF, New York, 2006, p. 1, accessed from: [www.unicef.org/protection/files/What\\_is\\_Child\\_Protection.pdf](http://www.unicef.org/protection/files/What_is_Child_Protection.pdf).
- <sup>6</sup> United Nations Children's Fund, *Implementation Handbook for the Convention on the Rights of the Child*, Fully revised third edition, prepared for UNICEF by Rachel Hodgkin and Peter Newell, UNICEF, New York/Geneva, September 2007, p. 37.
- <sup>7</sup> Information supplied by Matthew Friedman, panel member and Regional Project Manager UN Inter-Agency Project on Human Trafficking, Finalization of the United Nations *Recommended Principles and Guidelines*, 16 September 2011.
- <sup>8</sup> Relevant legislation and policy documents were accessed from official websites of national governments, ministries and other public institutions. Some countries offer extensive access to national laws translated into English, as is the case in Finland and Iceland. All countries have published, as a minimum, key legal excerpts in English, for example, the sections of the national penal codes that criminalize trafficking in human beings.
- <sup>9</sup> See: Regeringskansliet (Government Offices of Sweden), 'Against prostitution and human trafficking for sexual purposes', Fact Sheet, Regeringskansliet, Stockholm, 2009, pp. 15-16, accessed from: [www.sweden.gov.se/content/1/c6/13/36/71/ae076495.pdf](http://www.sweden.gov.se/content/1/c6/13/36/71/ae076495.pdf).
- <sup>10</sup> See: Ombudsman for Minorities, 'Reporting on Trafficking in Human Beings', undated, [www.vahemmistovaltuutettu.fi/intermin/vvt/home.nsf/pages/2CD2B8C5ACF7104FC22576C50035C62F?openDocument](http://www.vahemmistovaltuutettu.fi/intermin/vvt/home.nsf/pages/2CD2B8C5ACF7104FC22576C50035C62F?openDocument), accessed 22 August 2011. Informed also by a national round-table consultation in Finland, 13 May 2011.
- <sup>11</sup> Center Mod Menneskehandel (Danish Centre against Human Trafficking), 'Om Os' ('About Us'), undated, [www.centermodmenneskehandel.dk/om-os](http://www.centermodmenneskehandel.dk/om-os), accessed 22 August 2011.
- <sup>12</sup> See: Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 12, accessed from: [http://eng.felagsmalaraduneyti.is/media/acrobat-enskar/sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar/sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf).
- <sup>13</sup> See: Justis- og Politidepartementet (Ministry of Justice and the Police), 'Stop Human Trafficking, The Norwegian Government's Plan of Action to Combat Human Trafficking (2006–2009)', Oslo, 2007, p. 22, accessed from: [www.regjeringen.no/upload/kilde/jd/rap/2007/0001/ddd/pdfv/304170-stop\\_human\\_trafficking\\_0107.pdf](http://www.regjeringen.no/upload/kilde/jd/rap/2007/0001/ddd/pdfv/304170-stop_human_trafficking_0107.pdf).
- <sup>14</sup> Viuhko, Minna and Anniina Jokinen, 'Human Trafficking and Organised Crime: Trafficking for sexual exploitation and organised procuring in Finland', *Report Series No. 62 Human trafficking and organised crime*, European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), Helsinki, 2009, p. 26, accessed from: [www.heuni.fi/Etusivu/Publications/1266333630121](http://www.heuni.fi/Etusivu/Publications/1266333630121).
- <sup>15</sup> Information supplied by the Danish National Police, 8 July 2011.
- <sup>16</sup> Rikskriminalpolisen (National Criminal Police), 'Människohandel för sexuella och andra ändamål', *Situation Report*

- 9, 1 January–31 December 2006, RKP KUT Report 2007:6, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, 2006, p. 7. Rikspolisstyrelsen (Swedish National Police Board), 'Människohandel för sexuella och andra ändamål 2007-2008', *Situation Report 10*, Stockholm, October 2009, p. 14, accessed from: <[www.polisen.se/Global/www%20och%20Intrapolis/Rapporter-utredningar/01%20Polisen%20nationellt/Ovriga%20rapporter-utredningar/Manniskohandel\\_lagesrapport\\_10\\_webb.pdf](http://www.polisen.se/Global/www%20och%20Intrapolis/Rapporter-utredningar/01%20Polisen%20nationellt/Ovriga%20rapporter-utredningar/Manniskohandel_lagesrapport_10_webb.pdf)>. Rikskriminalpolisen (National Criminal Police), 'Trafficking in Human Beings for Sexual Purposes', *Situation Report 8*, 1 January–31 December 2005, RKP KUT Report 2006:4b, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, p. 3, accessed from: <[www.osce.org/documents/cthb/2007/05/24548\\_en.pdf](http://www.osce.org/documents/cthb/2007/05/24548_en.pdf)>.
- <sup>17</sup> Information supplied by the Swedish Migration Board, 7 June 2011.
- <sup>18</sup> Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, pp. 46-47, accessed from: <[www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio/\\$file/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010_englanti_nettiversio/$file/Ihmiskaupparaportti%202010_englanti_nettiversio.pdf)>.
- <sup>19</sup> Koordineringsenheten för Ofre för Menneskehandel (National Coordinating Unit for Victims of Trafficking; KOM), 'Rapport fra koordineringsenheten for ofre for menneskehandel, 2009', KOM, April 2010, p. 30, accessed from: <[www.politi.no/vedlegg/lokale\\_vedlegg/politidirektoratet/Vedlegg\\_785.pdf](http://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/Vedlegg_785.pdf)>. KOM cautions, however, that the number of cases reported does not necessarily reflect the real scope of trafficking in Norway and that double reporting of the same cases by different institutions or organizations is likely to occur since a unified system for registration of cases is not in place. See: Koordineringsenheten för Ofre för Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'Rapport fra koordineringsenheten for ofre for menneskehandel, Årene 2007-2008', KOM, April 2009, p. 11.
- <sup>20</sup> Information supplied by the Swedish National Rapporteur on Human Trafficking in Human Beings.
- <sup>21</sup> Koordineringsenheten för Ofre för Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'Rapport fra koordineringsenheten for ofre for menneskehandel, Årene 2007-2008', KOM, April 2009, p. 11.
- <sup>22</sup> Department for Gender Equality, 'Evaluation of the Danish Action Plan for combating of trafficking in human beings, 2007–2010', Summary in English, COWI A/S, Kongens Lyngby, 2010, pp. 1-2.
- <sup>23</sup> United Nations Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Iceland's Third Periodic Report', Government of Iceland, Ministry of Justice and Ecclesiastical Affairs, June 2008, para. 200, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.doc)>.
- <sup>24</sup> Information supplied by Red Cross Iceland, Reykjavik.
- <sup>25</sup> Sexual offences against children are criminalized under chapter 6 of the Swedish Penal Code. It establishes the following: Procurement is criminalized under section 12 and refers to the promotion of a person's engagement in casual, commercial sexual relationships or the exploitation of such relationships. The maximum penalty for procuring is four years' imprisonment. Aggravating circumstances have not been defined in regard to the procurement of a child. Gross procurement has been defined as crimes that lead to "significant financial gain" and the maximum penalty for particularly serious cases has been increased to eight years' imprisonment.
- <sup>26</sup> Lindholm, Johanna, *Människohandel för sexuella ändamål och koppleri med barn - Hur förstås fenomenet i svenska domar?* Institute for Child and Youth Studies, Stockholm University, Stockholm, 2010, pp.15,18, 30-31.
- <sup>27</sup> See for **Denmark**: Danish Centre against Human Trafficking, 'Where do victims of human trafficking come from?', undated, <[www.centermodmenneskehandel.dk/in-english/foreign-women-in-prostitution-in-denmark/where-do-victims-of-huma-trafficking-come-from](http://www.centermodmenneskehandel.dk/in-english/foreign-women-in-prostitution-in-denmark/where-do-victims-of-huma-trafficking-come-from)>, accessed 22 August 2011. **Iceland**: Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 15, accessed from: <[http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>. **Finland**: Ministry for Foreign Affairs, 'National Plan of Action against Trafficking in Human Beings, Finland', 2005, p. 19, accessed from: <[www.intermin.fi/intermin/images.nsf/files/879e46fa11dea17fc225715e003a1fcd/\\$file/sm\\_ihmiskaupan\\_vastain\\_en\\_toimintasuunnitelma\\_en\\_20060306.pdf](http://www.intermin.fi/intermin/images.nsf/files/879e46fa11dea17fc225715e003a1fcd/$file/sm_ihmiskaupan_vastain_en_toimintasuunnitelma_en_20060306.pdf)>. **Norway**: Koordineringsenheten för Ofre för Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'Rapport fra koordineringsenheten for ofre for menneskehandel, Årene 2007-2008', KOM, April 2009, pp. 13-14. (See data sources related to the pie charts published in the source.) **Sweden**: Rikskriminalpolisen, (National Criminal Police), 'Människohandel för sexuella och andra ändamål', *Situation Report 9*, 1 January–31 December 2006, RKP KUT Report 2007:6, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, 2006, p. 14.
- <sup>28</sup> See for **Denmark**: Department for Gender Equality, 'Evaluation of the Danish Action Plan for combating of trafficking in human beings, 2007–2010', Summary in English, COWI A/S, Kongens Lyngby, 2010, pp. 1-2. Minister for Ligestilling, Ministeriet for Flygtninge, Invandrere og Integration, Udenrigsministeriet, Justitsministeriet (Minister of Gender Equality, Ministry of Refugees, Immigration and Integration, Ministry of Foreign Affairs and Ministry of Justice), 'Action Plan to Combat Trafficking in Human Beings 2007–2010', Copenhagen, 2007, p. 5, accessed from: <[http://uk.lige.dk/files/PDF/Handel/Menneskehandel\\_4K.pdf](http://uk.lige.dk/files/PDF/Handel/Menneskehandel_4K.pdf)>. See also: Danish Centre against Human Trafficking, 'What do we know about potential victims of human trafficking in Denmark?', undated, <[www.centermodmenneskehandel.dk/in-english/foreign-women-in-prostitution-in-denmark/what-do-we-know-about-potential-victims-of-human-trafficking-in-denmark](http://www.centermodmenneskehandel.dk/in-english/foreign-women-in-prostitution-in-denmark/what-do-we-know-about-potential-victims-of-human-trafficking-in-denmark)>, accessed 22 August 2011. **Iceland**: Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 20, accessed from: <[http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>. The Iceland Weather Report, 'Of human trafficking in the Land of the Nice', 10 March 2010, <<http://icelandweatherreport.com/2010/03/of-human-trafficking-in-the-land-of-the-nice.html>>, accessed 22 August 2011. **Finland**: Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in

human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, pp. 7, 45-46, accessed from: [www.intermin.fi/intermin/vvt/home.nsf/files/lhmiskaupparaportti%202010\\_englanti\\_netiversio/\\$file/lhmiskaupparaportti%202010\\_englanti\\_netiversio.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/lhmiskaupparaportti%202010_englanti_netiversio/$file/lhmiskaupparaportti%202010_englanti_netiversio.pdf)>. **Norway:** Koordineringsenheten for Ofre for Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'Rapport fra koordineringsenheten for ofre for menneskehandel, Årene 2007-2008', KOM, April 2009, pp. 11-13. **Sweden:** Rikskriminalpolisen (National Criminal Police), 'Människohandel for sexuella och andra ändamål', *Situation Report 9*, 1 January–31 December 2006, RKP KUT Report 2007:6, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, 2006, p. 14.

- <sup>29</sup> See for **Denmark:** Cases of trafficking for labour exploitation or exploitation in begging have not yet been reported in Denmark, although this is considered to be a result of the focus of anti-trafficking policies on trafficking for sexual exploitation in prostitution. See: Department for Gender Equality, 'Evaluation of the Danish Action Plan for combating of trafficking in human beings, 2007–2010', Summary in English, COWI A/S, Kongens Lyngby, 2010, p. 3. Save the Children Denmark, 'Trafficking in Children to Denmark', December 2003, p. 21, accessed from: [www.childcentre.info/projects/traffickin/denmark/dbaFile11026.pdf](http://www.childcentre.info/projects/traffickin/denmark/dbaFile11026.pdf)>. **Finland:** Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, pp. 7, 45-46, accessed from: [www.intermin.fi/intermin/vvt/home.nsf/files/lhmiskaupparaportti%202010\\_englanti\\_netiversio/\\$file/lhmiskaupparaportti%202010\\_englanti\\_netiversio.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/lhmiskaupparaportti%202010_englanti_netiversio/$file/lhmiskaupparaportti%202010_englanti_netiversio.pdf)>. **Iceland:** Cases of trafficking for labour exploitation or exploitation in begging have not yet been reported in Iceland, although both practices are considered possible: See: Valdimarsdóttir, Friðja Rós, 'Also in Iceland, Report on the Nature and Scope of Trafficking in Persons', A summary in English, Icelandic Red Cross/Centre for Women's and Gender Research, 2010, p. 3, accessed from: [http://redcross.lausn.is/Apps/WebObjects/RedCross.woa/swdocument/1041254/lik\\_a\\_Islandi\\_samantekt\\_ens\\_ku.pdf?wosid=false](http://redcross.lausn.is/Apps/WebObjects/RedCross.woa/swdocument/1041254/lik_a_Islandi_samantekt_ens_ku.pdf?wosid=false)>. Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 15, accessed from: [http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>. **Norway:** Koordineringsenheten for Ofre for Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'Rapport fra koordineringsenheten for ofre for menneskehandel, Årene 2007-2008', KOM, April 2009, pp. 11-13. Anecdotal evidence suggests that boys from African countries may have travelled to Norway following promises that they will be hired as professional football players. Some of these cases showed indications of trafficking but have not been officially verified as child trafficking cases. Information supplied at the national round table consultation in Norway, 5 May 2011. **Sweden:** Rikskriminalpolisen (National Criminal Police), 'Människohandel for sexuella och andra ändamål', *Situation Report 9*, 1 January–31 December 2006, RKP KUT Report 2007:6, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, 2006, pp. 11-12, 14. See also: Rikspolisstyrelsen (Swedish National Police Board), 'Människohandel for sexuella och andra ändamål 2007-2008', *Situation Report 10*, Stockholm, October 2009, pp. 14-15, accessed from: [www.polisen.se/Global/www%20och%20Intrapolis/Rapporterutredningar/01%20Polisen%20nationellt/Ovriga%20rapporter-utredningar/Manniskohandel\\_lagesrapport\\_10\\_webb.pdf](http://www.polisen.se/Global/www%20och%20Intrapolis/Rapporterutredningar/01%20Polisen%20nationellt/Ovriga%20rapporter-utredningar/Manniskohandel_lagesrapport_10_webb.pdf)>.
- <sup>30</sup> See for **Denmark:** Kofod Olsen, Birgitte, Christoffer Badse and Nanna Margrethe Krusaa, 'FRA Thematic Study on Child Trafficking, Denmark', European Union Agency for Fundamental Rights, undated, p. 26, accessed from: <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-dk.pdf>>. **Finland:** Ministry for Foreign Affairs, 'National Plan of Action against Trafficking in Human Beings, Finland', 2005, p. 19, accessed from: <http://formin.finland.fi/public/default.aspx?nodeid=38595&contentlan=2&culture=en-US>>. **Norway:** Koordineringsenheten for Ofre for Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'Rapport fra koordineringsenheten for ofre for menneskehandel, Årene 2007-2008', KOM, April 2010, p. 21, accessed from: [www.politi.no/vedlegg/lokale\\_vedlegg/politidirektoratet/Vedlegg\\_785.pdf](http://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/Vedlegg_785.pdf)>.
- <sup>31</sup> Arbetsmarknadsdepartementet (Ministry for Employment), 'Människohandel för arbetskraftsexploatering m.m. – kartläggning, analys och förslag till handlingsplan', DS: 2008:7, Stockholm, December 2007, pp. 57-64, available at: [www.regeringen.se/content/1/c6/09/69/65/22fd80c4.pdf](http://www.regeringen.se/content/1/c6/09/69/65/22fd80c4.pdf)>.
- <sup>32</sup> Rikskriminalpolisen (National Criminal Police), 'Människohandel for sexuella och andra ändamål', *Situation Report 9*, 1 January–31 December 2006, RKP KUT Report 2007:6, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, 2006, p. 6.
- <sup>33</sup> Ibid.
- <sup>34</sup> Ibid., pp. 13-15. See also: Rikspolisstyrelsen (Swedish National Police Board), 'Människohandel for sexuella och andra ändamål 2007-2008', *Situation Report 10*, Stockholm, October 2009, p. 15, accessed from: [www.polisen.se/Global/www%20och%20Intrapolis/Rapporter-utredningar/01%20Polisen%20nationellt/Ovriga%20rapporter-utredningar/Manniskohandel\\_lagesrapport\\_10\\_webb.pdf](http://www.polisen.se/Global/www%20och%20Intrapolis/Rapporter-utredningar/01%20Polisen%20nationellt/Ovriga%20rapporter-utredningar/Manniskohandel_lagesrapport_10_webb.pdf)>.
- <sup>35</sup> **Denmark:** Save the Children Denmark, 'Trafficking in Children to Denmark', December 2003, p. 21, accessed from: <http://www.childcentre.info/projects/traffickin/denmark/dbaFile11026.pdf>>. **Finland:** Polisen (Finnish Police), 'Arbetsgruppen föreslår inga ändringar i lagen på grund av tiggeri på gatan', 10 July 2008, available at: <http://poliisi.fi/poliisi/bulletin.nsf/psbdarch/FE894178E8488DEAC2257482002042FC?opendocument>>, accessed 13 December 2011. **Norway:** Vollbæk, Line Ruud, 'Oppsøkende sosialt arbeid i et internasjonalt gatemiljø. Arbeid med unge asylsøkere, irregulære migranter og mulige ofre for menneskehandel', Kompetansesenter rus, Oslo, April 2010, p. 46, accessed from: [www.salto.oslo.kommune.no/getfile.php/Salto%20\(PROSJEKT-SALTO\)/Internett%20\(PROSJEKT-SALTO\)/Dokumenter/Opps%C3%B8kende%20sosialt%20arbeid%20i%20et%20internasjonalt%20milj%C3%B8.pdf](http://www.salto.oslo.kommune.no/getfile.php/Salto%20(PROSJEKT-SALTO)/Internett%20(PROSJEKT-SALTO)/Dokumenter/Opps%C3%B8kende%20sosialt%20arbeid%20i%20et%20internasjonalt%20milj%C3%B8.pdf)>. **Sweden:** Rikskriminalpolisen (National Criminal Police), 'Människohandel for sexuella och andra ändamål', *Situation Report 9*, 1 January–31 December 2006, RKP KUT Report 2007:6, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, 2006, pp. 13-15. See also: Rikspolisstyrelsen

- (Swedish National Police Board), 'Människohandel för sexuella och andra ändamål 2007-2008', *Situation Report 10*, Stockholm, October 2009, p. 15, available at: [www.polisen.se/Global/www%20och%20Intrapolis/Rapporter-utredningar/01%20Polisen%20nationellt/Ovriga%20rapporter-utredningar/Manniskohandel\\_lagesrapport\\_10\\_webb.pdf](http://www.polisen.se/Global/www%20och%20Intrapolis/Rapporter-utredningar/01%20Polisen%20nationellt/Ovriga%20rapporter-utredningar/Manniskohandel_lagesrapport_10_webb.pdf). See also: Hultin, Madeleine, 'Arbete i det dolda – En studie om människohandel för arbetskraftsexploatering', Institute for the History of Economics, International Relations, Stockholm University, Stockholm 2009.
- <sup>36</sup> Polisen (Finnish Police), 'Arbetsgruppen föreslår inga ändringar i lagen på grund av tiggeri på gatan', 10 July 2008, available at: <http://poliisi.fi/poliisi/bulletin.nsf/psbdarch/FE894178E8488DEAC2257482002042FC?opendocument>, accessed 12 December 2011.
- <sup>37</sup> Eapen Paul, Rachel and Lene Nilsen, 'Challenging the Ad Hoc Norwegian Approach to Eliminate Trafficking in Women', Oslo, 2009, p. 25, accessed from: [www.rosa-help.no/pdf/Helse\\_og\\_rehabilitering-eng.pdf](http://www.rosa-help.no/pdf/Helse_og_rehabilitering-eng.pdf). Informed also by participants in national round table consultations in Norway, 5 May 2011, and in Finland, 13 May 2011.
- <sup>38</sup> See: Landsforeningen for oppsøkende sosialt ungdomsarbeid och Redd Barna (Norwegian Association for Outreach Work with Youth and Save the Children Norway), 'Bekymring knyttet til barn og unge uten tilknytning til Norge, som oppholder seg i Oslo sentrum', Oslo, 2010. See also: Smedby, Sheela, 'Menneskehandel med barn – avdekking, anmeldelse og strafforfølgelse', Save the Children Norway, Oslo, 2009, pp. 9-10
- <sup>39</sup> Landsforeningen for utekontakter (Norwegian Association for Outreach Work with Youth at Risk), 'Enslige mindreårige asylsøkere/mindreårige uten tilknytning til Norge', Oslo, November 2009, p. 2. Information supplied by Uteseksjonen Municipal Outreach Service, Oslo.
- <sup>40</sup> Ibid., p. 1. Information supplied by Uteseksjonen, Municipal Outreach Service, Oslo.
- <sup>41</sup> Ibid., p. 1. Landsforeningen for oppsøkende sosialt ungdomsarbeid och Redd Barna (Norwegian Association for Outreach Work with Youth and Save the Children Norway), 'Bekymring knyttet til barn og unge uten tilknytning til Norge, som oppholder seg i Oslo sentrum', Oslo, 2010, p. 1.
- <sup>42</sup> Vollbæk, Line Ruud, 'Oppsøkende sosialt arbeid i et internasjonalt gate miljø. Arbeid med unge asylsøkere, irregulære migranter og mulige ofre for menneskehandel', Kompetansesenter rus, Oslo, April 2010, p. 40, accessed from: [www.salto.oslo.kommune.no/getfile.php/Salto%20\(PROSJECT-SALTO\)/Internett%20\(PROSJECT-SALTO\)/Dokumenter/Opps%C3%B8kende%20sosialt%20arbeid%20i%20et%20internasjonalt%20milj%C3%B8.pdf](http://www.salto.oslo.kommune.no/getfile.php/Salto%20(PROSJECT-SALTO)/Internett%20(PROSJECT-SALTO)/Dokumenter/Opps%C3%B8kende%20sosialt%20arbeid%20i%20et%20internasjonalt%20milj%C3%B8.pdf).
- <sup>43</sup> Landsforeningen for utekontakter (Norwegian Association for Outreach Work with Youth at Risk), 'Enslige mindreårige asylsøkere/mindreårige uten tilknytning til Norge', Oslo, November 2009, p. 2. Information supplied by Uteseksjonen, Municipal Outreach Service, Oslo.
- <sup>44</sup> Ibid., p. 1.
- <sup>45</sup> Landsforeningen for oppsøkende sosialt ungdomsarbeid och Redd Barna (Norwegian Association for Outreach Work with Youth and Save the Children Norway), 'Bekymring knyttet til barn og unge uten tilknytning til Norge, som oppholder seg i Oslo sentrum', Oslo, 2010, p. 1. Information supplied by Uteseksjonen, Municipal Outreach Service, Oslo.
- <sup>46</sup> See, for example: Mossige, Svein, Mare Ainsaar and Carl Göran Svedin (editors), 'The Baltic Sea Regional Study on Adolescents' Sexuality', NOVA Rapport 18/2007, Norwegian Social Research, Oslo, 2007, available at: [www.childcentre.info/projects/abused/dbaFile15312.pdf](http://www.childcentre.info/projects/abused/dbaFile15312.pdf).
- <sup>47</sup> Committee on Knowledge about the Sexual Exploitation of Children in Sweden, 'Summary', undated, pp. 27-29, available at: [www.childcentre.info/projects/abused/sweden/dbaFile11369.doc](http://www.childcentre.info/projects/abused/sweden/dbaFile11369.doc), accessed 21 February 2010.
- <sup>48</sup> Socialstyrelsen, 'Prostitution in Sweden 2003: Knowledge, Beliefs and Attitudes of Key Informants', 2003, pp. 44, 48-49, 74. Cited in: End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, 'Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children: Sweden', ECPAT International, Bangkok, 2006, p. 11, available at: <http://resourcecentre.savethechildren.se/content/library/documents/global-monitoring-report-status-action-against-commercial-sexual-exploitation>, accessed 13 December 2011.
- <sup>49</sup> Nyman, Anders, 'Abused Online', BUP Elefanten (Child and Adolescent Psychiatric Unit) and the County Council of Östergötland, 2008, p. 16, accessed from: [www.childcentre.info/projects/internet/dbaFile15618.pdf](http://www.childcentre.info/projects/internet/dbaFile15618.pdf).
- <sup>50</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Office of the High Commissioner for Human Rights, Geneva, Initial Reports of States Parties due in 2004, CRC/C/OPSC/DNK/1, 30 November 2005, para. 112, accessed from: [www2.ohchr.org/english/bodies/crc/crcs43.htm](http://www2.ohchr.org/english/bodies/crc/crcs43.htm).
- <sup>51</sup> Holmström, Charlotta and May-Len Skilbrei (editors), 'Prostitution i Norden, Forskningsrapport', TemaNord 2008:604, Nordic Council of Ministers, Copenhagen, 2008, p. 187, accessed from: [www.norden.org/da/publikationer/publikationer/2008-604/at\\_download/publicationfile](http://www.norden.org/da/publikationer/publikationer/2008-604/at_download/publicationfile). United Nations Committee on the Elimination of Discrimination against Women, Concluding Observations of the Committee on the Elimination of Discrimination against Women, Iceland, CEDAW/C/ICE/CO/6, 18 July 2008, p. 4, accessed from: [www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ICE-CO-6.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ICE-CO-6.pdf). United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Concluding Observations of the Human Rights Committee, Iceland, CCPR/CO/83/ISL, 25 April 2005, para. 11, accessed from: [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/Of1891e92f3eaaa6c1256ffc004903ba?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/Of1891e92f3eaaa6c1256ffc004903ba?Opendocument). Save the Children – Iceland, 'Report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Submitted to the UN Committee on the Rights of the Child by Save the Children – Iceland in October 2005', 2005, p. 3, accessed from: [www.crin.org/docs/Iceland\\_STCI\\_OPSC\\_ngo\\_report.doc](http://www.crin.org/docs/Iceland_STCI_OPSC_ngo_report.doc).
- <sup>52</sup> Rikskriminalpolisen (National Criminal Police), 'Människohandel för sexuella och andra ändamål', *Situation Report 9*, 1 January–31 December 2006, RKP KUT Report 2007:6, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, 2006, p.14. Arbetsmarknadsdepartementet (Ministry for Employment),

- 'Människohandel för arbetskraftsexploatering m.m. – kartläggning, analys och förslag till handlingsplan', DS: 2008:7, Stockholm, December 2007, p. 90, available at: [www.regeringen.se/content/1/c6/09/69/65/22fd80c4.pdf](http://www.regeringen.se/content/1/c6/09/69/65/22fd80c4.pdf).
- <sup>53</sup> For a nuanced view of decision-making processes around child migration, including the role of the children themselves, see Boland, Kerry, *Children on the Move: A Report on Children of Afghan Origin Moving to Western Countries*, UNICEF, 2010, [http://www.unicef.org/infobycountry/files/Book\\_children\\_on\\_the\\_move.pdf](http://www.unicef.org/infobycountry/files/Book_children_on_the_move.pdf), accessed 2 November 2011.
- <sup>54</sup> Interviews with participants 233, 235, 238 and 241 in Finland, participant 4293 in Norway and participant 59 in Sweden.
- <sup>55</sup> Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 7, accessed from: [http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf). The Ombudsman for Children, 'Supplementary Report to the UN Committee on the Rights of the Child', Oslo, 2009, p. 30, accessed from: [www.barneombudet.no/sfiles/48/24/1/file/supplementary-report-to-the-un\\_english.pdf](http://www.barneombudet.no/sfiles/48/24/1/file/supplementary-report-to-the-un_english.pdf). Justis- og Politidepartementet (Ministry of Justice and the Police), 'Stop Human Trafficking, The Norwegian Government's Plan of Action to Combat Human Trafficking (2006–2009)', Oslo, 2007, p. 8, accessed from: [www.regjeringen.no/upload/kilde/jd/rap/2007/0001/ddd/pdfv/304170-stop\\_human\\_trafficking\\_0107.pdf](http://www.regjeringen.no/upload/kilde/jd/rap/2007/0001/ddd/pdfv/304170-stop_human_trafficking_0107.pdf).
- <sup>56</sup> **Denmark:** Minister for Ligestilling, Ministeriet for Flygtninge, Invandrere og Integration, Udenrigsministeriet, Justitsministeriet (Minister of Gender Equality, Ministry of Refugees, Immigration and Integration, Ministry of Foreign Affairs and Ministry of Justice), 'Action Plan to Combat Trafficking in Human Beings 2007–2010', Copenhagen, 2007, p. 18, accessed from: [http://uk.lige.dk/files/PDF/Handel/Menneskehandel\\_4K.pdf](http://uk.lige.dk/files/PDF/Handel/Menneskehandel_4K.pdf). **Finland:** Ministry for Foreign Affairs, 'National Plan of Action against Trafficking in Human Beings, Finland', 2005, p. 19, accessed from: <http://formin.finland.fi/public/default.aspx?nodeid=38595&contentlan=2&culture=en-US>. **Iceland:** Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 7, accessed from: [http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf). Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, pp. 46–47, accessed from: [www.intermin.fi/intermin/vvt/home.nsf/files/lhmiskaupparaportti%202010\\_englanti\\_nettiversio/\\$file/lhmiskaupparaportti%202010\\_englanti\\_nettiversio.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/lhmiskaupparaportti%202010_englanti_nettiversio/$file/lhmiskaupparaportti%202010_englanti_nettiversio.pdf). **Norway:** Justis- og Politidepartementet (Ministry of Justice and the Police), 'Stop Human Trafficking, The Norwegian Government's Plan of Action to Combat Human Trafficking (2006–2009)', Oslo, 2007, p. 8, accessed from: [www.regjeringen.no/upload/kilde/jd/rap/2007/0001/ddd/pdfv/304170-stop\\_human\\_trafficking\\_0107.pdf](http://www.regjeringen.no/upload/kilde/jd/rap/2007/0001/ddd/pdfv/304170-stop_human_trafficking_0107.pdf). **Sweden:** Rikskriminalpolisen (National Criminal Police), 'Människohandel för sexuella och andra ändamål', *Situation Report 9*, 1 January–31 December 2006, RKP KUT Report 2007:6, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, 2006, pp. 14–15.
- <sup>57</sup> Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime*, OSCE, Vienna, 2010, p. 10, accessed from: [www.osce.org/cthb/69028](http://www.osce.org/cthb/69028).
- <sup>58</sup> Politidirektoratet (National Police Directorate), 'Tendenser i kriminaliteten – utfordringer i Norge 2007–2009', Oslo, January 2007, p. 29, accessed from: [www.politi.no/vedlegg/rapport/Vedlegg\\_23.pdf](http://www.politi.no/vedlegg/rapport/Vedlegg_23.pdf).
- <sup>59</sup> Arbetsmarknadsdepartementet (Ministry for Employment), 'Människohandel för arbetskraftsexploatering m.m. – kartläggning, analys och förslag till handlingsplan', DS: 2008:7, Stockholm, December 2007, pp. 89–90, accessed from: [www.regeringen.se/content/1/c6/09/69/65/22fd80c4.pdf](http://www.regeringen.se/content/1/c6/09/69/65/22fd80c4.pdf).
- <sup>60</sup> Ibid., pp. 14–15, 90. See also: Rikskriminalpolisen (National Criminal Police), 'Trafficking in Human Beings for Sexual and Other Purposes', *Situation Report 9*, 1 January–31 December 2006, RKP Report 2007:6b, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, January 2009, p. 16, accessed from: [www.polisen.se/Global/www%20och%20Intrapolis/Informationsmaterial/01%20Polisen%20nationellt/Engelskt%20Informationsmaterial/Trafficking\\_Lagesrapport\\_9\\_ENG.pdf](http://www.polisen.se/Global/www%20och%20Intrapolis/Informationsmaterial/01%20Polisen%20nationellt/Engelskt%20Informationsmaterial/Trafficking_Lagesrapport_9_ENG.pdf). Rikspolisstyrelsen (Swedish National Police Board), 'Människohandel för sexuella och andra ändamål 2007–2008', *Situation Report 10*, Stockholm, October 2009, pp. 15–16, accessed from: [www.polisen.se/Global/www%20och%20Intrapolis/Rapporter-utredningar/01%20Polisen%20nationellt/Ovriga%20rapporter-utredningar/Manniskohandel\\_lagesrapport\\_10\\_webb.pdf](http://www.polisen.se/Global/www%20och%20Intrapolis/Rapporter-utredningar/01%20Polisen%20nationellt/Ovriga%20rapporter-utredningar/Manniskohandel_lagesrapport_10_webb.pdf).
- <sup>61</sup> Rikskriminalpolisen (National Criminal Police), 'Människohandel för sexuella och andra ändamål', *Situation Report 9*, 1 January–31 December 2006, RKP KUT Report 2007:6, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, 2006, pp. 14–15. See also: Rikspolisstyrelsen (Swedish National Police Board), 'Människohandel för sexuella och andra ändamål 2007–2008', *Situation Report 10*, Stockholm, October 2009, pp. 15–16, available at: [www.polisen.se/Global/www%20och%20Intrapolis/Rapporter-utredningar/01%20Polisen%20nationellt/Ovriga%20rapporter-utredningar/Manniskohandel\\_lagesrapport\\_10\\_webb.pdf](http://www.polisen.se/Global/www%20och%20Intrapolis/Rapporter-utredningar/01%20Polisen%20nationellt/Ovriga%20rapporter-utredningar/Manniskohandel_lagesrapport_10_webb.pdf).
- <sup>62</sup> Denmark: Ministeriet for Flygtninge, Indvandrere og Integration (Ministry of Refugee, Immigration and Integration Affairs), 'Tal og fakta på udlændingeområdet 2010', p. 43, accessed from: [www.nvidanmark.dk/NR/rdonlyres/512F1888-F2B1-40C1-8C30-CE0E5D742F6E/0/Talogfakta2010.pdf](http://www.nvidanmark.dk/NR/rdonlyres/512F1888-F2B1-40C1-8C30-CE0E5D742F6E/0/Talogfakta2010.pdf). Finland: Finnish Immigration Service, 'Asylum applicants, Unaccompanied minors persons', 2009, available at: [www.migri.fi/download.asp?id=Alaik%C3%A4iset+tp%2Dhakijat+2009+englanti:1497;\(C16FE4CC-9642-4D7C-813B-75BB885DAE6C\)](http://www.migri.fi/download.asp?id=Alaik%C3%A4iset+tp%2Dhakijat+2009+englanti:1497;(C16FE4CC-9642-4D7C-813B-75BB885DAE6C)), accessed 22 August 2011. Finnish Immigration Service, 'Asylum applicants, Unaccompanied minors', 1 January–31 December 2008, available at: [www.migri.fi/download.asp?id=Yksintulleet+alaik%C3%A4iset+tp%2Dhakijat%2C+2008+eng:1367;\(838AF4B5-3F3F-4435-8F3C-58D2E8F2B51F\)](http://www.migri.fi/download.asp?id=Yksintulleet+alaik%C3%A4iset+tp%2Dhakijat%2C+2008+eng:1367;(838AF4B5-3F3F-4435-8F3C-58D2E8F2B51F)), accessed 22 August 2011. Boland, Kerry, *Children on the Move: A Report on Children of Afghan Origin Moving to Western Countries*, UNICEF, 2010, p. 3, accessed from:

<[www.unicef.org/infobycountry/files/Book\\_children\\_on\\_the\\_move.pdf](http://www.unicef.org/infobycountry/files/Book_children_on_the_move.pdf)>. Utlendingsdirektoratet (Norwegian Directorate of Immigration), 'Applications from unaccompanied minor asylum seekers in 2008', <[www.udi.no/Norwegian-Directorate-of-Immigration/Oversiktsider/Statistikk-/Asylum/Unaccompanied-minors-applications-and-decisions/Applications-from-unaccompanied-minor-asylum-seekers-in-2008/](http://www.udi.no/Norwegian-Directorate-of-Immigration/Oversiktsider/Statistikk-/Asylum/Unaccompanied-minors-applications-and-decisions/Applications-from-unaccompanied-minor-asylum-seekers-in-2008/)>, accessed 4 April 2010. Sweden: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2007: Sweden, CRC/C/SWE/4, 28 January 2008, para. 231, available at: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.SWE.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.SWE.4.doc)>. European Migration Network, 'National Report for Sweden: Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – An EU Comparative Study', Study 2008 (II), June 2009, pp. 4, 16, available at: <<http://emn.sarenet.es/Downloads/download.do;jsessionid=6408181CC3813B9A49EB1F99D7473D26?fileID=849>>.

<sup>63</sup> European Union Agency for Fundamental Rights, 'Separated, asylum-seeking children in European Union Member States', Comparative Report, Conference Edition, Vienna, November 2010, p. 22, accessed from: <[http://fra.europa.eu/fraWebsite/research/publications/publications\\_per\\_year/pub\\_sep\\_asylum\\_en.htm](http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/pub_sep_asylum_en.htm)>.

<sup>64</sup> **Denmark:** Ministeriet for Flygtninge, Indvandrere og Integration (Ministry of Refugee, Immigration and Integration Affairs), 'Tal og fakta på udlændingeområdet 2010', pp. 29- 43, available at: <[www.nyidanmark.dk/NR/rdonlyres/512F1888-F2B1-40C1-8C30-CE0E5D742F6E/0/Talogfakta2010.pdf](http://www.nyidanmark.dk/NR/rdonlyres/512F1888-F2B1-40C1-8C30-CE0E5D742F6E/0/Talogfakta2010.pdf)>, accessed 12 April 2011. **2006:** 1960; **2007:** 2246; **2008:** 2409; **2009:** 3855; **2010:** 5115. **Finland:** Finnish Immigration Service, 'Statistics on asylum and refugees, Asylum applicants', <[www.migri.fi/netcomm/content.asp?article=3129&language=EN](http://www.migri.fi/netcomm/content.asp?article=3129&language=EN)>, accessed 13 April 2011. **2006:** 2324; **2007:** 1505; **2008:** 4035; **2009:** 5988; **2010:** 4018. **Iceland:** Icelandic Directorate of Immigration, 'Statistics 1996-2009', <[www.utl.is/index.php?option=com\\_content&view=article&id=97&Itemid=99&lang=en](http://www.utl.is/index.php?option=com_content&view=article&id=97&Itemid=99&lang=en)>, accessed 12 April 2011. **2006:** 39; **2007:** 42; **2008:** 73; **2009:** 35; **2010:** 35. **Norway:** Utlendingsdirektoratet (Norwegian Directorate of Immigration), 'Årsrapport 2010 Tall og fakta', p. 54, <[www.udi.no/Global/upload/Flash/2010/Aarsrapport2010/Aarsrapport2010.html](http://www.udi.no/Global/upload/Flash/2010/Aarsrapport2010/Aarsrapport2010.html)>, accessed 12 April 2011. **2006:** 5320; **2007:** 6528; **2008:** 14431; **2009:** 17226; **2010:** 10064. **Sweden:** Migrationsverket (Swedish Migration Board), 'Asylsökande till Sverige under 1984–2010', available at: <[www.migrationsverket.se/download/18.46b604a812cbcd7dba800027746/Inkomna+ans%C3%B6kningar+om+asyl+2011+-+Applications+for+asylum+received+2011.pdf](http://www.migrationsverket.se/download/18.46b604a812cbcd7dba800027746/Inkomna+ans%C3%B6kningar+om+asyl+2011+-+Applications+for+asylum+received+2011.pdf)>, accessed 12 April 2011. **2006:** 24322; **2007:** 36207; **2008:** 24353; **2009:** 24194; **2010:** 31819.

<sup>65</sup> **Denmark:** Ministeriet for Flygtninge, Indvandrere og Integration (Ministry of Refugee, Immigration and Integration Affairs), 'Tal og fakta på udlændingeområdet 2010', p. 42, accessed from: <[www.nyidanmark.dk/NR/rdonlyres/512F1888-F2B1-40C1-8C30-CE0E5D742F6E/0/Talogfakta2010.pdf](http://www.nyidanmark.dk/NR/rdonlyres/512F1888-F2B1-40C1-8C30-CE0E5D742F6E/0/Talogfakta2010.pdf)>. **2006:** 107; **2007:** 93; **2008:** 302; **2009:** 529; **2010:** 432. **Finland:** Finnish Immigration Service, 'Statistics on Asylum and Refugees, Minor unaccompanied asylum applicants by nationality', <[www.migri.fi/netcomm/content.asp?article=3129](http://www.migri.fi/netcomm/content.asp?article=3129)>, accessed 13 April 2011. **2006:** 108; **2007:** 98; **2008:** 706; **2009:** 557; **2010:** 329. **Iceland:** Information supplied by the Icelandic Immigration Directorate, Iceland. **2006:** 0; **2007:** 6; **2008:** 1; **2009:** 0; **2010:** 1. **Norway:** Utlendingsdirektoratet (Norwegian Directorate of Immigration), 'Årsrapport 2010 Tall og fakta', p. 55, available at: <[www.udi.no/Global/upload/Flash/2010/Aarsrapport2010/Aarsrapport2010.html](http://www.udi.no/Global/upload/Flash/2010/Aarsrapport2010/Aarsrapport2010.html)>, accessed 22 August 2011. **2006:** 349; **2007:** 403; **2008:** 1374; **2009:** 2500; **2010:** 892. **Sweden:** Migrationsverket (Swedish Migration Board), 'Aktuellt om ensamkommande barn & ungdomar', April 2011, available at: <[www.migrationsverket.se/download/18.63b7904d12ece36769a800011584/Aktuellt+om+april+2011.pdf](http://www.migrationsverket.se/download/18.63b7904d12ece36769a800011584/Aktuellt+om+april+2011.pdf)>, accessed 12 April 2011. **2006:** 816; **2007:** 1264; **2008:** 1510; **2009:** 2250; **2010:** 2393.

<sup>66</sup> The European Union Agency for Fundamental Rights notes: "a failure to recognise children as separated at the time of arrival can lead to under-reporting; conversely, children recorded upon arrival as separated may subsequently be reunited with their parents, which may lead to over-reporting. Furthermore, difficulties in assessing age, when in doubt, add to the problem of compiling accurate figures."

<sup>67</sup> Frontex, 'Unaccompanied Minors in the Migration Process', European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, Risk Analysis Unit, Reference No. 18477, Warsaw, December 2010, p. 5, accessed from: <[http://www.frontex.europa.eu/newsroom/news\\_releases/art86.html](http://www.frontex.europa.eu/newsroom/news_releases/art86.html)>.

<sup>68</sup> The survey was conducted by the European Union Agency for Fundamental Rights (FRA) and results were published in November 2010. This study "was based on semi-structured individual, face-to-face interviews with 336 separated children and 302 adults responsible for, assisting and working with such children, including care workers, social workers, teachers, psychologists, health specialists, legal guardians, legal practitioners, government officials – including law enforcement officers – interpreters and researchers. The children interviewed were aged between 14 and 18 years, and every effort was made to interview girls and boys with different ethnic, religious and cultural backgrounds. All children took part in the research voluntarily. They were assured that their responses were anonymous so that no single child could be traced from the research findings." See: European Union Agency for Fundamental Rights, 'Separated, asylum-seeking children in European Union Member States', Comparative Report, Conference Edition, Vienna, November 2010, p. 19, accessed from: <[http://fra.europa.eu/fraWebsite/research/publications/publications\\_per\\_year/pub\\_sep\\_asylum\\_en.htm](http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/pub_sep_asylum_en.htm)>. FRA gives the following information on the participating children's background: "The 336 separated children included in this research originated from 48 countries, with a majority coming from Afghanistan (22%), Morocco (over 10%), Somalia (over 10%) and Iraq (9%). The 302 adults responsible for assisting or working with these children are care workers, social workers, teachers, psychologists, health specialists, legal guardians, legal practitioners, government officials – including law enforcement officers – interpreters and researchers." See: European Union Agency for Fundamental Rights, 'Separated, asylum-seeking children in European Union Member States', Comparative Report, Conference Edition, Vienna, November 2010, p. 21, accessed from:

- <[http://fra.europa.eu/fraWebsite/research/publications/publications\\_per\\_year/pub\\_sep\\_asylum\\_en.htm](http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/pub_sep_asylum_en.htm)>.
- <sup>69</sup> Brekke, Jan-Paul, 'While we are waiting: Uncertainty and empowerment among asylum-seekers in Sweden', Institute for Social Research, Oslo, 2004, pp. 50-51, available at: <[www.temaasyl.se/Documents/Forskning/NTG/While%20we%20are%20waiting.pdf](http://www.temaasyl.se/Documents/Forskning/NTG/While%20we%20are%20waiting.pdf)>.
- <sup>70</sup> Frontex, 'Unaccompanied Minors in the Migration Process', European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, Risk Analysis Unit, Reference No. 18477, Warsaw, December 2010, p. 13, accessed from: <[www.frontex.europa.eu/newsroom/news\\_releases/art86.html](http://www.frontex.europa.eu/newsroom/news_releases/art86.html)>.
- <sup>71</sup> All Nordic countries have joined the Schengen Agreement, while Denmark, Finland and Sweden are members of the European Union. See Europa, Summaries of EU legislation, 'The Schengen area and cooperation', 3 August 2009, <[http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/33020\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/33020_en.htm)>, accessed 22 August 2011. Corrigendum to Directive 2004/58/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, Official Journal of the European Union, 29 June 2004, <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:229:0035:0048:EN:pdf>>.
- <sup>72</sup> Frontex is an EU agency and acts as a specialized and independent body tasked to coordinate the operational cooperation between the EU member States on border security issues. Frontex is based in Warsaw, information available at: <[www.frontex.europa.eu/](http://www.frontex.europa.eu/)>.
- <sup>73</sup> Politiet (Norwegian Police), 'Om Kripos', 15 September 2009, <[www.politi.no/kripos/om\\_kripos/](http://www.politi.no/kripos/om_kripos/)>, accessed 31 March 2010.
- <sup>74</sup> Politidirektoratet (National Police Directorate), 'Tendenser i kriminaliteten – utfordringer i Norge 2007-2009', Oslo, January 2007, p. 29, accessed from: <[www.politi.no/vedlegg/rapport/Vedlegg\\_23.pdf](http://www.politi.no/vedlegg/rapport/Vedlegg_23.pdf)>.
- <sup>75</sup> Frontex, 'Unaccompanied Minors in the Migration Process', European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, Risk Analysis Unit, Reference No. 18477, Warsaw, December 2010, p. 5, accessed from: <[www.frontex.europa.eu/newsroom/news\\_releases/art86.html](http://www.frontex.europa.eu/newsroom/news_releases/art86.html)>.
- <sup>76</sup> Asker kommune (Municipality of Asker), 'Alene på veien til Norge', undated, p. 13, accessed from: <[www.regjeringen.no/pages/2214522/Asker%20kommune%20-%20Alene%20p%C3%A5%20veien%20til%20Norge.pdf](http://www.regjeringen.no/pages/2214522/Asker%20kommune%20-%20Alene%20p%C3%A5%20veien%20til%20Norge.pdf)>.
- <sup>77</sup> Ibid., p. 7.
- <sup>78</sup> See, for example: United Nations High Commissioner for Refugees, *Voices of Afghan Children – A study on asylum-seeking children in Sweden*, UNHCR Regional Office for the Baltic and Nordic Countries, Stockholm, June 2010, p. 5, accessed from: <[www.unhcr.org/refworld/docid/4c19ec7f2.html](http://www.unhcr.org/refworld/docid/4c19ec7f2.html)>. For an overview of the background, profile and experiences of unaccompanied children arriving in Europe from Afghanistan, see: Mougne, Christine, *Trees Only Move in the Wind: A study of unaccompanied Afghan children in Europe*, Policy Development and Evaluation Services, UNHCR, Geneva, 2010, accessed from: <[www.unhcr.org/4c1229669.html](http://www.unhcr.org/4c1229669.html)>. See also: Boland, Kerry, *Children on the Move: A Report on Children of Afghan Origin Moving to Western Countries*, UNICEF, 2010, accessed from: <[www.unicef.org/infobycountry/files/Book\\_children\\_on\\_the\\_move.pdf](http://www.unicef.org/infobycountry/files/Book_children_on_the_move.pdf)>.
- <sup>79</sup> Frontex, 'Unaccompanied Minors in the Migration Process', European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, Risk Analysis Unit, Reference No. 18477, Warsaw, December 2010, pp. 25-26, accessed from: <[www.frontex.europa.eu/newsroom/news\\_releases/art86.html](http://www.frontex.europa.eu/newsroom/news_releases/art86.html)>.
- <sup>80</sup> Save the Children Sweden, 'Undocumented Children: 'All I Want Is To Land'', Report from the Save the Children project utanpapper.nu a helpline for undocumented children', Stockholm, 2008, pp. 10, 27, available at: <[www.utanpapper.nu/Documents/utanpapper/en/All%20I%20want%20is%20to%20land-all.pdf](http://www.utanpapper.nu/Documents/utanpapper/en/All%20I%20want%20is%20to%20land-all.pdf)>.
- <sup>81</sup> The website and helpline Utanpapper.nu provided information and counselling to children and families online, over the phone and, to some extent, through personal follow-up meetings. See: Save the Children Sweden, *Undocumented Children: 'All I Want Is To Land', Report from the Save the Children project utanpapper.nu, a helpline for undocumented children*, Stockholm, 2008. Ibid., pp. 6-7, 91.
- <sup>82</sup> Ibid., p. 14.
- <sup>83</sup> Ibid., pp. 14-16.
- <sup>84</sup> Brunovskis, Anette and Lise Bjerkan, 'Learning about Illegals: Issues and Methods', FoU-Report June 2008, Utlendingsdirektoratet (Norwegian Directorate of Immigration), Oslo, 2008, p. 47, accessed from: <<http://www.udi.no/upload/FOUrapport%20SSB%20FAFO.pdf>>.
- <sup>85</sup> See for **Denmark**: Kofod Olsen, Birgitte, Christoffer Badse and Nanna Margrethe Krusaa, 'FRA Thematic Study on Child Trafficking, Denmark', European Union Agency for Fundamental Rights, undated, pp. 31-32, accessed from: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-dk.pdf>>. The Collaborating Group on the Children's Convention (Denmark), 'Supplementary NGO Report to the Danish Government's 4<sup>th</sup> Periodic Report to the UN Committee on the Rights of the Child, Written by The Rights of All Children, Amnesty International Danish Section, The Joint Council for Child Issues, Children's Welfare in Denmark, Disabled Peoples Organisation Denmark, DUI – Leg og Virke, Save the Children Denmark, Save the Children Youth Denmark, The Danish Red Cross Youth, The Danish National Committee for UNICEF', May 2009, English translation June 2010, p. 27. Danish Institute for Human Rights, 'Parallel Report July 2010 to the UN Committee on the Rights of the Child on the 4<sup>th</sup> Periodic Report by the Government of Denmark on the Implementation of the Rights of the Child', Copenhagen, July 2010, p. 20. **Finland**: Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, p. 29, available at: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>>. **Iceland**: United Nations Committee on the Rights of the Child, Written Replies by the Government of Iceland Concerning the List of Issues (CRC/C/OPAC/ISL/Q/1) Received by the Committee on the Rights of the Child Relating to the Consideration of the Initial Report of Iceland Under Article 8(1) of the Optional Protocol to the

- Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/ISL/1), Office of the High Commissioner for Human Rights, Geneva, CRC/C/OPAC/ISL/Q/1/Add.1, 11 May 2006, p. 4, accessed from: <[www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/ae2cb0fd0052e4a6c125718100381f6c?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/ae2cb0fd0052e4a6c125718100381f6c?Opendocument)>.
- Norway:** United Nations Committee on the Rights of the Child, Written Replies by the Government of Norway to the List of Issues (CRC/C/NOR/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Norway (CRC/C/NOR/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/NOR/Q/4/Add.1, 30 November 2009, p. 20, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc)>.
- Sweden:** United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Fourth Periodic Report of States Parties due in 2007: Sweden, CRC/C/SWE/4, Office of the High Commissioner for Human Rights, Geneva, 28 January 2008, para. 236, available at: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.SWE.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.SWE.4.doc)>. Eriksson, Maja K., 'Thematic Study on Child Trafficking: Sweden', European Union Agency for Fundamental Rights/ECPAT Sweden, undated, p. 41, available at: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>>.
- <sup>86</sup> Danish Institute for Human Rights, 'Parallel Report July 2010 to the UN Committee on the Rights of the Child on the 4<sup>th</sup> Periodic Report by the Government of Denmark on the Implementation of the Rights of the Child', Copenhagen, July 2010, p. 20.
- <sup>87</sup> Sveriges Kommuner och Landsting, Migrationsverket (Swedish Association for Local Authorities and Regions, Swedish Migration Board), 'Ensamkommande barn och ungdomar – ett gemensamt ansvar, Kartläggning och åtgärdsplan', February 2010, p. 35, accessed from: <[www.migrationsverket.se/download/18.78fcf371269cd4cda980004171/sluttrapport\\_ensamkommande.pdf](http://www.migrationsverket.se/download/18.78fcf371269cd4cda980004171/sluttrapport_ensamkommande.pdf)>.
- <sup>88</sup> Marek Central Register, 24 June 2009. Cited in: Parsons, Annika, 'The Best Interests of the Child in Asylum and Refugee Procedures in Finland', Finnish National Rapporteur on Trafficking in Human Beings, Publication 6, Helsinki, 2010, p. 99, accessed from: <[www.intermin.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20selvitys\\_englanti/\\$file/VV%20lapsen%20etu%20selvitys\\_englanti.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20selvitys_englanti/$file/VV%20lapsen%20etu%20selvitys_englanti.pdf)>.
- <sup>89</sup> United Nations Committee on the Rights of the Child, Written Replies by the Government of Norway to the List of Issues (CRC/C/NOR/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Norway (CRC/C/NOR/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/NOR/Q/4/Add.1, 30 November 2009, p. 20, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc)>.
- <sup>90</sup> The Dublin II Regulation is an agreement among EU member States and additional third countries and regulates which country is responsible for examining a person's asylum application. For children, the Dublin II Regulation provides special procedures in that a child's application should be examined by the country where the child has handed in his or her first asylum application or where he or she has parents or other relatives. When a child has started an asylum application or has undergone age assessment in another country before coming to Sweden, the responsibility can be transferred to that country. Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, available at: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:NOT>>. See: United Nations Committee on the Rights of the Child, Written Replies by the Government of Norway to the List of Issues (CRC/C/NOR/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Norway (CRC/C/NOR/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/NOR/Q/4/Add.1, 30 November 2009, p. 20, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc)>.
- <sup>91</sup> Wessel, Anna, 'Review of Cases in Which Unaccompanied Asylum-seeking Minors Absconded During 2002', Development Division, Migrationsverket, 28 October 2003, available at: <[www.childcentre.info/projects/traffickin/sweden/dbaFile10946.doc](http://www.childcentre.info/projects/traffickin/sweden/dbaFile10946.doc)>. See also: Save the Children Sweden, 'Undocumented Children: 'All I Want Is To Land'', Report from the Save the Children project utanpapper.nu a helpline for undocumented children', Stockholm, 2008, p. 24, available at: <[www.utanpapper.nu/Documents/utanpapper/en/All%20I%20want%20is%20to%20land-all.pdf](http://www.utanpapper.nu/Documents/utanpapper/en/All%20I%20want%20is%20to%20land-all.pdf)>.
- <sup>92</sup> The Collaborating Group on the Children's Convention (Denmark), 'Supplementary NGO Report to the Danish Government's 4<sup>th</sup> Periodic Report to the UN Committee on the Rights of the Child, Written by The Rights of All Children, Amnesty International Danish Section, The Joint Council for Child Issues, Children's Welfare in Denmark, Disabled Peoples Organisation Denmark, DUI – Leg og Virke, Save the Children Denmark, Save the Children Youth Denmark, The Danish Red Cross Youth, The Danish National Committee for UNICEF', May 2009, English translation June 2010, pp. 28-29.
- <sup>93</sup> Wessel, Anna, op. cit. See also: Danish Institute for Human Rights, 'Parallel Report July 2010 to the UN Committee on the Rights of the Child on the 4<sup>th</sup> Periodic Report by the Government of Denmark on the Implementation of the Rights of the Child', Copenhagen, July 2010, p. 20.
- <sup>94</sup> The Collaborating Group on the Children's Convention (Denmark), 'Supplementary NGO Report to the Danish Government's 4<sup>th</sup> Periodic Report to the UN Committee on the Rights of the Child, Written by The Rights of All Children, Amnesty International Danish Section, The Joint Council for Child Issues, Children's Welfare in Denmark, Disabled Peoples Organisation Denmark, DUI – Leg og Virke, Save the Children Denmark, Save the Children Youth Denmark, The Danish Red Cross Youth, The Danish National Committee for UNICEF', May 2009, English translation June 2010, p. 27. Wessel, Anna, op. cit.
- <sup>95</sup> Wessel, Anna, op. cit. See also: Danish Institute for Human Rights, 'Parallel Report July 2010 to the UN Committee on the Rights of the Child on the 4<sup>th</sup> Periodic Report by the Government of Denmark on the Implementation of the Rights of the Child', Copenhagen, July 2010, p. 20.
- <sup>96</sup> End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, 'Missing Out: A study of Child Trafficking in the North-West, North-East and West Midlands', ECPAT UK, London, 2007, p. 5, accessed from: <[www.crin.org/docs/ecpat\\_missing\\_out.pdf](http://www.crin.org/docs/ecpat_missing_out.pdf)>.
- <sup>97</sup> Eriksson, Maja K., 'Thematic Study on Child Trafficking: Sweden', European Union Agency for Fundamental Rights/ECPAT Sweden, undated, p. 41, accessed from: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>>.



- <sup>98</sup> Vollbæk, Line Ruud, 'Oppsøkende sosialt arbeid i et internasjonalt gate miljø. Arbeid med unge asylsøkere, irregulære migranter og mulige ofre for menneskehandel', Kompetansesenter rus, Oslo, April 2010, p. 46, accessed from: <[www.salto.oslo.kommune.no/getfile.php/Salto%20\(PROSJEKT-SALTO\)/Internett%20\(PROSJEKT-SALTO\)/Dokumenter/Opps%C3%B8kende%20sosialt%20arbeid%20i%20et%20internasjonalt%20milj%C3%B8.pdf](http://www.salto.oslo.kommune.no/getfile.php/Salto%20(PROSJEKT-SALTO)/Internett%20(PROSJEKT-SALTO)/Dokumenter/Opps%C3%B8kende%20sosialt%20arbeid%20i%20et%20internasjonalt%20milj%C3%B8.pdf)>.
- <sup>99</sup> Information supplied by Uteseksjonen, Municipal Outreach Service, Oslo, 23 June 2010.
- <sup>100</sup> Ibid.
- <sup>101</sup> Save the Children Denmark reported on boys from Romania who had been caught pickpocketing or shoplifting in Denmark. The Danish police suspected that these activities were organized by third persons who profited from them. As of 2008, a growing number of migrants were noted to be involved in begging in Finland, among them children. The Finnish police reported that the persons involved in begging were mainly Roma from Romania.
- <sup>102</sup> United Nations, United Nations Convention against Transnational Organized Crime, A/RES/55/25, United Nations, New York, 8 January 2001, available at: <[www.unodc.org/pdf/crime/a\\_res\\_55/res5525e.pdf](http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf)>, pp. 32-33.
- <sup>103</sup> UNODC, 'Signatories to the CTOC Trafficking Protocol', <[www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html](http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html)>, accessed 1 November 2011.
- <sup>104</sup> See: Council of Europe Committee of Ministers, Council of Europe Convention on Action against Trafficking in Human Beings, Explanatory report, CM(2005)32 Addendum 2 final, 3 May 2005, para. 36, accessed from: <<https://wcd.coe.int/ViewDoc.jsp?id=828773&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>>.
- <sup>105</sup> The exact details of what constitutes 'other forms of sexual exploitation' has been left up to individual countries to decide in accordance with their domestic legislation.
- <sup>106</sup> Figure 1 is derived directly from the 'UN Trafficking Protocol' definition. See United Nations, United Nations Convention against Transnational Organized Crime, A/RES/55/25, United Nations, New York, 8 January 2001, pp. 32-33, available at: <[www.unodc.org/pdf/crime/a\\_res\\_55/res5525e.pdf](http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf)>.
- <sup>107</sup> **Denmark:** Danish Penal Code, section 262a. **Iceland:** Icelandic General Penal Code, article 227a; **Finland:** Penal Code of Finland, chapter 25 (9 July 2004/650, in force on 1 July 2004), sections 3 and 3a; **Norway:** General Civil Penal Code of Norway, section 224; **Sweden:** Swedish Penal Code, chapter 4, On Crimes against Liberty and Peace, section 1a.
- <sup>108</sup> Interview with participant 428 in Norway.
- <sup>109</sup> DCAF, DCAF Backgrounder, 'Trafficking in Human Beings', Geneva Centre for the Democratic Control of Armed Forces, November 2007, available at: <[www.dcaf.ch/content/download/35411/.../file/BG\\_trafficking3.pdf](http://www.dcaf.ch/content/download/35411/.../file/BG_trafficking3.pdf)>, accessed 2 November 2011. See also: Coalition Against Trafficking in Women, 'An introduction to CATW', <<http://www.catwinternational.org/about/>>, for an explanation of the view of the prominent anti-trafficking network Coalition Against Trafficking in Women that all prostitution is sexual exploitation.
- <sup>110</sup> See, for example: Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 13, accessed from: <[http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>.
- <sup>111</sup> United Nations Office on Drugs and Crime, Travaux Préparatoires of the negotiations for the elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, United Nations, New York, 2006, part 2, article 3, C. Interpretive notes, subparagraph (a)(d).
- <sup>112</sup> Danish Penal Code, section 228, subsection 1. See: Minister for Ligestilling, Ministeriet for Flygtninge, Invandrere og Integration, Udenrigsministeriet, Justitsministeriet (Minister of Gender Equality, Ministry of Refugees, Immigration and Integration, Ministry of Foreign Affairs and Ministry of Justice), 'Action Plan to Combat Trafficking in Human Beings 2007–2010', Copenhagen, 2007, p. 8, accessed from: <[http://uk.lige.dk/files/PDF/Handel/Menneskehandel\\_4K.pdf](http://uk.lige.dk/files/PDF/Handel/Menneskehandel_4K.pdf)>.
- <sup>113</sup> Minister for Ligestilling, Ministeriet for Flygtninge, Invandrere og Integration, Udenrigsministeriet, Justitsministeriet (Minister of Gender Equality, Ministry of Refugees, Immigration and Integration, Ministry of Foreign Affairs and Ministry of Justice), 'Action Plan to Combat Trafficking in Human Beings 2007–2010', Copenhagen, 2007, p. 13, accessed from: <[http://uk.lige.dk/files/PDF/Handel/Menneskehandel\\_4K.pdf](http://uk.lige.dk/files/PDF/Handel/Menneskehandel_4K.pdf)>.
- <sup>114</sup> Criminal Code of Finland (650/2004), chapter 20, section 9(1)(1).
- <sup>115</sup> Ibid., chapter 25 (9 July 2004/650, in force on 1 July 2004), section 3; Swedish Penal Code, chapter 4, On Crimes against Liberty and Peace, section 1a. Emphasis added.
- <sup>116</sup> Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, pp. 46-47 accessed from: <[www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio/\\$file/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010_englanti_nettiversio/$file/Ihmiskaupparaportti%202010_englanti_nettiversio.pdf)>.
- <sup>117</sup> Justitiedepartementet, Utredningen om Människohandel mm. (Ministry of Justice), 'Människohandel och Barnäktenskap - ett förstärkt straffrättsligt skydd', SOU 2008:41, Stockholm, April 2008, pp. 170-172, accessed from: <[www.sweden.gov.se/content/1/c6/10/35/17/9355e9b2.pdf](http://www.sweden.gov.se/content/1/c6/10/35/17/9355e9b2.pdf)>.
- <sup>118</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, article 3(c).
- <sup>119</sup> United Nations Office on Drugs and Crime, *Trafficking in Persons*, UNODC, Vienna 2009, p. 2, accessed from: <[www.unodc.org/documents/human-trafficking/HTleafletA5EnglishupdatedAugust09.pdf](http://www.unodc.org/documents/human-trafficking/HTleafletA5EnglishupdatedAugust09.pdf)>.
- <sup>120</sup> **Denmark:** Danish Penal Code, section 262a, subsection 2. **Finland:** Penal Code of Finland, chapter 25 (9 July 2004/650, in force on 1 July 2004), section 3(2). **Iceland:** Icelandic General Penal Code, No. 19/1940, chapter XXIV, article 227a, subsection 2. **Norway:** General Civil Penal Code of Norway, section 224. **Sweden:** Swedish Penal Code, chapter 4, On Crimes against Liberty and Peace, section 1a.
- <sup>121</sup> Københavns Byret, Nr. S-327 (Copenhagen District Court), 11 December 2008. Reiterated also by participants at the national round table consultation in Sweden, 3 May 2011.
- <sup>122</sup> See, for example: Dottridge, Mike, 'Young People's Voices on Child Trafficking: Experiences from South Eastern

- Europe', *Innocenti Working Paper* No. IWP-2008-05, UNICEF Innocenti Research Centre, Florence, 2008, available at: <[www.unicef-irc.org/publications/pdf/iwp\\_2008\\_05.pdf](http://www.unicef-irc.org/publications/pdf/iwp_2008_05.pdf)>
- <sup>123</sup> See: United Nations Economic and Social Council, Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, Economic and Social Council Resolution 2005/20, 22 July 2005, para. 7e, 9a, accessed from: <[www.un.org/docs/ecosoc/documents/2005/resolutions/Resolution%202005-20.pdf](http://www.un.org/docs/ecosoc/documents/2005/resolutions/Resolution%202005-20.pdf)>. United Nations Economic and Social Council, Recommended Principles and Guidelines on Human Rights and Human Trafficking, Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council, E/2002/68/Add.1, 20 May 2002, p. 3, accessed from: <[www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.2002.68.Add.1.En?Opendocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.2002.68.Add.1.En?Opendocument)>.
- <sup>124</sup> The 2006 report on trafficking in human beings from the national police describes an example of a case in which the application of the Penal Code section 1a criminalizing human trafficking posed significant challenges: "In applying the prerequisite of control, the court has...interpreted the prerequisite in such way that in practice a requirement of improper means is applied entirely contrary to the UN Protocol...A case of this kind is described in a judgement in the Stockholm city court, in which a prosecution for trafficking in human beings for sexual purposes, relating to two 17-year-old girls, was dismissed. It was the view of the court that the mere fact of the victim having been under eighteen years of age could not in itself be considered sufficient for a control situation as intended in the chap. 4§1a of the Penal Code to have been obtained." See: Stockholm City Court, 20 January 2006, Case no. B8862-04, pp. 82-83. Cited in: Rikskriminalpolisen (National Criminal Police), 'Trafficking in Human Beings for Sexual and Other Purposes', *Situation Report* 9, 1 January–31 December 2006, RKP Report 2007:6b, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, January 2009, available at: <[www.polisen.se/Global/www%20och%20Intrapolis/Informationsmaterial/01%20Polisen%20nationellt/Engelskt%20informationsmaterial/Trafficking\\_Lagesrapport\\_9\\_ENG.pdf](http://www.polisen.se/Global/www%20och%20Intrapolis/Informationsmaterial/01%20Polisen%20nationellt/Engelskt%20informationsmaterial/Trafficking_Lagesrapport_9_ENG.pdf)>. See also: Justitiedepartementet, Utredningen om Människohandel mm. (Ministry of Justice), 'Människohandel och Barnäktenskap - ett förstärkt straffrättsligt skydd', SOU 2008:41, Stockholm, April 2008, pp. 22-23, accessed from: <[www.sweden.gov.se/content/1/c6/10/35/17/9355e9b2.pdf](http://www.sweden.gov.se/content/1/c6/10/35/17/9355e9b2.pdf)>.
- <sup>125</sup> Interviews with participant 179 in Denmark, 244 in Finland, 420 in Norway and 542 in Sweden.
- <sup>126</sup> Department for Gender Equality, 'Evaluation of the Danish Action Plan for combating of trafficking in human beings, 2007–2010', Summary in English, COWI A/S, Kongens Lyngby, 2010, p. 1.
- <sup>127</sup> Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, p. 128, accessed from: <[www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010\\_englanti\\_netiversio/\\$file/Ihmiskaupparaportti%202010\\_englanti\\_netiversio.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010_englanti_netiversio/$file/Ihmiskaupparaportti%202010_englanti_netiversio.pdf)>.
- <sup>128</sup> European Commission, 'Report of the Experts Group on Trafficking in Human Beings', European Commission, Directorate-General Justice, Freedom and Security, Brussels, 22 December 2004, p. 49.
- <sup>129</sup> Interview with participant 170 in Denmark and participant 420 in Norway. See also criminal statistics discussed in Chapter 3.2.
- <sup>130</sup> International Organization for Migration, *Revisiting the Human Trafficking Paradigm: The Bangladesh Experience, Part I: Trafficking of Adults*, IOM, Switzerland, 2004, pp. 9-11, available at: <<http://www.iom.org.bd/publications/16.pdf>>, accessed 20 October 2011.
- <sup>131</sup> See, for example, research finding no difference in levels of poverty or awareness among trafficked and non-trafficked migrants from Cambodia to Thailand, United Nations Inter-Agency Project on Human Trafficking, *Human Trafficking Sentinel Surveillance: Poipet, Cambodia, 2009–2010*, UNIAP, Bangkok, 2010.
- <sup>132</sup> Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, Warsaw, 16 May 2005, articles 10 and 13, available at: <<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=197&CM=8&DF=15/02/2011&CL=ENG>>.
- <sup>133</sup> This was observed, for example, in Norway, where in addition to the indicators developed by KOM, a checklist developed at the Hvalstad reception centre is in use. The quality of the latter tool for the identification of victims of trafficking was criticized. See: Koordinatoringsenheten for Ofre for Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'Guide to Identification of Possible Victims of Trafficking', KOM, November 2008, accessed from: <[www.politi.no/vedlegg/rapport/Vedlegg\\_41.pdf](http://www.politi.no/vedlegg/rapport/Vedlegg_41.pdf)>. Kanavin, Guri Emilie, Tove Pedersen and Jette D. Haagaard, *Identification of Possible Victims of Trafficking*, Manual, Helsekontoret for asylsøkere Avd. Hvalstad, 29 August 2007. Brunovskis, Anette and May-Len Skilbrei, 'Vurdering av notatet "Identifisering av mulige ofre for menneskehandel"', Forskningsstiftelsen Fafo, Migrations- og menneskehandelsforskningsgruppen, undated.
- <sup>134</sup> Informed by participants at the national round table consultation in Denmark, 28 April 2011.
- <sup>135</sup> Kofod Olsen, Birgitte, Christoffer Badse and Nanna Margrethe Krusaa, 'FRA Thematic Study on Child Trafficking, Denmark', European Union Agency for Fundamental Rights, undated, p. 27, accessed from: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-dk.pdf>>.
- <sup>136</sup> Information supplied by the Danish Red Cross, Copenhagen.
- <sup>137</sup> Ligestillingsafdelningen (Department for Gender Equality), 'Evaluering af den nationale indsats til bekæmpelse af menneskehandel 2007–2010', July 2010, p. 96, accessed from: <[www.lige.dk/Files/pdf/Handel/evaluerig\\_indats\\_menneskehandel.pdf](http://www.lige.dk/Files/pdf/Handel/evaluerig_indats_menneskehandel.pdf)>.
- <sup>138</sup> Ibid.
- <sup>139</sup> Interviews with participants 245 and 247 in Finland.
- <sup>140</sup> Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, p. 8, available at: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>><<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>>.
- <sup>141</sup> Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, pp. 41-42, accessed from: <[www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010\\_englanti\\_netiversio/\\$file/Ihmiska](http://www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010_englanti_netiversio/$file/Ihmiska)>

- [upparaportti%202010\\_englanti\\_netiversio.pdf](#)>.
- <sup>142</sup> Ibid.
- <sup>143</sup> Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 6<sup>th</sup> legislative session 2008–2009', p. 2, accessed from: <[http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>.
- <sup>144</sup> Measures 6, 14, 29. See: Justis- og Politidepartementet (Ministry of Justice and the Police), 'Stop Human Trafficking, The Norwegian Government's Plan of Action to Combat Human Trafficking (2006–2009)', Oslo, 2007, p. 22, accessed from: <[www.regjeringen.no/upload/kilde/jd/rap/2007/0001/ddd/pdfv/304170-stop\\_human\\_trafficking\\_0107.pdf](http://www.regjeringen.no/upload/kilde/jd/rap/2007/0001/ddd/pdfv/304170-stop_human_trafficking_0107.pdf)>. Koordineringsenheten for Ofre for Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'Guide to Identification of Possible Victims of Trafficking', KOM, November 2008, p. 3, accessed from: <[www.politi.no/vedlegg/rapport/Vedlegg\\_41.pdf](http://www.politi.no/vedlegg/rapport/Vedlegg_41.pdf)>.
- <sup>145</sup> Ibid., pp. 8-9.
- <sup>146</sup> Eriksson, Maja K., 'Thematic Study on Child Trafficking: Sweden', European Union Agency for Fundamental Rights/ECPAT Sweden, undated, p. 29, accessed from: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>>.
- <sup>147</sup> Informed by the national round table consultation in Sweden, 3 May 2011.
- <sup>148</sup> Regeringskansliet (Government Offices of Sweden), 'Against prostitution and human trafficking for sexual purposes', Fact Sheet, Regeringskansliet, Stockholm, 2009, pp. 8-9, available at: <[www.sweden.gov.se/content/1/c6/13/36/71/ae076495.pdf](http://www.sweden.gov.se/content/1/c6/13/36/71/ae076495.pdf)>. Informed by the national round table consultation in Sweden, 3 May 2011.
- <sup>149</sup> Information supplied by the Danish Centre against Human Trafficking, Copenhagen.
- <sup>150</sup> Information supplied by UNICEF Sweden, Stockholm. See also: Socialstyrelsen och UNICEF Sverige (National Board of Health and Welfare and UNICEF Sweden), 'Kan det vara människohandel? Kortfattad information för myndigheter med flera som kan komma i kontakt med barn som utsatts för människohandel', Reviderad version 2010, Stockholm, 2010, accessed from: <http://unicef-porthos-production.s3.amazonaws.com/kan-det-vara-manniskohandel-version-2010.pdf>.
- <sup>151</sup> United Nations Children's Fund, *Guidelines on the Protection of Child Victims of Trafficking*, Provisional Version, UNICEF, September 2006, p. 7, accessed from: <[www.unicef.org/ceecis/0610-Unicef\\_Victims\\_Guidelines\\_en.pdf](http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf)>.
- <sup>152</sup> Ibid.
- <sup>153</sup> Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, Warsaw, 16 May 2005, available at: <<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=197&CM=8&DF=15/02/2011&CL=ENG>>. See, for example: Organization for Security and Co-operation in Europe, *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons, A Practical Handbook*, OSCE Office for Democratic Institutions and Human Rights (ODIHR), Warsaw, 2004, p. 17, available at: <[www.osce.org/odihr/13967](http://www.osce.org/odihr/13967)>. See also: European Commission, 'Report of the Experts Group on Trafficking in Human Beings', European Commission, Directorate-General Justice, Freedom and Security, Brussels, 22 December 2004, p. 101.
- <sup>154</sup> Organization for Security and Co-operation in Europe, *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons, A Practical Handbook*, OSCE Office for Democratic Institutions and Human Rights (ODIHR), Warsaw, 2004, p. 17, accessed from: <[www.osce.org/odihr/13967](http://www.osce.org/odihr/13967)>.
- <sup>155</sup> Finland: The Aliens Act, chapter 1, section 3(23). Finland: Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999; amendments up to 324/2009 included), chapter 1, section 2.
- <sup>156</sup> Ministry of the Interior, 'Revised National Plan of Action against Trafficking in Human Beings', Publications of the Ministry of the Interior 29/2008, Helsinki, 2008, p. 3, accessed from: <[www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/\\$file/292008.pdf](http://www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/$file/292008.pdf)>. "**Aggravated prostitution** [pandering] can become human trafficking in cases where the victim has been misled into prostitution by, for example, being promised a well-paying job abroad or by being forced to continue against their will. Violence and coercive measures apparent in prostitution are most likely cases of human trafficking in Finland. There are strong prostitution links with neighbouring countries. According to an investigation conducted by Finnish police and prostitution reports published on the Internet, the Finnish prostitution market is mainly comprised of individuals from Eastern European countries. **Arrangement of illegal immigration** is not considered a crime against a person, but rather a crime against the state. The organizer of such an arrangement receives a fee from individuals who, of their own accord, want to enter a certain country illegally. The dependent relationship with the organizer usually ends after the individuals have reached the country of destination. **Aggravated arrangement of immigration** is usually related to cases where the victims come from outside the European Union. Organised crime syndicates operating in several different countries are usually behind these crimes. **Extortionate work discrimination** involves a situation where the employer puts the employee in an extremely disadvantageous position by means of, for example, exploiting the employee's dependent status, ignorance or lack of understanding. In almost all cases, this involves foreign employees who are unable to demand their rights due to their ignorance, an inability to speak the language and dependency on the employer. The situation becomes more akin to human trafficking if the work is done in conditions that are extremely negligent in terms of occupational safety and health or that are demeaning to the individual. In some cases, the employee is forced to pay the employer or a representative of the employer thousands of euros in their home country in order to come to Finland to work. This obligation thus gives the employer control over the employee even before arriving in Finland." See: I Exist, 'Human Trafficking', undated, <[www.humantrafficking.fi/in\\_english](http://www.humantrafficking.fi/in_english)>, accessed 18 August 2011.
- <sup>157</sup> Koordineringsenheten for Ofre for Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'Rapport fra koordineringsenheten for ofre for menneskehandel, Årene 2007-2008', KOM, April 2009, p. 12.
- <sup>158</sup> See: Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, pp. 46-47, accessed from: <[www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010\\_englanti\\_netiversio/\\$file/Ihmiskaupp](http://www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010_englanti_netiversio/$file/Ihmiskaupp)>.

- [araportti%202010\\_englanti\\_netiversio.pdf](#)>.
- <sup>159</sup> Brunovskis, Anette and May-Len Skilbrei, 'Vuredering av notatet "Identifisering av mulige ofre for menneskehandel"', Forskningsstiftelsen Fafo, Migrations- og menneskehandelsforskningsgruppen, undated. See also: Vollbæk, Line Ruud, 'Oppsøkende sosialt arbeid i et internasjonalt gatemiljø. Arbeid med unge asylsøkere, irregulære migranter og mulige ofre for menneskehandel', Kompetansesenter rus, Oslo, April 2010, p. 57, accessed from: <[www.salto.oslo.kommune.no/getfile.php/Salto%20\(PROSJEKT-SALTO\)/Internett%20\(PROSJEKT-SALTO\)/Dokumenter/Opps%C3%B8kende%20sosialt%20arbeid%20i%20et%20internasjonalt%20milj%C3%B8.pdf](#)>.
- <sup>160</sup> See, for example: Dottridge, Mike, 'Young People's Voices on Child Trafficking: Experiences from South Eastern Europe', *Innocenti Working Paper* No. IWP-2008-05, UNICEF Innocenti Research Centre, Florence, 2008, available at: <[www.unicef-irc.org/publications/pdf/iwp\\_2008\\_05.pdf](#)>.
- <sup>161</sup> See for example: Dottridge, Mike, 'Child Trafficking for Sexual Purposes – A contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents', Rio de Janeiro, Brazil, 25–28 November 2008, p. 42, accessed from: <[www.ecpat.net/WorldCongressIII/PDF/Publications/Trafficking/Thematic\\_Paper\\_Trafficking\\_ENG.pdf](#)>.
- <sup>162</sup> Ibid.
- <sup>163</sup> Interviews with participant 1772 in Denmark and participant 245 in Finland.
- <sup>164</sup> Ligestillingsafdelningen (Department for Gender Equality), 'Evaluering af den nationale indsats til bekæmpelse af menneskehandel 2007–2010', July 2010, p. 91, accessed from: <[www.lige.dk/Files/pdf/Handel/evaluering\\_indsats\\_menneskehandel.pdf](#)>.
- <sup>165</sup> See chapter 3.
- <sup>166</sup> Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, Warsaw, 16 May 2005, available at: <[http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=197&CM=8&DF=15/02/2011&CL=ENG](#)>. Article 10(3) of the legislative guide for the implementation of the UN Trafficking Protocol states: "In a case where the age of a victim is uncertain and there are reasons to believe that the victim is a child, a State party may, to the extent possible under its domestic law, treat the victim as a child in accordance with the Convention on the Rights of the Child until his or her age is verified." United Nations Office on Drugs and Crime, *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocol Thereto*, UNODC, New York, 2004, p. 289, para. 65, available at: <[www.unodc.org/pdf/crime/legislative\\_guides/Legislative%20guides\\_Full%20version.pdf](#)>. See also: United Nations Office of the High Commissioner for Human Rights, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Commentary, OHCHR, New York/Geneva, 2010, p. 163, accessed from: <[www.ohchr.org/Documents/Publications/Commentary\\_Human\\_Trafficking\\_en.pdf](#)>. United Nations Children's Fund, *Guidelines on the Protection of Child Victims of Trafficking*, Provisional Version, UNICEF, September 2006, p. 15, accessed from: <[www.unicef.org/ceecis/0610-Unicef\\_Victims\\_Guidelines\\_en.pdf](#)>. United Nations Committee on the Rights of the Child, General Comment No.6 (2005): Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6, 1 September 2005, para. 31(i), accessed from: <[www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2005.6.En?OpenDocument](#)>. For a more detailed discussion of age assessment, see: Smith, Terry and Laura Brownlee, Age Assessment Practices: A literature review and annotated bibliography, *Discussion Paper*, UNICEF, 2011.
- <sup>167</sup> Interviews with participant 419 in Norway, participant 170 in Denmark and participant 248 in Finland.
- <sup>168</sup> See: Minister for Ligestilling, Ministeriet for Flygtninge, Invandrere og Integration, Udenrigsministeriet, Justitsministeriet (Minister of Gender Equality, Ministry of Refugees, Immigration and Integration, Ministry of Foreign Affairs and Ministry of Justice), 'Action Plan to Combat Trafficking in Human Beings 2007–2010', Copenhagen, 2007, accessed from: <[http://uk.lige.dk/files/PDF/Handel/Menneskehandel\\_4K.pdf](#)>. Interviews with participants 168 and 170 in Denmark.
- <sup>169</sup> Socialstyrelsen och UNICEF Sverige (National Board of Health and Welfare and UNICEF Sweden), 'Kan det vara människohandel? Kortfattad information för myndigheter med flera som kan komma i kontakt med barn som utsatts för människohandel', Reviderad version 2010, Stockholm, 2010, p. 16, accessed from: <[http://unicef-porthos-production.s3.amazonaws.com/kan-det-vara-manniskohandel-version-2010.pdf](#)>.
- <sup>170</sup> Save the Children Norway, 'HVISK – Stop trafficking in children', undated, <[www.hvisk.no/English/For\\_Adults/](#)>, accessed 25 March 2010.
- <sup>171</sup> United Nations Global Initiative to Fight Human Trafficking, 'Background Paper to 024 Workshop: Quantifying Human Trafficking, its Impact and the Responses to it', The Vienna Forum to Fight Human Trafficking, UN.GIFT, Vienna, 13–15 February 2008, p. 12, accessed from: <[www.unodc.org/documents/human-trafficking/2008/BP024QuantifyingHumanTrafficking.pdf](#)>.
- <sup>172</sup> Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, p. 27, accessed from: <[www.intermin.fi/intermin/vvt/home.nsf/files/lhmiskaupparaportti%202010\\_englanti\\_netiversio/\\$file/lhmiskaupparaportti%202010\\_englanti\\_netiversio.pdf](#)>.
- <sup>173</sup> Ibid., pp. 109–110.
- <sup>174</sup> Ibid.
- <sup>175</sup> Informed by participants in the national round table consultation in Sweden, 3 May 2011.
- <sup>176</sup> Berman, Jacqueline and Phil Marshall, 'Evaluation of the International Organization for Migration and its Efforts to Combat Human Trafficking', Norwegian Agency for Development Cooperation, Oslo, 2011, p. xx, available at: <[www.norad.no/en/tools-and-publications/publications/evaluations/publication?key=259795](#)>, accessed 15 December 2011.
- <sup>177</sup> For definition of the term 'children on the move', see: United Nations Human General Assembly, Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, Report of the Special Rapporteur on the human rights of migrants, Jurgé Bustamante, Human

- Rights Council, Eleventh session, A/HRC/11/7, 14 May 2009, para. 52, accessed from: [www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.7.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.7.pdf).
- <sup>178</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, para. 429, accessed from: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc)<http://www2.ohchr.org/english/bodies/crc/crcs51.htm>.
- <sup>179</sup> See example for Norway: Government of Norway, 'National Report Submitted in Accordance with Paragraph 15(a) of the Annex to Human Rights Council Resolution 5/1, Norway', 8 September 2009, p. 3, accessed from: [www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsrådet/UPR\\_Norway\\_final.pdf](http://www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsrådet/UPR_Norway_final.pdf). Sweden: United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Sixth Periodic Report, Sweden, CCPR/C/SWE/6, 5 December 2007, para. 27, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/456/75/PDF/G0745675.pdf?OpenElement>.
- <sup>180</sup> Kofod Olsen, Birgitte, Christoffer Badse and Nanna Margrethe Krusaa, 'FRA Thematic Study on Child Trafficking, Denmark', European Union Agency for Fundamental Rights, undated, p. 13, accessed from: <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-dk.pdf>. Council of Europe's Commissioner for Human Rights, 'Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on His Visit to the Republic of Iceland, 4–6 July 2005, for the attention of the Committee of Ministers and the Parliamentary Assembly, Council of Europe', July 2005, pp. 2-3, accessed from: [www.humanrights.is/english/activities/reports/nr/2701](http://www.humanrights.is/english/activities/reports/nr/2701). Finland: The Finnish Constitution, sections 94 and 95; United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under the Covenant, Fifth Periodic Report, Norway, CCPR/C/NOR/2004/5, 3 December 2004, para. 6, accessed from: [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.NOR.2004.5.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.NOR.2004.5.En?OpenDocument). United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, para. 5, accessed from: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc). Government of Norway, 'National Report Submitted in Accordance with Paragraph 15(a) of the Annex to Human Rights Council Resolution 5/1, Norway', 8 September 2009, p. 3, accessed from: [www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsrådet/UPR\\_Norway\\_final.pdf](http://www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsrådet/UPR_Norway_final.pdf). United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Sixth Periodic Report, Sweden, CCPR/C/SWE/6, 5 December 2007, para. 27, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/456/75/PDF/G0745675.pdf?OpenElement>. United Nations Committee on the Rights of the Child, Written Replies by the Government of Sweden to the List of Issues (CRC/C/SWE/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Sweden (CRC/C/SWE/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/SWE/Q/4/Add.1, 24 April 2009, p. 2, accessed from: [www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf).
- <sup>181</sup> United Nations Committee on the Rights of the Child, General Comment No.5 (2003): General Measures of Implementation for the Convention on the Rights of the Child, CRC/GC/2003/5, 3 October 2003, para. 20, accessed from: [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/3bba808e47bf25a8c1256db400308b9e?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/3bba808e47bf25a8c1256db400308b9e?Opendocument).
- <sup>182</sup> The Act of 21 May 1999 No. 30 relating to the strengthening of the status of human rights in Norwegian law. Human Rights Act, article 3. United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under the Covenant, Fifth Periodic Report, Norway, CCPR/C/NOR/2004/5, 3 December 2004, para. 6, accessed from: [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.NOR.2004.5.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.NOR.2004.5.En?OpenDocument). United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, para. 5, accessed from: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc). Government of Norway, 'National Report Submitted in Accordance with Paragraph 15(a) of the Annex to Human Rights Council Resolution 5/1, Norway', 8 September 2009, p. 3, accessed from: [www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsrådet/UPR\\_Norway\\_final.pdf](http://www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsrådet/UPR_Norway_final.pdf).
- <sup>183</sup> United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Fifth Periodic Report, Finland, CCPR/C/FIN/2004/5, 24 July 2003, para. 97, accessed from: [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/a7c930bfea7c9838c1256e31002ceec0?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/a7c930bfea7c9838c1256e31002ceec0?Opendocument).
- <sup>184</sup> Informed by national round table consultations in Denmark, 28 April 2011; Finland, 13 May 2011; Norway, 5 May 2011; and Sweden, 3 May 2011.
- <sup>185</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, para. 14, accessed from: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc).
- <sup>186</sup> Danish Institute for Human Rights, 'Parallel Report July 2010 to the UN Committee on the Rights of the Child on the 4<sup>th</sup> Periodic Report by the Government of Denmark on the Implementation of the Rights of the Child', Copenhagen, July 2010, pp 6-7. The cited source makes reference to the following court cases: U2010.1599H (Supreme Court), U.2010.1590H (Supreme Court), U.2009.974H (Supreme Court), U.2006.2468V (High Court) and U.2007.341H (Supreme Court).
- <sup>187</sup> The Collaborating Group on the Children's Convention (Denmark), 'Supplementary NGO Report to the Danish Government's 3<sup>rd</sup> Periodic Report Submitted to the UN Committee on the Rights of the Child, Written by: Amnesty International, The Danish Youth Council, The Danish Council of Organisations of Disabled People, DUI – LEG og VIRKE, Danish Institute for Human Rights, Save the Children Denmark', Save the Children Denmark Youth/UNICEF Denmark, January 2005, pp. 4-5, accessed from: [www.crin.org/docs/resources/treaties/crc.40/Denmark\\_ngo\\_report.pdf](http://www.crin.org/docs/resources/treaties/crc.40/Denmark_ngo_report.pdf). Informed also by the national round table consultation in Sweden, 3 May 2011.

- <sup>188</sup> The Collaborating Group on the Children's Convention (Denmark), 'Supplementary NGO Report to the Danish Government's 4<sup>th</sup> Periodic Report to the UN Committee on the Rights of the Child, Written by The Rights of All Children, Amnesty International Danish Section, The Joint Council for Child Issues, Children's Welfare in Denmark, Disabled Peoples Organisation Denmark, DUI – Leg og Virke, Save the Children Denmark, Save the Children Youth Denmark, The Danish Red Cross Youth, The Danish National Committee for UNICEF', May 2009, English translation June 2010, p. 7.
- <sup>189</sup> UNICEF Sverige (UNICEF Sweden), *Comments from UNICEF Sweden on the Swedish Government's 4<sup>th</sup> Report to the UN Committee on the Rights of the Child 2007*, UNICEF Sweden, Stockholm, undated, accessed from: <[www.unicef.se/assets/unicef-sweden-comments-on-sweden-crc-report-2008.pdf](http://www.unicef.se/assets/unicef-sweden-comments-on-sweden-crc-report-2008.pdf)>. See also: UNICEF Sverige (UNICEF Sweden), 'UNICEFS barnrättsfrågor i Sverige', undated, <[www.unicef.se/opinion/unicefs-barnrattsfragor-i-sverige](http://www.unicef.se/opinion/unicefs-barnrattsfragor-i-sverige)>, accessed 1 April 2011.
- <sup>190</sup> United Nations Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Sweden, CRC/C/OPSC/SWE/CO/1, 7 October 2011.
- <sup>191</sup> "The Greenland Home Rule was established in 1979 and consists of an elected assembly, the Greenland Parliament (*Landsstinget*), and an executive, the Government of Greenland (*Landsstyret*). The Faroe Islands Home Rule was established in 1948 and consists of an elected assembly, the Faroe Islands Parliament (*Løgtingið*), and an executive, the Government of the Faroes (*Landsstýrið*). When an area of jurisdiction is governed by the Greenlandic or Faroese authorities, legislative and administrative power in this area rests with the Government in question." Cited in: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Initial Reports of States Parties due in 1993: Denmark, CRC/C/8/Add.8, 12 October 1993, para. 357, accessed from: <[www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/aae3797d9538bf88412561510037ea61?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/aae3797d9538bf88412561510037ea61?Opendocument)>.
- <sup>192</sup> United Nations Committee on the Elimination of Discrimination against Women, Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Seventh Periodic Report of States Parties, Denmark, CEDAW/C/DEN/7, 21 July 2008, pp. 5-6, accessed from: <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/399/16/PDF/N0839916.pdf?OpenElement>>.
- <sup>193</sup> United Nations Committee on the Rights of the Child, General Comment No.5 (2003): General Measures of Implementation for the Convention on the Rights of the Child, CRC/GC/2003/5, 3 October 2003, para. 20, accessed from: <[www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/3bba808e47bf25a8c1256db400308b9e?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/3bba808e47bf25a8c1256db400308b9e?Opendocument)>.
- <sup>194</sup> Danish Penal Code, section 262 a.
- <sup>195</sup> **Denmark:** Ibid. **Iceland:** Icelandic General Penal Code, article 227a.
- <sup>196</sup> Penal Code, section 224.
- <sup>197</sup> Penal Code, On Crimes against Liberty and Peace, chapter 4, section 1a.
- <sup>198</sup> For a more detailed discussion of the scope and use of extraterritorial legislation, see, for example: Muntarbhorn, Vitit, *Extraterritorial Criminal Law Against Child Sexual Exploitation*, UNICEF, 1998.
- <sup>199</sup> **Finland:** Penal Code of Finland, chapter 1, section 7. **Norway:** General Civil Penal Code of Norway, chapter 1, section 12. In Norway, the offence can be prosecuted even when committed abroad by a person who is not a Norwegian citizen, but double criminality is then required, i.e., the act must also constitute a criminal offence in the country where it was committed. See: General Civil Penal Code of Norway, chapter 1, section 12.4. See also: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, para. 613, available at: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc)>, accessed 1 November 2011. **Sweden:** The extraterritorial law is not applied for the conduct of a Swedish national or resident abroad that does not constitute a criminal offence in the place where it was committed and for which the degree of punishment under the Swedish Penal Code does not exceed a fine. See: Swedish Penal Code, chapter 2, section 2. Under the Swedish Penal Code, non-nationals who are present in Sweden can be prosecuted for crimes committed abroad for which the punishment under Swedish law is a minimum of six months' imprisonment. This includes, for instance, the offence of human trafficking, and double criminality is not required. The extraterritorial law under the Swedish Penal Code does not apply for the conduct of a Swedish national or resident abroad that does not constitute a criminal offence in the place where it was committed and for which the degree of punishment under the Swedish Penal Code does not exceed a fine. For the offences of rape, sexual abuse, gross child abuse in posing, procurement or the attempt to commit such crimes, trafficking in human beings and child abuse through images, the degree of penalty applies as established under the Swedish Penal Code, independently of the degree of penalty prescribed under the national law of the place where the offence was committed. See: Swedish Penal Code, chapter 2, section 2.
- <sup>200</sup> Interview with participant 428, Norway. The case involved the sexual exploitation of a child through abuse images.
- <sup>201</sup> Danish Criminal Code, section 7. See: End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, 'Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children: Denmark', ECPAT International, Bangkok, 2006, p. 21, accessed from: <[www.ecpat.net/A4A\\_2005/PDF/Europe/Global\\_Monitoring\\_Report-DENMARK.pdf](http://www.ecpat.net/A4A_2005/PDF/Europe/Global_Monitoring_Report-DENMARK.pdf)>. United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, para. 720, 721, available at: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc)>, accessed 1 November 2011.
- <sup>202</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Concluding Observations: Iceland, CRC/C/OPSC/ISL/CO/1, Office of the High Commissioner for Human Rights, Geneva, 21 June 2006, paras. 15, 16, available at:

- <[www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.OPSC.ISL.CO.1\\_En.pdf](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.OPSC.ISL.CO.1_En.pdf)>  
accessed on 1 November 2011.
- <sup>203</sup> **Denmark:** Department of Gender Equality, 'The Danish Government's action plan to combat trafficking in women', Copenhagen, December 2002, accessed from: <[http://uk.lige.dk/Files/pdf/traffic\\_women.pdf](http://uk.lige.dk/Files/pdf/traffic_women.pdf)>. Department of Gender Equality, 'Appendix to the Danish Government's action plan to combat trafficking in women', Copenhagen, September 2005, accessed from: <<http://uk.lige.dk/Files/PDF/appendix-children.pdf>>. Minister for Ligestilling, Ministeriet for Flygtninge, Invandrere og Integration, Udenrigsministeriet, Justitsministeriet (Minister of Gender Equality, Ministry of Refugees, Immigration and Integration, Ministry of Foreign Affairs and Ministry of Justice), 'Action Plan to Combat Trafficking in Human Beings 2007–2010', Copenhagen, 2007, accessed from: <[http://uk.lige.dk/files/PDF/Handel/Menneskehandel\\_4K.pdf](http://uk.lige.dk/files/PDF/Handel/Menneskehandel_4K.pdf)>. Justis- og Politidepartementet (Ministry of Justice and the Police), 'Sammen mot menneskehandel, Regjeringens handlingsplan mot menneskehandel (2011–2014)', 2010, accessed from: <[www.regjeringen.no/upload/JD/Vedlegg/Handlingsplaner/Handlingsplan\\_mot\\_menneskehandel\\_2011-2014.pdf](http://www.regjeringen.no/upload/JD/Vedlegg/Handlingsplaner/Handlingsplan_mot_menneskehandel_2011-2014.pdf)>. **Finland:** Ministry for Foreign Affairs, 'National Plan of Action against Trafficking in Human Beings, Finland', 2005, accessed from: <<http://formin.finland.fi/public/default.aspx?nodeid=38595&contentlan=2&culture=en-US>>. Ministry of the Interior, 'Revised National Plan of Action against Trafficking in Human Beings', Publications of the Ministry of the Interior 29/2008, Helsinki, 2008, accessed from: <[http://www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/\\$file/292008.pdf](http://www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/$file/292008.pdf)>. **Iceland:** Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', accessed from: <[http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>. **Norway:** Justis- og Politidepartementet (Ministry of Justice and the Police), 'Stop Human Trafficking, The Norwegian Government's Plan of Action to Combat Human Trafficking (2006–2009)', Oslo, 2007, accessed from: <[http://www.regjeringen.no/upload/kilde/id/rap/2007/0001/ddd/pdfv/304170-stop\\_human\\_trafficking\\_0107.pdf](http://www.regjeringen.no/upload/kilde/id/rap/2007/0001/ddd/pdfv/304170-stop_human_trafficking_0107.pdf)>. End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, 'Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children: Norway', ECPAT International, Bangkok, 2006, p. 12, accessed from: <[http://www.ecpat.net/A4A\\_2005/PDF/Europe/Global\\_Monitoring\\_Report-NORWAY.pdf](http://www.ecpat.net/A4A_2005/PDF/Europe/Global_Monitoring_Report-NORWAY.pdf)>. **Sweden:** Regeringskansliet (Government Offices of Sweden), 'Against prostitution and human trafficking for sexual purposes', Fact Sheet, Regeringskansliet, Stockholm, 2009, available at: <<http://www.sweden.gov.se/content/1/c6/13/36/71/ae076495.pdf>>. A proposal for a national action plan on labour exploitation was presented in Sweden in 2007, but was not adopted.
- <sup>204</sup> Informed by national round table consultations in Sweden, 3 May 2011, and in Finland, 13 May 2011.
- <sup>205</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, para. 429, accessed from: <<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc>> <<http://www2.ohchr.org/english/bodies/crc/crcs51.htm>>.
- <sup>206</sup> Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', accessed from: <[http://eng.velferdarraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.velferdarraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>.
- <sup>207</sup> Norwegian Ministry of the Justice and the Police, United against human trafficking (2011–2014), 2010, p.11, accessed from: <[www.ungift.org/doc/knowledgehub/resource-centre/Governments/UNited\\_against\\_Trafficking\\_Norway.pdf](http://www.ungift.org/doc/knowledgehub/resource-centre/Governments/UNited_against_Trafficking_Norway.pdf)>.
- <sup>208</sup> Ibid., p. 7.
- <sup>209</sup> **Iceland:** Child Protection Act No. 80/2002, article 2. **Norway:** United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under the Covenant, Fifth Periodic Report, Norway, CCPR/C/NOR/2004/5, 3 December 2004, para. 216, accessed from: <[www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.NOR.2004.5.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.NOR.2004.5.En?OpenDocument)>. **Finland:** Informed by the national round table consultation in Finland, 13 May 2011. Informed also by national round table consultations in Denmark, 28 April 2011, and Sweden, 3 May 2011.
- <sup>210</sup> The Icelandic Child Protection Act includes a section under which certain violations against the provisions of the Act are punishable, such as offences against a child committed by a parent or other caregiver.<sup>210</sup> These provisions can be of relevance in cases of child trafficking, including when the perpetrators are the child's parents or guardians or other persons close to the child.
- <sup>211</sup> **Denmark:** Consolidation Act on Social Services. **Finland:** Government of Finland, 'Fourth Periodic Report of the Government of Finland on the Implementation of the UN Convention on the Rights of the Child', July 2008, para. 181, 182, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/Finland\\_4thPeriodicReport.pdf](http://www2.ohchr.org/english/bodies/crc/docs/Finland_4thPeriodicReport.pdf)>. **Iceland:** Child Protection Act No. 80/2002; Icelandic Constitution, article 76. United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Periodic Reports of State Parties due in 1999, Iceland, CRC/C/83/Add.5, 5 July 2002, para. 193, accessed from: <[www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/c0cca6213bc3a91cc1256c30002bdf8b?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/c0cca6213bc3a91cc1256c30002bdf8b?OpenDocument)>. **Norway:** Children's Act (Act No. 7 of 8 April 1981 relating to Children and Parents). For the Child Welfare Act, see: United Nations Committee on the Rights of the Child, Written Replies by the Government of Norway to the List of Issues (CRC/C/NOR/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Norway (CRC/C/NOR/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/NOR/Q/4/Add.1, 30 November 2009, p. 4, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc)>. **Sweden:** Social Services Act (SFS 2001:453), chapters 3, 5, 6 and 10. Care of Young Persons Act (SFS 1990:52).
- <sup>212</sup> **Denmark:** Consolidation Act on Social Services, sections 52, 76, 140. **Norway:** United Nations Committee on the

Rights of the Child, Written Replies by the Government of Norway to the List of Issues (CRC/C/NOR/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Norway (CRC/C/NOR/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/NOR/Q/4/Add.1, 30 November 2009, p. 4, accessed from: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc). **Sweden:** Care of Young Persons Act (SFS 1990:52). Informed also by the national round table consultation in Norway, 5 May 2011.

<sup>213</sup> Consolidation Act on Social Services (Denmark), sections 52, 76, 140.

<sup>214</sup> Ibid., section 140(5).

<sup>215</sup> Government of Finland, 'Fourth Periodic Report of the Government of Finland on the Implementation of the UN Convention on the Rights of the Child', July 2008, para. 183, accessed from: [www2.ohchr.org/english/bodies/crc/docs/Finland\\_4thPeriodicReport.pdf](http://www2.ohchr.org/english/bodies/crc/docs/Finland_4thPeriodicReport.pdf).

<sup>216</sup> Ibid., para. 203.

<sup>217</sup> Ibid., para. 182, 203.

<sup>218</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Norway, CRC/C/NOR/CO/4, Office of the High Commissioner for Human Rights, Geneva, 29 January 2010, para. 33, accessed from: [www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf).

<sup>219</sup> Denmark: Save the Children Denmark, 'Supplementary NGO Report, Denmark's First Report, Implantation of the Optional Protocol 25<sup>th</sup> May 2000 to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography', Save the Children Denmark, March 2006, p. 19, accessed from: [www.crin.org/docs/Denmark\\_SCD\\_NGO\\_Report.doc](http://www.crin.org/docs/Denmark_SCD_NGO_Report.doc). **Norway:** Child Welfare Act. **Sweden:** Care of Young Persons Act (SFS 1990:52), chapter 31.

<sup>220</sup> Care of Young Persons Act [Sweden] (SFS 1990:52), chapter 31, sections 1-3.

<sup>221</sup> Ibid., section 21a.

<sup>222</sup> **Denmark:** Minister for Ligestilling, Ministeriet for Flygtninge, Invandrere og Integration, Udenrigsministeriet, Justitsministeriet (Minister of Gender Equality, Ministry of Refugees, Immigration and Integration, Ministry of Foreign Affairs and Ministry of Justice), 'Action Plan to Combat Trafficking in Human Beings 2007–2010', Copenhagen, 2007, p. 6, accessed from: [http://uk.lige.dk/files/PDF/Handel/Menneskehandel\\_4K.pdf](http://uk.lige.dk/files/PDF/Handel/Menneskehandel_4K.pdf). **Iceland:** Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 4, accessed from: [http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf). **Norway:** Justis- og Politidepartementet (Ministry of Justice and the Police), 'Sammen mot menneskehandel, Regjeringens handlingsplan mot menneskehandel (2011–2014)', 2010, pp. 19-25, accessed from: [www.regjeringen.no/upload/JD/Vedlegg/Handlingsplaner/Handlingsplan\\_mot\\_menneskehandel\\_2011-2014.pdf](http://www.regjeringen.no/upload/JD/Vedlegg/Handlingsplaner/Handlingsplan_mot_menneskehandel_2011-2014.pdf). **Sweden:** Ministry of Education and Research, 'Action Plan against Prostitution and Trafficking for Sexual Purposes' (info sheet), September 2008, p. 2, accessed from: [www.sweden.gov.se/content/1/c6/11/06/29/fcd261a4.pdf](http://www.sweden.gov.se/content/1/c6/11/06/29/fcd261a4.pdf).

<sup>223</sup> Finland: The Aliens Act and the Act on the Integration of Immigrants and Reception of Asylum Seekers. Information supplied at the national round table consultation in Finland, 13 May 2011.

<sup>224</sup> **Denmark:** Minister for Ligestilling, Ministeriet for Flygtninge, Invandrere og Integration, Udenrigsministeriet, Justitsministeriet (Minister of Gender Equality, Ministry of Refugees, Immigration and Integration, Ministry of Foreign Affairs and Ministry of Justice), 'Action Plan to Combat Trafficking in Human Beings 2007–2010', Copenhagen, 2007, pp. 6, 20, accessed from: [http://uk.lige.dk/files/PDF/Handel/Menneskehandel\\_4K.pdf](http://uk.lige.dk/files/PDF/Handel/Menneskehandel_4K.pdf). **Finland:** Viuhko, Minna and Anniina Jokinen, 'Human Trafficking and Organised Crime: Trafficking for sexual exploitation and organised procuring in Finland', *Report Series No. 62 Human trafficking and organised crime*, European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), Helsinki, 2009, p. 20, accessed from: [www.heuni.fi/Etusivu/Publications/1266333630121](http://www.heuni.fi/Etusivu/Publications/1266333630121). Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, p. 25, available at: <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>. **Iceland:** Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', pp. 5-6, accessed from: [http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf). **Norway:** Koordineringsenheten for Ofre for Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'Guide to Identification of Possible Victims of Trafficking', KOM, November 2008, p. 9, accessed from: [https://www.politi.no/vedlegg/rapport/Vedlegg\\_41.pdf](https://www.politi.no/vedlegg/rapport/Vedlegg_41.pdf). United Nations Committee on the Elimination of Discrimination against Women, Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Seventh periodic report of States parties, Norway, CEDAW/C/NOR/7, 26 March 2007, p. 45, accessed from: [http://www.un.org/womenwatch/daw/cedaw/cedaw25years/content/english/CONCLUDING\\_COMMENTS/Norway/Norway-CO-7.pdf](http://www.un.org/womenwatch/daw/cedaw/cedaw25years/content/english/CONCLUDING_COMMENTS/Norway/Norway-CO-7.pdf). **Sweden:** Eriksson, Maja K., 'Thematic Study on Child Trafficking: Sweden', European Union Agency for Fundamental Rights/ECPAT Sweden, undated, p. 40, available at: <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>.

<sup>225</sup> See, for example: End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, 'Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children: Sweden', ECPAT International, Bangkok, 2006, pp. 57-58, accessed from: [www.ecpat.net/A4A\\_2005/PDF/Europe/Global\\_Monitoring\\_Report-SWEDEN.pdf](http://www.ecpat.net/A4A_2005/PDF/Europe/Global_Monitoring_Report-SWEDEN.pdf). Eapen Paul, Rachel and Lene Nilsen, 'Challenging the Ad Hoc Norwegian Approach to Eliminate Trafficking in Women', Oslo, 2009, p. 26, accessed from: [http://www.rosa-help.no/pdf/Helse\\_og\\_rehabilitering-eng.pdf](http://www.rosa-help.no/pdf/Helse_og_rehabilitering-eng.pdf). Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009',



- p. 4, accessed from: <[http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>.
- <sup>226</sup> See, for example: **Denmark:** United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Fifth Periodic Reports of States Parties, Denmark, CCPR/C/DNK/5, 20 November 2007, para. 166, accessed from: <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/455/12/PDF/G0745512.pdf?OpenElement>[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fb330b61d0e49853c1256a780034f4d5/\\$FILE/G0045997.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fb330b61d0e49853c1256a780034f4d5/$FILE/G0045997.pdf)>. Backer Neufeld, Inger and Caspar Strand, 'Red Barnets rapport on handel med børn i Danmark 2006: Kortlægning og praksis', Save the Children Denmark, January 2007, pp. 34-35. **Finland:** Ministry of the Interior, 'Revised National Plan of Action against Trafficking in Human Beings', Publications of the Ministry of the Interior 29/2008, Helsinki, 2008, p. 11, accessed from: <[http://www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/\\$file/292008.pdf](http://www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/$file/292008.pdf)>. Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, pp. 25, 28-29, available at: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf><http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>>. **Norway:** Asker Kommune (Municipality of Asker), 'Alene på veien til Norge', undated, p. 13, accessed from: <<http://www.regjeringen.no/pages/2214522/Asker%20kommune%20-%20Alene%20p%C3%A5%20veien%20til%20Norge.pdf>>. Interview with participant 422 in Norway. **Sweden:** Care of Young Persons Act (sections 2 and 3).
- <sup>227</sup> Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, p. 5, accessed from: <[www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio/\\$file/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010_englanti_nettiversio/$file/Ihmiskaupparaportti%202010_englanti_nettiversio.pdf)>. Ministry of the Interior, 'Revised National Plan of Action against Trafficking in Human Beings', Publications of the Ministry of the Interior 29/2008, Helsinki, 2008, p. 2, accessed from: <[www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/\\$file/292008.pdf](http://www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/$file/292008.pdf)>. Moen, Hanne Lotte and Christine Wiik, 'Unsafe Traffic: Mapping International Trends in Human Trafficking, Part 1: Review of the Norwegian Ministry of Foreign Affairs Portfolio on Human Trafficking', 'Review of the Norwegian Ministry of Foreign Affairs Portfolio on Human Trafficking', Norad Rapport 9/2009 Discussion, Norwegian Agency for Development Cooperation, Oslo, 2009, p. 28, accessed from: <[www.norad.no/en/attachment/134155/binary/62783?download=true](http://www.norad.no/en/attachment/134155/binary/62783?download=true)>. Informed by the national round table consultation in Finland, 13 May 2011.
- <sup>228</sup> In addition to the literature cited, this chapter is based on information supplied by Uteseksjonen, Municipal Outreach Service, Oslo.
- <sup>229</sup> Many are organized in the network of the Norwegian Association for Outreach Work with Youth (Landsforeningen for oppsøkende sosialt ungdomsarbeid, LOSU), a non-profit lobby organization for outreach workers. LOSU furthers the professional development of outreach services. It also strengthens the communication and information exchange between outreach services and other public institutions, and promotes networking between outreach workers at the local, county and national level. Landsforeningen for Oppsøkende Sosialt Ungdomsarbeid, 'What is LOSU – the Norwegian Association for Outreach Work With Youth?', English summary, undated, <[www.losu.no/index.php?option=com\\_content&view=category&layout=blog&id=102&Itemid=55](http://www.losu.no/index.php?option=com_content&view=category&layout=blog&id=102&Itemid=55)>, accessed 18 August 2011. Information supplied by Uteseksjonen, Municipal Outreach Service, Oslo.
- <sup>230</sup> Uteseksjonen, Municipal Outreach Service, 'About us', undated, <[www.uteseksjonen.no/about-us](http://www.uteseksjonen.no/about-us)>, accessed 18 August 2011. Landsforeningen for Oppsøkende Sosialt Ungdomsarbeid, 'What is LOSU – the Norwegian Association for Outreach Work With Youth?', English summary, undated, <[www.losu.no/index.php?option=com\\_content&view=category&layout=blog&id=102&Itemid=55](http://www.losu.no/index.php?option=com_content&view=category&layout=blog&id=102&Itemid=55)>, accessed 18 August 2011.
- <sup>231</sup> Information supplied by Uteseksjonen, Municipal Outreach Service, Oslo.
- <sup>232</sup> Vollbæk, Line Ruud, 'Oppsøkende sosialt arbeid i et internasjonalt gate miljø. Arbeid med unge asylsøkere, irregulære migranter og mulige ofre for menneskehandel', Kompetansesenter rus, Oslo, April 2010, p. 50, accessed from: <[www.salto.oslo.kommune.no/getfile.php/Salto%20\(PROSJEKT-SALTO\)/Internett%20\(PROSJEKT-SALTO\)/Dokumenter/Opps%C3%B8kende%20sosialt%20arbeid%20i%20et%20internasjonalt%20milj%C3%B8.pdf](http://www.salto.oslo.kommune.no/getfile.php/Salto%20(PROSJEKT-SALTO)/Internett%20(PROSJEKT-SALTO)/Dokumenter/Opps%C3%B8kende%20sosialt%20arbeid%20i%20et%20internasjonalt%20milj%C3%B8.pdf)>.
- <sup>233</sup> Ibid., p. 3.
- <sup>234</sup> Ibid., p. 30. Reporting obligations are provided for under section 139 of the General Civil Penal Code of Norway. Uteseksjonen, Municipal Outreach Service, 'About us', undated, <[www.uteseksjonen.no/about-us](http://www.uteseksjonen.no/about-us)>, accessed 4 November 2010. Landsforeningen for Oppsøkende Sosialt Ungdomsarbeid, 'What is LOSU – the Norwegian Association for Outreach Work With Youth?', English summary, undated, <[www.losu.no/index.php?option=com\\_content&view=category&layout=blog&id=102&Itemid=55](http://www.losu.no/index.php?option=com_content&view=category&layout=blog&id=102&Itemid=55)>, accessed 3 March 2010.
- <sup>235</sup> Vollbæk, Line Ruud, 'Oppsøkende sosialt arbeid i et internasjonalt gate miljø. Arbeid med unge asylsøkere, irregulære migranter og mulige ofre for menneskehandel', Kompetansesenter rus, Oslo, April 2010, p. 57, accessed from: <[www.salto.oslo.kommune.no/getfile.php/Salto%20\(PROSJEKT-SALTO\)/Internett%20\(PROSJEKT-SALTO\)/Dokumenter/Opps%C3%B8kende%20sosialt%20arbeid%20i%20et%20internasjonalt%20milj%C3%B8.pdf](http://www.salto.oslo.kommune.no/getfile.php/Salto%20(PROSJEKT-SALTO)/Internett%20(PROSJEKT-SALTO)/Dokumenter/Opps%C3%B8kende%20sosialt%20arbeid%20i%20et%20internasjonalt%20milj%C3%B8.pdf)>.
- <sup>236</sup> Children aged 15 years and above are the responsibility of the Ministry of Justice and the Police, whereas the Ministry of Children, Equality and Social Inclusion handles policy matters related to unaccompanied asylum-seeking children who are less than 15 years old. At the operational level, this means that the Norwegian Directorate of Immigration provides services for unaccompanied children who are aged 16 years and above, whereas the child welfare services care for younger children up to the age of 15 years.

- <sup>237</sup> The Ombudsman for Children, 'Supplementary Report to the UN Committee on the Rights of the Child', Oslo, 2009, p. 11, accessed from: <[www.barneombudet.no/sfiles/48/24/1/file/supplementary-report-to-the-un\\_english.pdf](http://www.barneombudet.no/sfiles/48/24/1/file/supplementary-report-to-the-un_english.pdf)>.
- <sup>238</sup> Ministry of Social Affairs and Integration, 'The Ministry of Social Affairs and Integration', undated, <<http://english.sm.dk/MinistryOfSocialWelfare/Sider/Start.aspx>>, accessed 20 August 2011.
- <sup>239</sup> Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, p. 23, accessed from: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>>.
- Barnaverndarstofa (Government Agency for Child Protection), 'Government Agency for Child Protection', <[www.bvs.is/?ser=10](http://www.bvs.is/?ser=10)>, accessed 20 August 2011.
- <sup>241</sup> In 2008, the Ministry of Children, Equality and Social Inclusion initiated a project to monitor the implementation of the Convention on the Rights of the Child in Norway, entitled Better monitoring of the implementation of the Convention on the Rights of the Child. In this context, the Government of Norway has commissioned an experts review (the 'Søvig report'). The study has been completed and is under review by the relevant ministries. See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Norway, CRC/C/NOR/CO/4, 29 January 2010, para. 8, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf)>. United Nations Committee on the Rights of the Child, Written Replies by the Government of Norway to the List of Issues (CRC/C/NOR/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Norway (CRC/C/NOR/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/NOR/Q/4/Add.1, 30 November 2009, p. 12, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc)>.
- <sup>242</sup> See: United Nations Committee on the Rights of the Child, Written Replies by the Government of Sweden to the List of Issues (CRC/C/SWE/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Sweden (CRC/C/SWE/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/SWE/Q/4/Add.1, 24 April 2009, pp. 2-3, available at: <[www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf)>. See also: Statskontoret (Swedish Agency for Public Management), 'Barnpolitikens myndighetsstruktur och styrning 2007:15', 2007, accessed from: <[www.statskontoret.se/upload/publikationer/2007/200715.pdf](http://www.statskontoret.se/upload/publikationer/2007/200715.pdf)>. Also see: 'Child policy: A policy for the rights of the child', Government Communication 2007/08:111.
- <sup>243</sup> The Ministry for Refugee, Immigration and Integration Affairs, New to Denmark – The official portal for foreigners and integration, 'The Integration Ministry's Organisation', 8 June 2010, <[www.nyidanmark.dk/en-us/authorities/the\\_ministry/the\\_organisation/the\\_ministrys\\_organisation.htm](http://www.nyidanmark.dk/en-us/authorities/the_ministry/the_organisation/the_ministrys_organisation.htm)>, accessed 21 August 2011.
- <sup>244</sup> The Ministry for Refugee, Immigration and Integration Affairs, New to Denmark – The official portal for foreigners and integration, 'The Danish Immigration Service', 15 April 2010, <[www.nyidanmark.dk/en-us/authorities/the\\_danish\\_immigration\\_service/the\\_danish\\_immigration\\_service.htm](http://www.nyidanmark.dk/en-us/authorities/the_danish_immigration_service/the_danish_immigration_service.htm)>, accessed 21 August 2011.
- <sup>245</sup> Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, p. 23, available at: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>>. Parsons, Annika, 'The best interests of the child in asylum and refugee procedures in Finland', Finnish National Rapporteur on Trafficking in Human Beings, Publication 6, Helsinki, 2010, p. 35, accessed from: <[www.intermin.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20-selvitys\\_englanti/\\$file/VV%20lapsen%20etu%20-selvitys\\_englanti.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20-selvitys_englanti/$file/VV%20lapsen%20etu%20-selvitys_englanti.pdf)>.
- <sup>246</sup> Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 21, accessed from: <[http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>.
- <sup>247</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, para. 463–465, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc)>.
- <sup>248</sup> Ibid. Informed by the national round table consultation in Norway, 5 May 2011.
- <sup>249</sup> Hjorth Jahnsen, Morten, 'Children Without Protection in Europe? Pre-study concerning the possibilities of establishing a lifeline (a help-line including telephone and mail) for separated children without documents in Europe', Save the Children Sweden, Stockholm, 2005, p. 5.
- <sup>250</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, para. 674, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc)>. See also: Danish Centre against Human Trafficking, 'About us', undated, <[www.centermodmenneskehandel.dk/in-english](http://www.centermodmenneskehandel.dk/in-english)>, accessed 23 August 2011. Minister of Gender Equality, 'Action Plan to combat human trafficking 2011–2014', Copenhagen, 2011, available at: <<http://uk.lige.dk/Default.asp?Id=832&AjrNws=1637&AjrNwsPg=1>>, accessed 30 October.
- <sup>251</sup> Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, p. 23, available at: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>>.
- <sup>252</sup> United Nations Committee on the Elimination of Racial Discrimination, Consideration of Reports, Comments and Information Submitted by States Parties under Article 9 of the Convention, Nineteenth and Twentieth Periodic Reports of Iceland, Summary Record of the 1989<sup>th</sup> Meeting, CERD/C/SR.1989, 11 March 2010, para. 10, accessed from: <[www2.ohchr.org/english/bodies/cerd/cerds76.htm](http://www2.ohchr.org/english/bodies/cerd/cerds76.htm)>.
- <sup>253</sup> Norwegian Ministry of Foreign Affairs, 'The Norwegian Ministry of Foreign Affairs' Measures to Combat Human Trafficking, Annual report 2008,' Section for Global Initiatives and Gender Equality, Department for UN, Peace and Humanitarian Affairs, Oslo, 2009, p. 3. Norwegian Ministry of Foreign Affairs, 'The Norwegian Ministry of

- Foreign Affairs' measures to combat Human Trafficking under the Government's Plan of Action, Report on efforts carried out 2007', Section for Global Initiatives and Gender Equality, Department for UN, Peace and Humanitarian Affairs, Oslo, 5 February 2008, p. 3, accessed from: [www.regeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Rap07Eng\\_trafficking.pdf](http://www.regeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Rap07Eng_trafficking.pdf).
- <sup>254</sup> See, for example: Regeringskansliet (Government Offices of Sweden), 'Against prostitution and human trafficking for sexual purposes', Fact Sheet, Regeringskansliet, Stockholm, 2009, available at: [www.sweden.gov.se/content/1/c6/13/36/71/ae076495.pdf](http://www.sweden.gov.se/content/1/c6/13/36/71/ae076495.pdf).
- <sup>255</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Denmark, CRC/C/DNK/CO/3, 23 November 2005, para. 12, accessed from: [www2.ohchr.org/english/bodies/crc/crcs40.htm](http://www2.ohchr.org/english/bodies/crc/crcs40.htm).
- <sup>256</sup> In 2008, the Ministry of Children, Equality and Social Inclusion initiated a project to monitor the implementation of the Convention on the Rights of the Child in Norway, entitled Better monitoring of the implementation of the Convention on the Rights of the Child. In this context, the Government of Norway has commissioned an experts review (the 'Søvig report'). The study has been completed and is under review by the relevant ministries. See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Norway, CRC/C/NOR/CO/4, 29 January 2010, para. 8, accessed from: [www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf). United Nations Committee on the Rights of the Child, Written Replies by the Government of Norway to the List of Issues (CRC/C/NOR/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Norway (CRC/C/NOR/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/NOR/Q/4/Add.1, 30 November 2009, p. 12, accessed from: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc).
- <sup>257</sup> See: United Nations Committee on the Rights of the Child, Written Replies by the Government of Sweden to the List of Issues (CRC/C/SWE/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Sweden (CRC/C/SWE/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/SWE/Q/4/Add.1, 24 April 2009, pp. 2-3, available at: [www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf). See also: Statskontoret (Swedish Agency for Public Management), 'Barnpolitikens myndighetsstruktur och styrning 2007:15', 2007, accessed from: [www.statskontoret.se/upload/publikationer/2007/200715.pdf](http://www.statskontoret.se/upload/publikationer/2007/200715.pdf). Also see: 'Child policy: A policy for the rights of the child', Government Communication 2007/08:111.
- <sup>258</sup> See, for example: Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, p. 23, available at: <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>. Interviews with participant 176 in Denmark and participant 420 in Norway.
- <sup>259</sup> European Commission, Communication from the Commission to the European Parliament and the Council, 'Action Plan on Unaccompanied Minors (2010–2014)', COM(2010)213 final, Brussels, 6 May 2010, p. 3, accessed from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:EN:PDF>.
- <sup>260</sup> See: **Denmark:** Consolidation Act on Social Services. **Finland:** Government of Finland, 'Fourth Periodic Report of the Government of Finland on the Implementation of the UN Convention on the Rights of the Child', July 2008, para. 181, 182, accessed from: [www2.ohchr.org/english/bodies/crc/docs/Finland\\_4thPeriodicReport.pdf](http://www2.ohchr.org/english/bodies/crc/docs/Finland_4thPeriodicReport.pdf). **Iceland:** Child Protection Act No. 80/2002; Icelandic Constitution, article 76. United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Periodic Reports of State Parties due in 1999, Iceland, CRC/C/83/Add.5, 5 July 2002, para. 193, accessed from: [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/c0cca6213bc3a91cc1256c30002bdf8b?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/c0cca6213bc3a91cc1256c30002bdf8b?OpenDocument). **Norway:** Children's Act (Act No. 7 of 8 April 1981 relating to Children and Parents). For the Child Welfare Act, see: United Nations Committee on the Rights of the Child, Written Replies by the Government of Norway to the List of Issues (CRC/C/NOR/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Norway (CRC/C/NOR/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/NOR/Q/4/Add.1, 30 November 2009, p. 4, accessed from: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc). **Sweden:** Social Services Act (SFS 2001:453), chapters 3, 5, 6 and 10, Care of Young Persons Act (SFS 1990:52).
- <sup>261</sup> See, for example: Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 6, accessed from: [http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf). United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, para. 484, accessed from: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc). Eriksson, Maja K., 'Thematic Study on Child Trafficking: Sweden', European Union Agency for Fundamental Rights/ECPAT Sweden, undated, p. 43, available at: <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>. Informed also by the national round table consultation in Denmark, 28 April 2011.
- <sup>262</sup> Landsforeningen for utekontakter (Norwegian Association for Outreach Work with Youth at Risk), 'Enslige mindreårige asylsøkere/mindreårige uten tilknytning til Norge', Oslo, November 2009, p. 4. Information supplied by Uteseksjonen, Municipal Outreach Service, Oslo.
- <sup>263</sup> See: Landsforeningen for utekontakter (Norwegian Association for Outreach Work with Youth at Risk), 'Enslige mindreårige asylsøkere/mindreårige uten tilknytning til Norge', Oslo, November 2009, p. 3.
- <sup>264</sup> The Ombudsman for Children, 'Supplementary Report to the UN Committee on the Rights of the Child', Oslo, 2009, p. 30, accessed from: [www.barneombudet.no/sfiles/48/24/1/file/supplementary-report-to-the-un\\_english.pdf](http://www.barneombudet.no/sfiles/48/24/1/file/supplementary-report-to-the-un_english.pdf).
- <sup>265</sup> **Denmark:** See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by

- States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, para. 675, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc)>. Minister for Ligestilling, Ministeriet for Flygtninge, Invandrere og Integration, Udenrigsministeriet, Justitsministeriet (Minister of Gender Equality, Ministry of Refugees, Immigration and Integration, Ministry of Foreign Affairs and Ministry of Justice), 'Action Plan to Combat Trafficking in Human Beings 2007–2010', Copenhagen, 2007, p. 10, accessed from: <[http://uk.lige.dk/files/PDF/Handel/Menneskehandel\\_4K.pdf](http://uk.lige.dk/files/PDF/Handel/Menneskehandel_4K.pdf)>. United Nations Committee on the Elimination of Discrimination against Women, Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Seventh Periodic Report of States Parties, Denmark, CEDAW/C/DEN/7, 21 July 2008, p. 28, accessed from: <[www2.ohchr.org/english/bodies/cedaw/cedaws44.htm](http://www2.ohchr.org/english/bodies/cedaw/cedaws44.htm)>. **Finland:** See: Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, p. 42, available at: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>>. Ministry of the Interior, 'Revised National Plan of Action against Trafficking in Human Beings', Publications of the Ministry of the Interior 29/2008, Helsinki, 2008, p. 24, accessed from: <[www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/\\$file/292008.pdf](http://www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/$file/292008.pdf)>. **Iceland:** Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking. Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 4, accessed from: <[http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>. United Nations Committee on the Elimination of Racial Discrimination, Consideration of Reports, Comments and Information Submitted by States Parties under Article 9 of the Convention, Nineteenth and Twentieth Periodic Reports of Iceland, Summary Record of the 1989<sup>th</sup> Meeting, CERD/C/SR.1989, 11 March 2010, para. 10, accessed from: <[www2.ohchr.org/english/bodies/cerd/cerds76.htm](http://www2.ohchr.org/english/bodies/cerd/cerds76.htm)>. Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking. Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 2, accessed from: <[http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>. **Norway:** See: Norwegian Ministry of Foreign Affairs, 'The Norwegian Ministry of Foreign Affairs' Measures to Combat Human Trafficking, Annual report 2008', Section for Global Initiatives and Gender Equality, Department for UN, Peace and Humanitarian Affairs, Oslo, 2009, p. 3. Norwegian Ministry of Foreign Affairs, 'The Norwegian Ministry of Foreign Affairs' measures to combat Human Trafficking under the Government's Plan of Action, Report on efforts carried out 2007', Section for Global Initiatives and Gender Equality, Department for UN, Peace and Humanitarian Affairs, Oslo, 5 February 2008, p. 3, accessed from: <[www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Rap07Eng\\_trafficking.pdf](http://www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Rap07Eng_trafficking.pdf)>.
- <sup>266</sup> Informed by the national round table consultation in Finland, 13 May 2011.
- <sup>267</sup> Nationellt Metodstöd mot prostitution och människohandel (National Method Support Team against Prostitution and Human Trafficking; Sweden), 'About', <[www.strukturerad.info/eng/info.asp](http://www.strukturerad.info/eng/info.asp)>, accessed 19 August 2011.
- <sup>268</sup> Information supplied by the Danish Centre against Human Trafficking, 14 July 2011.
- <sup>269</sup> Smedby, Sheela, 'Menneskehandel med barn – avdekning, anmeldelse og strafforfølgelse', Save the Children Norway, Oslo, 2009, p. 10, accessed from: Interviews with participants 55 and 510 in Sweden, participant 170 in Denmark and participant 419 in Norway.
- <sup>270</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, para. 674, available at: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc)>, accessed 1 November 2011. Information supplied by the Danish Centre against Human Trafficking, Copenhagen.
- <sup>271</sup> Danish Centre against Human Trafficking, 'Initiatives', undated, <[www.centermodmenneskehandel.dk/in-english/about-us/initiatives](http://www.centermodmenneskehandel.dk/in-english/about-us/initiatives)>, accessed 19 August 2011. For an overview of the institutional set-up of the Danish Centre against Trafficking in Human Beings, see: Danish Centre against Human Trafficking, 'Organisation', undated, <[www.centermodmenneskehandel.dk/in-english/about-us/organisation](http://www.centermodmenneskehandel.dk/in-english/about-us/organisation)>, accessed 19 August 2011.
- <sup>272</sup> Danish Centre against Human Trafficking, 'Initiatives', undated, <[www.centermodmenneskehandel.dk/in-english/about-us/initiatives](http://www.centermodmenneskehandel.dk/in-english/about-us/initiatives)>, accessed 19 August 2011.
- <sup>273</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, Office of the High Commissioner for Human Rights, Geneva, 22 January 2010, para. 676, available at: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc)>, accessed 1 November 2011.
- <sup>274</sup> Kofod Olsen, Birgitte, Christoffer Badse and Nanna Margrethe Krusaa, 'FRA Thematic Study on Child Trafficking, Denmark', European Union Agency for Fundamental Rights, undated, p. 7, accessed from: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-dk.pdf>>.
- <sup>275</sup> Department for Gender Equality, 'Evaluation of the Danish Action Plan for combating of trafficking in human beings, 2007–2010', Summary in English, COWI A/S, Kongens Lyngby, 2010, pp. 2-3.
- <sup>276</sup> Kofod Olsen, Birgitte, Christoffer Badse and Nanna Margrethe Krusaa, 'FRA Thematic Study on Child Trafficking, Denmark', European Union Agency for Fundamental Rights, undated, p. 10, accessed from: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-dk.pdf>>.
- <sup>277</sup> See, for example: Organization for Security and Co-operation in Europe Permanent Council, OSCE Action Plan to Combat Trafficking in Human Beings, Decision No. 557, PC.DEC/557/Rev.1, Vienna, 24 July 2003, p. 17, accessed from: <[www.osce.org/pc/15944](http://www.osce.org/pc/15944)>. The Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation, Ministerial Conference under the Presidency of the European Union, The Hague, 24-26 April 1997, accessed from: <[www.legislationline.org/documents/action/popup/id/8747](http://www.legislationline.org/documents/action/popup/id/8747)>. Council of the European Union, Council Resolution of 20 October 2003 on initiatives to combat trafficking in human beings, in particular women, 2003/C260/03, Official Journal of the European Union, 29 October 2003, accessed from: <[http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexapi!prod!CELEXnumdoc&numdoc=32003G1029\(02\)&model](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&numdoc=32003G1029(02)&model)>.

- =guichett&lg=en>. Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, Warsaw, 16 May 2005, article 29(4), available at: <<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=197&CM=8&DF=15/02/2011&CL=ENG>>.
- <sup>278</sup> Regeringskansliet (Government Offices of Sweden), 'Against prostitution and human trafficking for sexual purposes', Fact Sheet, Regeringskansliet, Stockholm, 2009, pp. 15-16, available at: <[www.sweden.gov.se/content/1/c6/13/36/71/ae076495.pdf](http://www.sweden.gov.se/content/1/c6/13/36/71/ae076495.pdf)>.
- <sup>279</sup> The Ombudsman for Minorities, 'When to contact the Ombudsman for Minorities?', <[www.vahemmistovaltuutettu.fi/intermin/vvt/home.nsf/pages/5CAFB5EBFD890043C22573A200317AB1?opendocument](http://www.vahemmistovaltuutettu.fi/intermin/vvt/home.nsf/pages/5CAFB5EBFD890043C22573A200317AB1?opendocument)>, accessed 19 August 2011.
- <sup>280</sup> See: Committee on the Rights of the Child: General Comment No.5: General Measures of Implementation for the Convention on the Rights of the Child, CRC/GC/2003/5, 3 October 2003, para. 12.
- <sup>281</sup> Ibid., para. 22.
- <sup>282</sup> European Council, 'The Stockholm Programme – An open and secure Europe serving and protecting citizens', Notes from European Union Institutions, Bodies, Offices and Agencies (2010/C115/01), Official Journal of the European Union, 4 May 2010, accessed from: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF>>.
- <sup>283</sup> Ibid., C115/9 at 2.3.2.
- <sup>284</sup> United Nations Children's Fund, *Implementation Handbook for the Convention on the Rights of the Child*, Fully revised edition, prepared for UNICEF by Rachel Hodgkin and Peter Newell, UNICEF, New York/Geneva, 2002, p. 26.
- <sup>285</sup> **Denmark:** The Danish Institute for Human Rights (DIHR) is overseeing a Complaints Committee for Ethnic Equal Treatment, which receives and investigates individual complaints in this area. This function was added to the DIHR mandate in light of the EU Directive 2000/43/EC and the related Act No. 374 of 28 May 2003 on Ethnic Equal Treatment. See: The Collaborating Group on the Children's Convention (Denmark), 'Supplementary NGO Report to the Danish Government's 3<sup>rd</sup> Periodic Report Submitted to the UN Committee on the Rights of the Child, Written by: Amnesty International, The Danish Youth Council, The Danish Council of Organisations of Disabled People, DUI – LEG og VIRKE, Danish Institute for Human Rights, Save the Children Denmark', Save the Children Denmark Youth/UNICEF Denmark, January 2005, p. 8, accessed from: <[www.crin.org/docs/resources/treaties/crc.40/Denmark\\_ngo\\_report.pdf](http://www.crin.org/docs/resources/treaties/crc.40/Denmark_ngo_report.pdf)>. **Finland:** Relevant institutions in Finland include the Ombudsman for Equality and the Ombudsman for Minorities. See: United Nations Committee on the Elimination of Discrimination against Women, Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Sixth periodic report of States parties, Finland, CEDAW/C/FIN/6, 8 November 2007, para. 12, accessed from: <[www.un.org/womenwatch/daw/cedaw/cedaw25years/content/english/CONCLUDING\\_COMMENTS/Norway/Norway-CO-7.pdf](http://www.un.org/womenwatch/daw/cedaw/cedaw25years/content/english/CONCLUDING_COMMENTS/Norway/Norway-CO-7.pdf)>. Government of Finland, 'Fourth Periodic Report of the Government of Finland on the Implementation of the UN Convention on the Rights of the Child', July 2008, para. 111, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/Finland\\_4thPeriodicReport.pdf](http://www2.ohchr.org/english/bodies/crc/docs/Finland_4thPeriodicReport.pdf)>. **Norway:** Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, para. 97-99, information available at: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc)>, accessed 1 November 2011. **Sweden:** Sweden's Anti-discrimination Act established an Equality Ombudsman that is mandated to promote the implementation of the Act (chapter 4). See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations Sweden, CRC/C/SWE/CO/4, 12 June 2009, Advanced Unedited Version, para. 5(a), available at: <[www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf)>.
- <sup>286</sup> United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Fifth Periodic Report, Finland, CCPR/C/FIN/2004/5, 24 July 2003, para. 94, accessed from: <[www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/a7c930bfea7c9838c1256e31002ceec0?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/a7c930bfea7c9838c1256e31002ceec0?Opendocument)>.
- <sup>287</sup> Non-Discrimination Act (21/2004), section 6.
- <sup>288</sup> Ministry of Employment and the Economy, Finland, Non-Discrimination Act (21/2004) (as amended by several acts, including No. 84/2009), unofficial translation, Government of Finland, section 3, para. 2, accessed from: <[www.finlex.fi/fi/laki/kaannokset/2004/en20040021.pdf](http://www.finlex.fi/fi/laki/kaannokset/2004/en20040021.pdf)>.
- <sup>289</sup> Government of Finland, 'Fourth Periodic Report of the Government of Finland on the Implementation of the UN Convention on the Rights of the Child', July 2008, para. 391, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/Finland\\_4thPeriodicReport.pdf](http://www2.ohchr.org/english/bodies/crc/docs/Finland_4thPeriodicReport.pdf)>.
- <sup>290</sup> The Constitution of Iceland (No. 33/1994, as amended by Act No. 97/1995), article 65.
- <sup>291</sup> Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, pp. 109-110, accessed from: <[www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio/\\$file/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010_englanti_nettiversio/$file/Ihmiskaupparaportti%202010_englanti_nettiversio.pdf)>. Information supplied at the national round table consultation in Finland, 13 May 2010.
- <sup>292</sup> Ibid., pp. 131-132.
- <sup>293</sup> Informed by participants in the national round table consultation in Sweden, 3 May 2011.
- <sup>294</sup> Interview with participant 419 in Norway.
- <sup>295</sup> Landsforeningen for utekontakter (Norwegian Association for Outreach Work with Youth at Risk), 'Enslige mindreårige asylsøkere/mindreårige uten tilknytning til Norge', Oslo, November 2009, p. 4. Information supplied by Uteseksjonen, Municipal Outreach Service, Oslo.
- <sup>296</sup> Council of the European Union, Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum-seekers, Official Journal of the European Union, 6 February 2003, article 19, accessed from: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>>.

- <sup>297</sup> Council of the European Union, Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, Official Journal of the European Union, 13 December 2005, article 17, accessed from: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:326:0013:0034:EN:PDF>>. For the recast of the Asylum Procedures Directive, the European Union Agency for Fundamental Rights recommended that the representation of unaccompanied children be strengthened by prioritizing the concept of legal guardianship vis-à-vis other forms of representation, providing for certain qualifications of a representative. See: European Union Agency for Fundamental Rights, 'Separated, asylum-seeking children in European Union Member States', Comparative Report, Conference Edition, Vienna, November 2010, p. 75, accessed from: <[http://fra.europa.eu/fraWebsite/research/publications/publications\\_per\\_year/pub\\_sep\\_asylum\\_en.htm](http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/pub_sep_asylum_en.htm)>. See also: Proposal for a Directive of the European Parliament and of the Council on minimum standards on procedures in Member States for granting and withdrawing international protection (Recast), COM(2009)554 final, proposal on Article 1(n) of the directive.
- <sup>298</sup> European Union Agency for Fundamental Rights, 'Separated, asylum-seeking children in European Union Member States', Comparative Report, Conference Edition, Vienna, November 2010, p. 50, accessed from: <[http://fra.europa.eu/fraWebsite/research/publications/publications\\_per\\_year/pub\\_sep\\_asylum\\_en.htm](http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/pub_sep_asylum_en.htm)>.
- <sup>299</sup> Ibid.
- <sup>300</sup> United Nations Committee on the Rights of the Child, General Comment No.6 (2005): Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6, 1 September 2005, para. 33, accessed from: <[www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2005.6.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2005.6.En?OpenDocument)>.
- <sup>301</sup> Ibid., para. 36.
- <sup>302</sup> A study on guardianship for separated and unaccompanied children in Europe conducted under the European Commission Daphne Programme noted that in many European countries there are differences in the way that guardianship is organized for asylum-seeking children, both during the asylum procedure and after they have been granted a residence permit. The structure in place to arrange guardianship for children during the asylum procedure is referred to as the 'representative system', whereas guardianship for national children and children who have obtained a residence permit is regulated under the 'guardianship system'.
- <sup>303</sup> Kofod Olsen, Birgitte, Christoffer Badse and Nanna Margrethe Krusaa, 'FRA Thematic Study on Child Trafficking, Denmark', European Union Agency for Fundamental Rights, undated, p. 35, accessed from: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-dk.pdf>>. United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, para. 431, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.docx](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.docx)>. See also: United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Fifth Periodic Reports of States Parties, Denmark, CCPR/C/DNK/5, 20 November 2007, para. 340, accessed from: <[www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fb330b61d0e49853c1256a780034f4d5/\\$FILE/G0045997.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fb330b61d0e49853c1256a780034f4d5/$FILE/G0045997.pdf)>.
- <sup>304</sup> Informed by participants at the national round table consultation in Denmark, 28 April 2011. As with representatives for unaccompanied asylum-seeking children, the professional representatives for child victims of trafficking in Denmark are tasked to provide general support and guidance to the child, attend the child's meetings and interviews with the immigration authorities, and provide guidance to the child on matters related to the child's application for asylum or other forms of residence permits. They act further as legal guardians and are in this capacity entitled to make decisions on behalf of the children they assist, when the child is not considered sufficiently mature to make a decision himself or herself, for example, in the case of very young children. In collaboration with the relevant organizations and authorities, the representative develops an individual action plan for the child's care arrangements. If considered necessary, the representative accompanies the child victim of trafficking upon return to his or her country of origin.
- <sup>305</sup> The Collaborating Group on the Children's Convention (Denmark), 'Supplementary NGO Report to the Danish Government's 3<sup>rd</sup> Periodic Report Submitted to the UN Committee on the Rights of the Child, Written by: Amnesty International, The Danish Youth Council, The Danish Council of Organisations of Disabled People, DUI – LEG og VIRKE, Danish Institute for Human Rights, Save the Children Denmark', Save the Children Denmark Youth/UNICEF Denmark, January 2005, p. 8, accessed from: <[www.crin.org/docs/resources/treaties/crc.40/Denmark\\_ngo\\_report.pdf](http://www.crin.org/docs/resources/treaties/crc.40/Denmark_ngo_report.pdf)>.
- <sup>306</sup> Ibid., p.10.
- <sup>307</sup> Norwegian Directorate of Immigration, 'Unaccompanied minor asylum seekers', <[www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Protection/Asylum-seekers-and-refugees/Unaccompanied-minor-asylum-seekers/#guardians](http://www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Protection/Asylum-seekers-and-refugees/Unaccompanied-minor-asylum-seekers/#guardians)>, accessed 25 October 2011; and Norske Folkehjelp, 'Bli hjelpevergeverge for barn som søker beskyttelse', <[www.folkehjelp.no/no/arbeid\\_i\\_norge/asyl\\_og\\_integrering/hjelpeverge\\_for\\_asylsokerbarn/](http://www.folkehjelp.no/no/arbeid_i_norge/asyl_og_integrering/hjelpeverge_for_asylsokerbarn/)>, accessed 27 October 2011 or 'Veiledning til verger for enslige mindreårige asylsøkere: Til deg som er verge eller vurderer å bli det', <[www.regjeringen.no/upload/kilde/jd/bro/2003/0003/ddd/pdfv/178463-veiledning\\_til\\_verger.pdf](http://www.regjeringen.no/upload/kilde/jd/bro/2003/0003/ddd/pdfv/178463-veiledning_til_verger.pdf)>, accessed 27 October 2011.
- <sup>308</sup> Information supplied by UNICEF Sweden, Stockholm, 7 June 2010.
- <sup>309</sup> Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999)[Finland], ch. 5, section 26(1).
- <sup>310</sup> Information supplied by the Ministry of the Interior, Helsinki, 26 October 2011.
- <sup>311</sup> Parsons, Annika, 'The best interests of the child in asylum and refugee procedures in Finland', Finnish National Rapporteur on Trafficking in Human Beings, Publication 6, Helsinki, 2010, p. 47, accessed from: <[www.intermin.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20-selvitys\\_englanti/\\$file/VV%20lapsen%20etu%20-selvitys\\_englanti.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20-selvitys_englanti/$file/VV%20lapsen%20etu%20-selvitys_englanti.pdf)>.
- <sup>312</sup> Save the Children Sweden, et al., 'Closing a Protection Gap – Core standards for guardians of separated children, Swedish Report, 2010–2011', pp. 2, 56, 66, accessed from: <[www.defenceforchildren.nl/images/20/1264.pdf](http://www.defenceforchildren.nl/images/20/1264.pdf)>.
- <sup>313</sup> Parsons, Annika, op. cit.

- <sup>314</sup> United Nations Children's Fund, *Implementation Handbook for the Convention on the Rights of the Child*, Fully revised third edition, prepared for UNICEF by Rachel Hodgkin and Peter Newell, UNICEF, New York/Geneva, 2007, p. 37.
- <sup>315</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Norway, CRC/C/NOR/CO/4, 29 January 2010, para. 23, accessed from: [www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf).
- <sup>316</sup> UNICEF Sverige (UNICEF Sweden), *Comments from UNICEF Sweden on the Swedish Government's 4<sup>th</sup> Report to the UN Committee on the Rights of the Child 2007*, UNICEF Sweden, Stockholm, undated, available at: [www.unicef.se/assets/unicef-sweden-comments-on-sweden-crc-report-2008.pdf](http://www.unicef.se/assets/unicef-sweden-comments-on-sweden-crc-report-2008.pdf).
- <sup>317</sup> See: Save the Children/United Nations High Commissioner for Refugees, 'Separated Children in Europe Programme', undated, [www.separated-children-europe-programme.org/index.html](http://www.separated-children-europe-programme.org/index.html), accessed 21 August 2011.
- <sup>318</sup> Save the Children, United Nations High Commissioner for Refugees and United Nations Children's Fund, *Statement of Good Practice, 4<sup>th</sup> Revised Edition, Separated Children in Europe Programme*, Save the Children/UNHCR/UNICEF, Copenhagen, 2009, p. 15, accessed from: <http://www.unhcr.org/refworld/pdfid/41545069.pdf>.
- <sup>319</sup> See, for example: **Denmark**: Consolidation Act on Social Services (sections 58(2), 65, 68a and 71a); Act on Parental Responsibility No. 499 of 6 June 2007 (section 4). See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, para. 63, accessed from: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc). **Finland**: Child Welfare Act (417/2007), section 4. The Aliens Act (301/2004), section 6. The Act on the Integration of Immigrants and Reception of Asylum Seekers (324/2009), chapter 4, section 19. The 2006 Government Migration Policy Programme. The 2005 National Plan of Action, 'A Finland Fit For Children'. The Policy Programme for the Well-being of Children, Youth and Families. **Iceland**: Child Protection Act No. 80/2002 (article 4). Child Welfare Act No. 58/1992, as amended by Act No. 160/1998. See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Periodic Reports of State Parties due in 1999, Iceland, CRC/C/83/Add.5, 5 July 2002, para. 118, accessed from: [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/c0cca6213bc3a91cc1256c30002bdf8b?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/c0cca6213bc3a91cc1256c30002bdf8b?Opendocument). The Children's Act No. 76/2003 (article 34(2) and 47(1)). See: United Nations Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Iceland's Third Periodic Report', Government of Iceland, Ministry of Justice and Ecclesiastical Affairs, June 2008, para. 52, accessed from: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.doc). **Norway**: Amendments to the Children's Act of 2006, in the context of child protection in cases of custody (chapter 7, section 48); the case treatment regulations of 2004, in the context of child protection in cases of custody; the Immigration Act of 2008, in the context of decision-making processes when children's applications for asylum or residence on humanitarian grounds are examined: section 38 states that the best interests of the child should be a fundamental consideration in assessing the applications of children. See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Norway, CRC/C/NOR/CO/4, 29 January 2010, para. 22, accessed from: [www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf). **Sweden**: Social Services Act (SFS 2001:453), chapter 1, section 2; Care of Young Persons Act (SFS 1990:52), section 1. See: Eriksson, Maja K., 'Thematic Study on Child Trafficking: Sweden', European Union Agency for Fundamental Rights/ECPAT Sweden, undated, pp. 16-17, available at: <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>. Aliens Act (SFS 2005:716), chapter 1, section 10; Children and Parents Code (SFS 1949:381), chapter 6, section 2a. See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations Sweden, CRC/C/SWE/CO/4, Advanced Unedited Version, 12 June 2009, para. 27, available at: [www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf).
- <sup>320</sup> Interview with participant 511 in Sweden. Informed also by participants in the national round table consultation in Denmark, 28 April 2011.
- <sup>321</sup> Mougne, Christine, *Trees Only Move in the Wind: A study of unaccompanied Afghan children in Europe*, Policy Development and Evaluation Services, UNHCR, Geneva, 2010, pp. 33-34, accessed from: [www.unhcr.org/4c1229669.html](http://www.unhcr.org/4c1229669.html).
- <sup>322</sup> Child Protection Act No. 80/2002, article 4 (Iceland).
- <sup>323</sup> See for example: Social Services Act (SFS 2001:453), chapter 1, section 2; Care of Young Persons Act (SFS 1990:52), section 1. See: Eriksson, Maja K., 'Thematic Study on Child Trafficking: Sweden', European Union Agency for Fundamental Rights/ECPAT Sweden, undated, pp. 16-17, available at: <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>. Aliens Act (SFS 2005:716), chapter 1, section 10; Children and Parents Code (SFS 1949:381), chapter 6, section 2a. See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations Sweden, CRC/C/SWE/CO/4, 12 June 2009, Advanced Unedited Version, para. 27, available at: [www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf). Sweden: The Parents Act (SFS 2006:458), chapter 6, section 2a.
- <sup>324</sup> Regeringskansliet (Government Offices of Sweden), Ministry of Health and Social Welfare, The Care of Young Persons Act (SFS 1990:52), Promulgated on 8 March 1990 with amendments up to and including SFS 2003:420, unofficial translation of March 2005, section 1.
- <sup>325</sup> Government of Finland, 'Fourth Periodic Report of the Government of Finland on the Implementation of the UN

- Convention on the Rights of the Child', Government of Finland, July 2008, p. X, accessed from: [www2.ohchr.org/english/bodies/crc/docs/Finland\\_4thPeriodicReport.pdf](http://www2.ohchr.org/english/bodies/crc/docs/Finland_4thPeriodicReport.pdf), para. 122.
- <sup>326</sup> The Child Welfare Act (417/2007), chapter 1, section 4(2) [Finland].
- <sup>327</sup> The Act on the Integration of Immigrants and Reception of Asylum Seekers (324/2009), chapter 4, section 19.
- <sup>328</sup> Act on the reception of persons seeking international protection (746/2011), section 1, para. 5.
- <sup>329</sup> The 2006 Government Migration Policy Programme. The Act on the Integration of Immigrants and Reception of Asylum Seekers (324/2009), chapter 4, section 19. The Aliens Act (301/2004), section 6. See: Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, p. 59, available at: <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>.
- <sup>330</sup> Government of Finland, Government Migration Policy Programme, Government Resolution 19 October 2006, p. 33, accessed from: [www.mol.fi/mol/en/99\\_pdf/en/90\\_publications/migration\\_programme2006.pdf](http://www.mol.fi/mol/en/99_pdf/en/90_publications/migration_programme2006.pdf).
- <sup>331</sup> United Nations High Commissioner for Refugees, *UNHCR Guidelines on Determining the Best Interests of the Child*, UNHCR, Geneva, May 2008, accessed from: [www.unhcr.org/refworld/pdfid/48480c342.pdf](http://www.unhcr.org/refworld/pdfid/48480c342.pdf).
- <sup>332</sup> Tamas, Ana-Maria, et al., 'Sociological Research Handbook on Child Trafficking, Twinning Project PHARE RO/2006/IB/JH 08, Supporting the Institutional Capacity to Prevent Trafficking in Human Beings in Romania', Ludwig Boltzmann Institute, German Foundation for International Legal Cooperation, General Inspectorate of the Romanian Police, National Agency against Trafficking in Persons, Bucharest, 2009, p. 42, accessed from: [http://s3.amazonaws.com/rcpp/assets/attachments/1127\\_manual\\_ade\\_eng\\_original.pdf](http://s3.amazonaws.com/rcpp/assets/attachments/1127_manual_ade_eng_original.pdf).
- <sup>333</sup> United Nations High Commissioner for Refugees, *UNHCR Guidelines on Determining the Best Interests of the Child*, UNHCR, Geneva, May 2008, p. 8, accessed from: [www.unhcr.org/refworld/pdfid/48480c342.pdf](http://www.unhcr.org/refworld/pdfid/48480c342.pdf).
- <sup>334</sup> Interviews with participant 429 in Norway, participant 510 in Sweden, and participants 244 and 233 in Finland.
- <sup>335</sup> In addition to the literature cited, this case study is based on information supplied by Henna Mustonen, Project Manager, Unaccompanied Project, All Our Children, Helsinki, 8 September 2010.
- <sup>336</sup> United Nations Committee on the Rights of the Child, General Comment No. 7 (2005): Implementing child rights in early childhood, CRC/C/GC/7/Rev.1., 20/9/2006, para. 10, accessed from: [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/7cfdace016acd61c1257214004713a4?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/7cfdace016acd61c1257214004713a4?Opendocument).
- <sup>337</sup> See: Eide, Asbjørn and Wenche Bart Eide, *A Commentary on the United Nations Convention on the Rights of the Child, Article 24: The Right to Health*, Martinus Nijhoff Publishers, Lieden/Boston, 2006, pp. 13-15.
- <sup>338</sup> See for example: **Iceland**: Act on Foreigners, art. 47(b) (a). **Sweden**: Health and Medical Care for Asylum Seekers and Others Act (SFS 2008:344).
- <sup>339</sup> The Act on Preventive Health Conditions applies. See: The Collaborating Group on the Children's Convention (Denmark), 'Supplementary NGO Report to the Danish Government's 4<sup>th</sup> Periodic Report to the UN Committee on the Rights of the Child, Written by The Rights of All Children, Amnesty International Danish Section, The Joint Council for Child Issues, Children's Welfare in Denmark, Disabled Peoples Organisation Denmark, DUI – Leg og Virke, Save the Children Denmark, Save the Children Youth Denmark, The Danish Red Cross Youth, The Danish National Committee for UNICEF', May 2009, English translation June 2010, p. 25.
- <sup>340</sup> Hälso- och sjukvårdslagen (Health and Medical Services Act; 1982:763), section 4; Regeringens skrivelse 2005/2006:95, En nationell handlingsplan för de mänskliga rättigheterna 2006-2009. See: Eriksson, Maja K., 'Thematic Study on Child Trafficking: Sweden', European Union Agency for Fundamental Rights/ECPAT Sweden, undated, p. 42, available at: <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>.
- <sup>341</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations Sweden, CRC/C/SWE/CO/4, 12 June 2009, Advanced Unedited Version, para. 60, available at: [www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf). United Nations Committee on the Rights of the Child, Written Replies by the Government of Sweden to the List of Issues (CRC/C/SWE/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Sweden (CRC/C/SWE/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/SWE/Q/4/Add.1, 24 April 2009, pp. 10, 14, available at: [www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf).
- <sup>342</sup> Ibid. Ibid., p. 10. Also see: Save the Children Sweden, 'Undocumented Children: 'All I Want is to Land!', Report from the Save the Children project utanpapper.nu a helpline for undocumented children', Stockholm, 2008, pp. 19-20, available at: [www.utanpapper.nu/Documents/utanpapper/en/All%20I%20want%20is%20to%20land-all.pdf](http://www.utanpapper.nu/Documents/utanpapper/en/All%20I%20want%20is%20to%20land-all.pdf). Zelmin, Erna, 'Vård efter behov och på lika villkor – en mänsklig rättighet', Betänkande av Utredningen om vård för papperslösa m.fl., SOU 2011:48, Stockholm, 2011, p. 33, accessed from: [www.regeringen.se/content/1/c6/16/98/15/1ce2f996.pdf](http://www.regeringen.se/content/1/c6/16/98/15/1ce2f996.pdf).
- <sup>343</sup> Zelmin, Erna, op. cit., p. 34.
- <sup>344</sup> Ibid., p. 33.
- <sup>345</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, para. 456, accessed from: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc).
- <sup>346</sup> Government of Norway, 'National Report Submitted in Accordance with Paragraph 15(a) of the Annex to Human Rights Council Resolution 5/1, Norway', 8 September 2009, p. 16, accessed from: [www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsrådet/UPR\\_Norway\\_final.pdf](http://www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsrådet/UPR_Norway_final.pdf).
- <sup>347</sup> Norwegian Forum for the Convention on the Rights of the Child, 'Children's Rights in Norway: Key issues of concern, Submission by the Norwegian Forum for the Convention on the Rights of the Child related to Norway for Universal Periodic Review 6<sup>th</sup> Session', undated, p. 4, accessed from: [www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/rapport\\_barn.pdf](http://www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/rapport_barn.pdf).
- <sup>348</sup> Government of Finland, 'Fourth Periodic Report of the Government of Finland on the Implementation of the UN Convention on the Rights of the Child', July 2008, para. 391, accessed from: [www2.ohchr.org/english/bodies/crc/docs/Finland\\_4thPeriodicReport.pdf](http://www2.ohchr.org/english/bodies/crc/docs/Finland_4thPeriodicReport.pdf).
- <sup>349</sup> Parsons, Annika, 'The best interests of the child in asylum and refugee procedures in Finland', Finnish National



- Rapporteur on Trafficking in Human Beings, Publication 6, Helsinki, 2010, pp. 42-43, accessed from: [www.intermin.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20-selvitys\\_englanti/\\$file/VV%20lapsen%20etu%20-selvitys\\_englanti.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20-selvitys_englanti/$file/VV%20lapsen%20etu%20-selvitys_englanti.pdf).
- <sup>350</sup> The Collaborating Group on the Children's Convention (Denmark), 'Supplementary NGO Report to the Danish Government's 4<sup>th</sup> Periodic Report to the UN Committee on the Rights of the Child, Written by The Rights of All Children, Amnesty International Danish Section, The Joint Council for Child Issues, Children's Welfare in Denmark, Disabled Peoples Organisation Denmark, DUI – Leg og Virke, Save the Children Denmark, Save the Children Youth Denmark, The Danish Red Cross Youth, The Danish National Committee for UNICEF', May 2009, English translation June 2010, p. 25.
- <sup>351</sup> **Finland:** Government of Finland, 'Fourth Periodic Report of the Government of Finland on the Implementation of the UN Convention on the Rights of the Child', July 2008, para. 317, accessed from: [www2.ohchr.org/english/bodies/crc/docs/Finland\\_4thPeriodicReport.pdf](http://www2.ohchr.org/english/bodies/crc/docs/Finland_4thPeriodicReport.pdf). **Norway:** Norwegian Directorate of Immigration, 'Unaccompanied minor asylum seekers', last updated 30 December 2009, [www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Protection/Asylum-seekers-and-refugees/Unaccompanied-minor-asylum-seekers/](http://www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Protection/Asylum-seekers-and-refugees/Unaccompanied-minor-asylum-seekers/), accessed 25 March 2010. **Sweden:** United Nations Committee on the Rights of the Child, Written Replies by the Government of Sweden to the List of Issues (CRC/C/SWE/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Sweden (CRC/C/SWE/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/SWE/Q/4/Add.1, 24 April 2009, p. 11, available at: [www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf).
- <sup>352</sup> The Collaborating Group on the Children's Convention (Denmark), 'Supplementary NGO Report to the Danish Government's 4<sup>th</sup> Periodic Report to the UN Committee on the Rights of the Child, Written by The Rights of All Children, Amnesty International Danish Section, The Joint Council for Child Issues, Children's Welfare in Denmark, Disabled Peoples Organisation Denmark, DUI – Leg og Virke, Save the Children Denmark, Save the Children Youth Denmark, The Danish Red Cross Youth, The Danish National Committee for UNICEF', May 2009, English translation June 2010, pp. 21-22, 23.
- <sup>353</sup> Ibid.
- <sup>354</sup> Basic Education Act (628/1998). See: Parsons, Annika, op. cit., pp. 45-46.
- <sup>355</sup> Ordinance 2001:976 on Education, Preschool and School-age Childcare for Asylum Seekers and Others. See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2007: Sweden, CRC/C/SWE/4, 28 January 2008, para. 212, available at: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.SWE.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.SWE.4.doc).
- <sup>356</sup> Save the Children Sweden, 'Undocumented Children: 'All I Want Is To Land'', Report from the Save the Children project utanpapper.nu a helpline for undocumented children', Stockholm, 2008, p. 84, available at: [www.utanpapper.nu/Documents/utanpapper/en/All%20I%20want%20is%20to%20land-all.pdf](http://www.utanpapper.nu/Documents/utanpapper/en/All%20I%20want%20is%20to%20land-all.pdf). See also: Eriksson, Maja K., 'Thematic Study on Child Trafficking: Sweden', European Union Agency for Fundamental Rights/ECPAT Sweden, undated, pp. 42-43, available at: <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>.
- <sup>357</sup> See: Justitiedepartementet (Ministry of Justice), 'Skolgång för barn som skall avvisas eller utvisas', SOU 2007:34, Stockholm, 2007, accessed from: [www.sweden.gov.se/content/1/c6/08/26/74/5ac1d249.pdf](http://www.sweden.gov.se/content/1/c6/08/26/74/5ac1d249.pdf). United Nations Committee on the Rights of the Child, Written Replies by the Government of Sweden to the List of Issues (CRC/C/SWE/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Sweden (CRC/C/SWE/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/SWE/Q/4/Add.1, 24 April 2009, pp. 10-11, available at: [www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf). See also: Eriksson, Maja K., **Error! Hyperlink reference not valid.** op. cit., p. 43. Save the Children Sweden, 'Undocumented Children: 'All I Want Is To Land'', Report from the Save the Children project utanpapper.nu a helpline for undocumented children', Stockholm, 2008, pp. 83-85, available at: [www.utanpapper.nu/Documents/utanpapper/en/All%20I%20want%20is%20to%20land-all.pdf](http://www.utanpapper.nu/Documents/utanpapper/en/All%20I%20want%20is%20to%20land-all.pdf).
- <sup>358</sup> United Nations Committee on the Rights of the Child, Written Replies by the Government of Sweden to the List of Issues (CRC/C/SWE/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Sweden (CRC/C/SWE/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/SWE/Q/4/Add.1, 24 April 2009, p. 11, available at: [www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf).
- <sup>359</sup> Act of 17 July 1998 No. 61 relating to Primary and Secondary Education and Training (the Education Act) with amendments as of 19 June 2009 that entered into force on 1 August 2009, chapter 2, section 2-1. See: Norwegian Directorate of Immigration, 'The legal position of children in Norway', last updated 8 May 2006, [www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Protection/Useful-content/The-legal-position-of-children-in-Norway/](http://www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Protection/Useful-content/The-legal-position-of-children-in-Norway/), accessed 6 November 2009.
- <sup>360</sup> Brunovskis, Anette and Lise Bjerkan, 'Learning about Illegals: Issues and Methods', FoU-Report June 2008, Utlendingsdirektoratet (Norwegian Directorate of Immigration), Oslo, 2008, p. 50, accessed from: [www.udi.no/upload/FOUrapport%20SSB%20FAFO.pdf](http://www.udi.no/upload/FOUrapport%20SSB%20FAFO.pdf).
- <sup>361</sup> United Nations Committee on the Rights of the Child, General Comment No. 6 (2005): Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6, 1 September 2005, para. 79, accessed from: [www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2005.6.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2005.6.En?OpenDocument).
- <sup>362</sup> United Nations Children's Fund, *Guidelines on the Protection of Child Victims of Trafficking*, Provisional Version, UNICEF, September 2006, p. 3, accessed from: [www.unicef.org/ceecis/0610-Unicef\\_Victims\\_Guidelines\\_en.pdf](http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf).
- <sup>363</sup> Save the Children, United Nations High Commissioner for Refugees and United Nations Children's Fund, *Statement of Good Practice, 4<sup>th</sup> Revised Edition, Separated Children in Europe Programme*, Save the Children/UNHCR/UNICEF, Copenhagen, 2009, pp. 15, 33, accessed from: [www.savethechildren.net/separated\\_children/good\\_practice/index.html](http://www.savethechildren.net/separated_children/good_practice/index.html).
- <sup>364</sup> Committee of Ministers, Council of Europe, 'Recommendation CM/Rec(2007)9 of the Committee of Ministers to

member states on life projects for unaccompanied migrant minors, Adopted by the Committee of Ministers on 12 July 2007 at the 1002nd meeting of the Ministers' Deputies', 2007, accessed from: <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1164769&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>.

"The term of 'relevant authorities' should be interpreted as large as possible and covers all governmental institutions dealing with unaccompanied migrant minors, in particular those responsible for elaboration and implementation of national policies (ministries, national agencies, police's services, border protection services, judges, legal guardians, social services, local and regional authorities, but also diplomatic and consular representations, etc.). It includes also non governmental organisations in countries where some responsibilities are assumed by them." Cited in: Council of Europe, 'Explanatory Memorandum to the Recommendation CM/REC(2007)9 of the Committee of Ministers to Member States on Life Projects for Unaccompanied Migrant Minors', European Committee on Migration (CDMG), Stasbourg, 2007, p. 3, accessed from: [www.coe.int/t/dg3/migration/Source/Recommendations/Recommendation%20CM%20Rec\\_2007\\_9%20-%20Explanatory%20memorandum\\_en.pdf](http://www.coe.int/t/dg3/migration/Source/Recommendations/Recommendation%20CM%20Rec_2007_9%20-%20Explanatory%20memorandum_en.pdf). See also: Drammeh, Louise, 'Life Projects for unaccompanied migrant minors – A handbook for front-line professionals', Council of Europe, 2010, accessed from: [www.coe.int/t/dg3/migration/Source/ID10053-Life%20projects\\_GB.pdf](http://www.coe.int/t/dg3/migration/Source/ID10053-Life%20projects_GB.pdf).

<sup>365</sup> Committee of Ministers, Council of Europe, 'Recommendation CM/REC(2007)9 of the Committee of Ministers to member states on life projects for unaccompanied migrant minors, Adopted by the Committee of Ministers on 12 July 2007 at the 1002nd meeting of the Ministers' Deputies', 2007, appendix, para. 1-2, accessed from: <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1164769&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>.

<sup>366</sup> Ibid., appendix, para. 7-8.

<sup>367</sup> Ibid., appendix, para. 15-32. Also see: Council of Europe, 'Explanatory Memorandum to the Recommendation CM/REC(2007)9 of the Committee of Ministers to Member States on Life Projects for Unaccompanied Migrant Minors', European Committee on Migration (CDMG), Stasbourg, 2007, pp. 5, 7, accessed from: [www.coe.int/t/dg3/migration/Source/Recommendations/Recommendation%20CM%20Rec\\_2007\\_9%20-%20Explanatory%20memorandum\\_en.pdf](http://www.coe.int/t/dg3/migration/Source/Recommendations/Recommendation%20CM%20Rec_2007_9%20-%20Explanatory%20memorandum_en.pdf).

<sup>368</sup> See, for example: European Union Agency for Fundamental Rights, 'Separated, asylum-seeking children in European Union Member States', Comparative Report, Conference Edition, Vienna, November 2010, p. 121, accessed from: [http://fra.europa.eu/fraWebsite/research/publications/publications\\_per\\_year/pub\\_sep\\_asylum\\_en.htm](http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/pub_sep_asylum_en.htm). Mougne, Christine, *Trees Only Move in the Wind: A study of unaccompanied Afghan children in Europe*, Policy Development and Evaluation Services, UNHCR, Geneva, 2010, pp. 33-34, accessed from: [www.unhcr.org/4c1229669.html](http://www.unhcr.org/4c1229669.html). Boland, Kerry, *Children on the Move: A Report on Children of Afghan Origin Moving to Western Countries*, UNICEF, 2010, p. 5, accessed from: [www.unicef.org/infobycountry/files/Book\\_children\\_on\\_the\\_move.pdf](http://www.unicef.org/infobycountry/files/Book_children_on_the_move.pdf).

<sup>369</sup> Mougne, Christine, op. cit, pp. 33-34.

<sup>370</sup> In implementing the life projects for non-national children, the existing practice of using national child protection systems to plan, implement and monitor child protection measures, including alternative care, might offer valuable guidance in many regards. See, for example, the project Children's Needs in Focus (Barn behov i centrum, BBIC) in Sweden. See: Edebalk, Per Gunnar, 'Children looked after and their right to participation in accordance with the UN Convention on the Rights of the Child, article 12', Paper presented at 'Childhoods 2005', Oslo, July 2005, *Working-paper series 2006:1*, Lunds Universitetet, Socialhögskolan, Lunds, 2005, pp. 3-5, 14, 18-20, available at: [www.childcentre.info/projects/institutions/dbaFile12713.pdf](http://www.childcentre.info/projects/institutions/dbaFile12713.pdf). Ministry of Health and Social Affairs, 'National Action Plan for Safeguarding Children from Sexual Exploitation', Stockholm, 2007, p. 16, available at: [www.sweden.gov.se/content/1/c6/11/01/73/5681ba8f.pdf](http://www.sweden.gov.se/content/1/c6/11/01/73/5681ba8f.pdf), accessed 16 August 2011. See also individual action plans for child welfare measures developed in Denmark: Consolidation Act on Social Services, chapter 11, section 140(5).

<sup>371</sup> For a more detailed discussion, see: O'Donnell, Daniel, 'The Right of Children To Be Heard: Children's right to have their views taken into account and to participate in legal and administrative proceedings', *Innocenti Working Paper IWP-2009-04*, UNICEF Innocenti Research Centre, Florence, April 2009.

<sup>372</sup> **Denmark:** Parental Responsibility Act, 2007, sections 5, 10. See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, para. 97, accessed from: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc).

Consolidation Act on Social Services, section 48. **Finland:** Child Welfare Act (417/2007), sections 22, 24. The Administrative Procedure Act (423/2003). See: Government of Finland, 'Fourth Periodic Report of the Government of Finland on the Implementation of the UN Convention on the Rights of the Child', July 2008, para. 140-145, accessed from: [www2.ohchr.org/english/bodies/crc/docs/Finland\\_4thPeriodicReport.pdf](http://www2.ohchr.org/english/bodies/crc/docs/Finland_4thPeriodicReport.pdf).

The Act on the Status and Rights of Social Welfare Clients (812/2000). See: United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Fifth Periodic Report, Finland, CCPR/C/FIN/2004/5, 24 July 2003, para. 316, accessed from:

[www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/a7c930bfea7c9838c1256e31002ceec0?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/a7c930bfea7c9838c1256e31002ceec0?Opendocument).

The Aliens Act. Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999). See: European Migration Network, 'Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – An EU Comparative Study', EMN Study 2009 (I), Helsinki, 2009, pp. 7, 21, accessed from:

<http://emn.sarenet.es/Downloads/download.do?sessionid=12017EB6EEB5527A0E595281C4F82F2C?fileID=757>. **Iceland:** Children's Act No. 76/2003, article 28. Primary School Act No. 91/2008, articles 8, 10, 13. United Nations Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Iceland's Third Periodic Report', Government of Iceland, Ministry of Justice and Ecclesiastical Affairs, June 2008, para. 58, 61,

62, accessed from: [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.doc).

- Norway:** Children's Act. Child Welfare Act. See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Norway, CRC/C/NOR/CO/4, 29 January 2010, para. 24, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf)>. Public Administration Act. Civil Procedures Act. See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Third Periodic Report of States Parties due in 2003: Norway, CRC/C/129/Add.1, 6 October 2004, para. 83, 88-89, accessed from: <[www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.129.Add.1.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.129.Add.1.En?OpenDocument)>. Immigration Act (section 81). Immigration Regulations (section 17-3). **Sweden:** Social Services Act (SFS 2001:453). Care of Young Persons (Special Provisions) Act (SFS 1990:52), section 36. Aliens Act, chapter 1, section 11.
- <sup>373</sup> The Constitution of Finland, section 6.
- <sup>374</sup> Government of Finland, 'Fourth Periodic Report of the Government of Finland on the Implementation of the UN Convention on the Rights of the Child', July 2008, para. 140, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/Finland\\_4thPeriodicReport.pdf](http://www2.ohchr.org/english/bodies/crc/docs/Finland_4thPeriodicReport.pdf)>.
- <sup>375</sup> Ibid., para. 145.
- <sup>376</sup> Ibid., para 141.
- <sup>377</sup> "In their work, child protection authorities shall take account of children's views and wishes, in accord with the age and maturity of the child." European Migration Network, 'Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – An EU Comparative Study', EMN Study 2009 (I), Helsinki, 2009, p. 7, accessed from: <<http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?directoryID=115>>.
- <sup>378</sup> Child Protection Act No. 80/2002, article 4.
- <sup>379</sup> Ibid., article 46. See: United Nations Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Iceland's Third Periodic Report', Government of Iceland, Ministry of Justice and Ecclesiastical Affairs, June 2008, para. 59, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.dochttp://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.272.En?OpenDocument](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.dochttp://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.272.En?OpenDocument)>.
- <sup>380</sup> The Children's Act, article 28. Cited in: United Nations Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Iceland's Third Periodic Report', Government of Iceland, Ministry of Justice and Ecclesiastical Affairs, June 2008, para. 58, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.doc)>.
- <sup>381</sup> **Denmark:** Consolidation Act on Social Services, article 46(3).
- <sup>382</sup> The Danish Children's Reform, passed by the Parliament in June 2010 and entered into effect in 2011. Cited in: The NGO Reporting Group in Denmark, 'Supplementary Reporting From NGOs in Denmark', September 2010, p. 2, accessed from: <[www.crin.org/resources/infoDetail.asp?ID=23458&flag=legal](http://www.crin.org/resources/infoDetail.asp?ID=23458&flag=legal)>. The Consolidation Act on Social Services, article 74(2), states: "The opportunity for the child or young person...may be dispensed with if the child has not attained the age of 12, or where it is deemed to be harmful to the child or young person."
- <sup>383</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Norway, CRC/C/NOR/CO/4, 29 January 2010, para. 24, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf)>. Norway: The Immigration Act (section 81). See: United Nations Committee on the Rights of the Child, Written Replies by the Government of Norway to the List of Issues (CRC/C/NOR/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Norway (CRC/C/NOR/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/NOR/Q/4/Add.1, 30 November 2009, p. 6, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc)>. Norway: Immigration Regulations, section 17-4.
- <sup>384</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Norway, CRC/C/NOR/CO/4, 29 January 2010, para. 24, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf)>.
- <sup>385</sup> Care of Young Persons Act, section 36.
- <sup>386</sup> See: Social Services Act, chapter 3, section 5.
- <sup>387</sup> The Norwegian Government, for example, has distributed guidance for child welfare officers on how to speak and listen to children. The Finnish Immigration Service has issued guidelines for immigration officials on how to interview unaccompanied children. In Sweden, the Office of the Children's Ombudsman has developed guidelines for professionals on how to talk to children in a hearing or other official settings and how to create a child-friendly environment when a child is to be heard.
- <sup>388</sup> United Nations Committee on the Rights of the Child, Written Replies by the Government of Sweden to the List of Issues (CRC/C/SWE/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Sweden (CRC/C/SWE/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/SWE/Q/4/Add.1, 24 April 2009, p. 2, available at: <[www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.SWE.Q.4.Add.1.pdf)>. See: Statskontoret (Swedish Agency for Public Management), 'Barnpolitikens myndighetsstruktur och styrning 2007:15', 2007, accessed from: <[www.statskontoret.se/upload/publikationer/2007/200715.pdf](http://www.statskontoret.se/upload/publikationer/2007/200715.pdf)>.
- <sup>389</sup> Ibid.
- <sup>390</sup> Ibid.
- <sup>391</sup> The National Social Appeals Board, 'Ankestyrelsens praksisundersøgelser, Anbringelse af børn og unge', 2008. Cited in: National Council for Children, 'Report to the UN Committee on the Rights of the Child, Supplementary Report to Denmark's 4<sup>th</sup> Periodic Report', May 2009, p. 18, accessed from: <[www.boerneraadet.dk/files/Brd.dk%20Filbibliotek/PDF%20FILER/EKSTERNE%20RAPPORTER/BRD%204.%20Suppl.%20Rapp.%20til%20FN%20-%202009%20-%20UKversion.pdf](http://www.boerneraadet.dk/files/Brd.dk%20Filbibliotek/PDF%20FILER/EKSTERNE%20RAPPORTER/BRD%204.%20Suppl.%20Rapp.%20til%20FN%20-%202009%20-%20UKversion.pdf)>. United Nations Committee on the

- Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Norway, CRC/C/NOR/CO/4, 29 January 2010, para. 24, accessed from: [www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf).
- <sup>392</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Finland, CRC/C/15/Add.272, 20 October 2005, para. 22, accessed from: [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.272.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.272.En?OpenDocument).
- <sup>393</sup> Government of Finland, 'Fourth Periodic Report of the Government of Finland on the Implementation of the UN Convention on the Rights of the Child', July 2008, para. 164, accessed from: [www2.ohchr.org/english/bodies/crc/docs/Finland\\_4thPeriodicReport.pdf](http://www2.ohchr.org/english/bodies/crc/docs/Finland_4thPeriodicReport.pdf).
- <sup>394</sup> Koordineringsenheten för Ofre för Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'Information to Persons Identified as Possible Victims of Human Trafficking', KOM, undated, p. 4, accessed from: [www.politi.no/vedlegg/rapport/Vedlegg\\_396.pdf](http://www.politi.no/vedlegg/rapport/Vedlegg_396.pdf).
- <sup>395</sup> The Act on the Integration of Immigrants and Reception of Asylum Seekers, chapter 4a, sections 25(a)-25(f). Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, pp. 41-42, accessed from: [www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio/\\$file/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010_englanti_nettiversio/$file/Ihmiskaupparaportti%202010_englanti_nettiversio.pdf).
- <sup>396</sup> Larsson, Nina, 'Lyssna på oss! Rapport om barns upplevelser som asylsökande i Sverige', UNICEF Sverige, Stockholm, 2007, pp. 4, 8, 11-12, 14, 18, 20, available at: [www.unicef.se/assets/rapport-asyl.pdf](http://www.unicef.se/assets/rapport-asyl.pdf), accessed 23 February 2010. The study was implemented during 2006 and builds upon interviews with 20 adolescents living in the Stockholm area. Respondents were under the age of 18 and had been granted a residence permit when the interview took place. There is a gender balance among the participating children and they come from different countries. See p. 4.
- <sup>397</sup> Ibid., p. 16.
- <sup>398</sup> Keselman, Olga, 'Restricting participation – Unaccompanied children in interpreter-mediated asylum hearings in Sweden', The Swedish Institute for Disability Research, *Linköping Studies in Arts and Science No. 501, Studies for the Swedish Institute for Disability Research No. 31*, Linköpings universitet, Institutionen för beteendevetenskap och lärande, Linköping, 2009, pp. 31, 36-37.
- <sup>399</sup> Ibid., p. 35.
- <sup>400</sup> Ibid.
- <sup>401</sup> Ibid., p. 31.
- <sup>402</sup> European Union Agency for Fundamental Rights, 'Separated, asylum-seeking children in European Union Member States', Comparative Report, Conference Edition, Vienna, November 2010, p. 11, accessed from: [http://fra.europa.eu/fraWebsite/research/publications/publications\\_per\\_year/pub\\_sep\\_asylum\\_en.htm](http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/pub_sep_asylum_en.htm).
- <sup>403</sup> The literature that is available from official Nordic sources in the English language refers to these institutions as 'Ombudsman' (singular) or 'Ombudsmen' (plural), notwithstanding the fact that many of these positions are held by women. This report notes the gender bias inherent in the terminology but abides by the terminology that the Nordic countries choose to use.
- <sup>404</sup> **Denmark:** Folketingets Ombudsmand (Danish Parliamentary Ombudsman), 'Complaining to the Ombudsman', [http://en.ombudsmanden.dk/om\\_at\\_klage/](http://en.ombudsmanden.dk/om_at_klage/), accessed 19 August 2011. See also: Parliamentary Ombudsman, 'The Danish Ombudsman, An institution with far-reaching consequences', undated, [www.um.dk/Publikationer/UM/English/TheDanishOmbudsman/ombud.doc](http://www.um.dk/Publikationer/UM/English/TheDanishOmbudsman/ombud.doc). **Finland:** Parliamentary Ombudsman of Finland, 'The tasks of the Ombudsman', undated, [www.oikeusasiamies.fi/Resource.phx/EOA/english/ombudsman/tasks/index.htm](http://www.oikeusasiamies.fi/Resource.phx/EOA/english/ombudsman/tasks/index.htm), accessed 19 August 2011. **Iceland:** Althingi Ombudsman, 'General Information', in English, [www.barn.is/adalsida/english/general\\_information/](http://www.barn.is/adalsida/english/general_information/), accessed 19 August 2011. **Norway:** Parliamentary Ombudsman for Public Administration, 'The Parliamentary Ombudsman', [www.sivilombudsmannen.no/?lang=en\\_GB](http://www.sivilombudsmannen.no/?lang=en_GB), accessed 19 August 2011. Ministry of Justice and the Police, Act concerning the Storting's Ombudsman for Public Administration of June 1962 No. 8, article 4, accessed from: [www.ub.uio.no/ujur/ulovdata/lov-19620622-008-eng.pdf](http://www.ub.uio.no/ujur/ulovdata/lov-19620622-008-eng.pdf). **Sweden:** The Act with Instructions for the Parliamentary Ombudsmen (Lag [1986:765] med instruktion för Riksdagens ombudsmän), issued 13 November 1986, 11 January 2008, available at: [www.jo.se/Page.aspx?MenuId=37&MainMenuId=12&Language=en&ObjectClass=DynamX\\_Document&Id=575](http://www.jo.se/Page.aspx?MenuId=37&MainMenuId=12&Language=en&ObjectClass=DynamX_Document&Id=575), accessed 19 September 2011.
- <sup>405</sup> See, for example: **Denmark:** For appeal under the Consolidation Act on Social Services: The National Social Appeals Board (Ankestyrelsen), Ministry of Social Affairs and Integration, 'Social issues', undated, <http://english.sm.dk/social-issues/Sider/Start.aspx>, accessed 19 August 2011. **Finland:** Administrative courts (asylum matters: Helsinki Administrative Court); Supreme Administrative Court, Finnish Immigration Service, Immigration Issues in Finland, available at: [www.migri.fi/netcomm/content.asp?article=2643](http://www.migri.fi/netcomm/content.asp?article=2643), accessed 19 August 2011. **Iceland:** Appeal is made to the relevant ministry. See: United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Fourth Periodic Report, Iceland, CCPR/C/ISL/2004/4, 28 June 2004, para. 38, accessed from: [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/b4a8bd2714b5ae25c1256f0f004b188c?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/b4a8bd2714b5ae25c1256f0f004b188c?Opendocument). United States Department of State, '2008 Human Rights Report: Iceland', 2008 Country Reports on Human Rights Practice, US Department of State, Bureau of Democracy, Human Rights, and Labor, 25 February 2009, p. 6, accessed from: [www.state.gov/g/drl/rls/hrrpt/2008/eur/119084.htm](http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119084.htm). **Norway:** Appeal on administrative decisions relating to immigration issues is made to the Immigration Appeal Board (UNE). See: Thorud, Espen, Eva Haagenes and Finn Ola Jølstad, 'International Migration 2007–2008, SOPEMI-report for Norway', Oslo, 2008, p. 9, accessed from: [www.regjeringen.no/upload/AID/publikasjoner/rapporter\\_og\\_planer/2008/R2008\\_migration\\_sopemi.pdf](http://www.regjeringen.no/upload/AID/publikasjoner/rapporter_og_planer/2008/R2008_migration_sopemi.pdf). **Sweden:** Appeals against administrative decisions regarding immigration issues are made to the Migration

- Courts. See: Econ Pöyry, 'The enforced return of irregular migrants: Rules and practices in Norway, France, Poland and Sweden', Commissioned by the Norwegian Directorate of Immigration (UDI – Utlendingsdirektoratet), Oslo, 2009, pp. 7, 83, 90, available at: <[www.econ.no/stream\\_file.asp?iEntityId=4400](http://www.econ.no/stream_file.asp?iEntityId=4400)>. See also: Jonsson, Anna and Dominika Borg, 'Return: The Swedish approach', Department of Eurasian Studies, Uppsala University, *Working Papers No. 108*, Uppsala, 2006, p. 17, available at: <[www.temaasyl.se/Documents/EU-dokument/EMN/Return%20The%20Swedish%20Approach.pdf](http://www.temaasyl.se/Documents/EU-dokument/EMN/Return%20The%20Swedish%20Approach.pdf)>.
- <sup>406</sup> The National Council for Children, 'The National Council for Children – sets out to promote children's interests and rights', undated, <[www.boerneraadet.dk/english](http://www.boerneraadet.dk/english)>, accessed 13 August 2010.
- <sup>407</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2007: Sweden, CRC/C/SWE/4, 28 January 2008, para. 6, 11, available at: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.SWE.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.SWE.4.doc)>.
- <sup>408</sup> Children's Rights Convention Network, 'Supplementary Report by Children, Young People and Adults in Sweden to the UN Committee on the Rights of the Child: Comments to the Government of Sweden's Fourth Periodic Report from the Swedish NGO Children's Rights Convention Network', 25 June 2008, p. 10, available at: <[www.crin.org/resources/infoDetail.asp?ID=20372&flag=legal](http://www.crin.org/resources/infoDetail.asp?ID=20372&flag=legal)>. The Ombudsman for Children, 'Supplementary Report to the UN Committee on the Rights of the Child', Oslo, 2009, p. 8, accessed from: <[www.barneombudet.no/sfiles/48/24/1/file/supplementary-report-to-the-un\\_english.pdf](http://www.barneombudet.no/sfiles/48/24/1/file/supplementary-report-to-the-un_english.pdf)>.
- <sup>408</sup> National Council for Children, 'Report to the UN Committee on the Rights of the Child, Supplementary Report to Denmark's 4<sup>th</sup> Periodic Report', May 2009, p. 8, accessed from: <[www.boerneraadet.dk/files/Brd.dk%20Filbibliotek/PDF%20FILER/EKSTERNE%20RAPPORTER/BRD%204.%20Suppl.%20Rapp.%20til%20FN%20-%202009%20-%20UKversion.pdf](http://www.boerneraadet.dk/files/Brd.dk%20Filbibliotek/PDF%20FILER/EKSTERNE%20RAPPORTER/BRD%204.%20Suppl.%20Rapp.%20til%20FN%20-%202009%20-%20UKversion.pdf)>..
- <sup>409</sup> **Denmark:** United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Denmark, CRC/C/DNK/CO/3, 23 November 2005, para. 20-21, accessed from: <[www2.ohchr.org/english/bodies/crc/crcs51.htm](http://www2.ohchr.org/english/bodies/crc/crcs51.htm)>. United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Denmark, CRC/C/DNK/CO/4, 7 April 2011, para. 20, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/CRC.C.DNK.CO.4\\_en.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.DNK.CO.4_en.pdf)>. **Finland:** Government of Finland, 'Fourth Periodic Report of the Government of Finland on the Implementation of the UN Convention on the Rights of the Child', July 2008, para. 59-60, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/Finland\\_4thPeriodicReport.pdf](http://www2.ohchr.org/english/bodies/crc/docs/Finland_4thPeriodicReport.pdf)>. United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Finland, CRC/C/15/Add.272, 20 October 2005, para. 10, accessed from: <[www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.272.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.272.En?OpenDocument)>. **Iceland:** United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Iceland, CRC/C/ISL/CO/3-4, 6 October 2011, para. 16-17, information available at: <[www2.ohchr.org/english/bodies/crc/crcs58.htm](http://www2.ohchr.org/english/bodies/crc/crcs58.htm)>, accessed 30 October 2011. **Norway:** United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations: Norway, CRC/C/NOR/CO/4, 29 January 2010, para. 13, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf)>. **Sweden:** United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations Sweden, CRC/C/SWE/CO/4, 12 June 2009, Advanced Unedited Version, para. 15-16, available at: <[www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf)>.
- <sup>410</sup> The Ombudsman for Children, 'Supplementary Report to the UN Committee on the Rights of the Child', Oslo, 2009, p. 8, accessed from: <[www.barneombudet.no/sfiles/48/24/1/file/supplementary-report-to-the-un\\_english.pdf](http://www.barneombudet.no/sfiles/48/24/1/file/supplementary-report-to-the-un_english.pdf)>.
- <sup>411</sup> National Council for Children, 'Report to the UN Committee on the Rights of the Child, Supplementary Report to Denmark's 4<sup>th</sup> Periodic Report', May 2009, p. 8, accessed from: <[www.boerneraadet.dk/files/Brd.dk%20Filbibliotek/PDF%20FILER/EKSTERNE%20RAPPORTER/BRD%204.%20Suppl.%20Rapp.%20til%20FN%20-%202009%20-%20UKversion.pdf](http://www.boerneraadet.dk/files/Brd.dk%20Filbibliotek/PDF%20FILER/EKSTERNE%20RAPPORTER/BRD%204.%20Suppl.%20Rapp.%20til%20FN%20-%202009%20-%20UKversion.pdf)>.
- <sup>412</sup> Barnombudsmannen (Children's Ombudsman), 'Bakom fasaden, Barn och ungdomar i den sociala barnavården berättar', Stockholm, 2011, pp. 6, 24, accessed from: <[www.bo.se/files/publikationer.%20pdf/arsrapport%20bakom%20fasaden%202011.pdf](http://www.bo.se/files/publikationer.%20pdf/arsrapport%20bakom%20fasaden%202011.pdf)>. This report focuses on the situation of children placed in HVB institutions, i.e., open and closed institutions that host not only national and resident children but also unaccompanied asylum-seeking children, and to which child victims of trafficking may also be referred. (Hem för vård och boende [HVB] translates as homes for treatment and accommodation.)
- <sup>413</sup> See, for example, the *UNICEF Guidelines on the Protection of Child Victims of Trafficking* and the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, which provide an overview of the rights of child victims of crime, and child victims of trafficking specifically, as afforded under international standards. United Nations Children's Fund, *Guidelines on the Protection of Child Victims of Trafficking*, Provisional Version, UNICEF, September 2006, accessed from: <[www.unicef.org/ceecis/0610-Unicef\\_Victims\\_Guidelines\\_en.pdf](http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf)>. United Nations Economic and Social Council, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, Economic and Social Council Resolution 2005/20, 22 July 2005, accessed from: <[www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opensslpdf.pdf?docid=468922c92](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opensslpdf.pdf?docid=468922c92)>.
- <sup>414</sup> United Nations Children's Fund, *Implementation Handbook for the Convention on the Rights of the Child*, Fully revised 3<sup>rd</sup> edition, prepared for UNICEF by Rachel Hodgkin and Peter Newell, UNICEF, New York/Geneva, 2007, p. 589.
- <sup>415</sup> United Nations Economic and Social Council, Guidelines on Justice in Matters involving Child Victims and

Witnesses of Crime, Economic and Social Council Resolution 2005/20, 22 July 2005, para. 9(a), available at: <[www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=468922c92](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=468922c92)>. The definition in the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime is based on the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. The Declaration defines 'victims' as "persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States". The Declaration emphasizes that a person may be considered a victim regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of any possible family relationship between the perpetrator and the victim. The term 'victim' also includes, where appropriate, the immediate family or dependants of the direct victim. See: United Nations General Assembly, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, A/RES/40/34, 29 November 1985, annexes A.1, A.2, accessed from: <[www.un.org/documents/ga/res/40/a40r034.htm](http://www.un.org/documents/ga/res/40/a40r034.htm)>.

<sup>416</sup> No Peace Without Justice and UNICEF Innocenti Research Centre, 'International Criminal Justice and Children', No Peace Without Justice/UNICEF IRC, 2002, p. 22, accessed from: <[www.unicef.org/emerg/files/ICJC.pdf](http://www.unicef.org/emerg/files/ICJC.pdf)>.

<sup>417</sup> Council of the European Union, Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, 2001/220/JHA, Official Journal of the European Union, 15 March 2001, accessed from: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:082:0001:0004:EN:PDF>>.

<sup>418</sup> Council of the European Union, Council Framework Decision on combating trafficking in human beings, 2002/629/JHA, Official Journal of the European Union, 19 July 2002, article 2.2, accessed from: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:203:0001:0004:EN:PDF>>.

<sup>419</sup> Ibid., article 8.4, article 14.1.

<sup>420</sup> Ibid., article 7.

<sup>421</sup> European Commission, Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, Strengthening victims' rights in the EU, Brussels, 18 May 2011, COM(2011) 274, p. 2, accessed from: <[http://ec.europa.eu/justice/policies/criminal/victims/docs/com\\_2011\\_274\\_en.pdf](http://ec.europa.eu/justice/policies/criminal/victims/docs/com_2011_274_en.pdf)>. See also: European Commission, 'European Commission ensures better protection of crime victims', Press Release, 18 May 2011, available at: <<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/585&format=HTML&aged=0&language=EN&guiLanguage=en>>, accessed 13 June 2011.

<sup>422</sup> Crime Victim Compensation and Support Authority, 'Child Victims in the Union – Rights and Empowerment, A report of the CURE project 2009–2010', Umeå, 2010, p. 15, accessed from: <[www.brottsoffermyndigheten.se/Sidor/EPT/CURE%20-%20Puffar/Bilder/Cure%20report%20for%20web%20.pdf](http://www.brottsoffermyndigheten.se/Sidor/EPT/CURE%20-%20Puffar/Bilder/Cure%20report%20for%20web%20.pdf)>.

<sup>423</sup> Ibid., p. 10.

<sup>424</sup> The *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (OHCHR) and the *UNICEF Guidelines on the Protection of Child Victims of Trafficking* reiterate the right to non-criminalization specifically in relation to the situation of victims of trafficking who are to be protected from criminal liability for "any criminal offence that was a direct result from being trafficked". This provision is further strengthened by the non-punishment clause of the 2011 EU Directive against trafficking and article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings (May 2005), and is therefore made binding upon States parties: "Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so."

<sup>425</sup> United Nations Economic and Social Council, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, Economic and Social Council Resolution 2005/20, 22 July 2005, para. 7e, accessed from: <[www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=468922c92](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=468922c92)>.

<sup>426</sup> Ibid., para. 9a.

<sup>427</sup> Ibid., para. 6.

<sup>428</sup> **Denmark:** The Aliens Act includes penalty provisions in part IX. Staying in Denmark without a valid residence permit is prohibited under section 59(1)(ii) and is punishable with a fine or imprisonment for up to six months. **Finland:** The Aliens Act provides for penal provisions for certain contraventions. Entry into Finland without valid travel documents is considered a 'border offence' or 'petty border offence', both of which are criminalized under the Penal Code of Finland, chapter 17, sections 7 and 7a. **Iceland:** Under the Icelandic Act on Foreigners No. 20/2004, the possession of a forged passport or other identity documents or travel visas for Iceland is punished with fines or imprisonment for up to two years (article 57). The Icelandic Human Rights Centre noted: "it is reasonable that being in possession of a number of counterfeit travel documents or the like...should be punishable by law, but the way the provision is phrased could result in it applying to refugees or victims of trafficking". See: Icelandic Human Rights Centre, 'Notes on Iceland's Fourth Periodic Report on Implementation of the International Covenant on Civil and Political Rights Pursuant to Article 40 of the Covenant', undated, p. 11, accessed from: <[www.humanrights.is/english/activities/reports/nr/954](http://www.humanrights.is/english/activities/reports/nr/954)>. **Norway:** Residence and work in Norway of non-nationals who do not possess valid permits is considered a criminal offence. See: Koordineringsenheten for Ofre for Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'You Have Been Granted a Reflection Period', KOM, undated, p. 7, accessed from: <[www.politi.no/vedlegg/rapport/Vedlegg\\_398.pdf](http://www.politi.no/vedlegg/rapport/Vedlegg_398.pdf)>. **Sweden:** An alien who stays in Sweden, intentionally or through negligence, without having a valid permit of stay or other relevant travel documents, is punished with a fine. Aliens Act, chapter 20, section 1.

<sup>429</sup> Ligestillingsafdelingen (Department for Gender Equality), 'Evaluering af den nationale indsats til bekæmpelse af menneskehandel 2007–2010', July 2010, pp. 94-95, accessed from: <[www.lige.dk/Files/pdf/Handel/evaluerig\\_indstats\\_menneskehandel.pdf](http://www.lige.dk/Files/pdf/Handel/evaluerig_indstats_menneskehandel.pdf)>. Department for Gender Equality, 'Evaluation of the Danish Action Plan for combating of trafficking in human beings, 2007–2010', Summary in English, COWI A/S, Kongens Lyngby, 2010, p. 5.

- <sup>430</sup> Minister of Gender Equality, 'Action Plan to combat human trafficking 2011–2014', Copenhagen, 2011, p. 12, available at: <<http://uk.lige.dk/Default.asp?Id=832&AjrNws=1637&AjrNwsPg=1>>, accessed 30 October 2011.
- <sup>431</sup> Code of Criminal Procedure, No. 19/1991, article 113, paragraph 2. "Under paragraph 2 of Article 113 of the Code of Criminal Procedure, No. 19/1991, the Director of Public Prosecutions may drop proceedings under the circumstances described in that provision; these include particular circumstances in which the view must be taken that prosecution would not be in the public interest. Under Article 56 of the Penal Code, the prosecutor may defer the prosecution of a case for a specific length of time if the perpetrator has confessed to having committed the offence and was aged between 15 and 21 at the time of the offence. Finally, Article 57 of the Penal Code makes provision for deferring, in a sentence, a decision on punishment or the enforcement of the sentence." See: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Office of the High Commissioner for Human Rights, Geneva, Initial Reports of States Parties due in 2004, Iceland, CRC/C/OPSA/ISL/1, 15 July 2005, para. 41, accessed from: <[www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/6892618128716357c12570bc006efaf8?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/6892618128716357c12570bc006efaf8?Opendocument)>.
- <sup>432</sup> Penal Code, sections 47 and 48. United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, para. 619, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc)>.
- <sup>433</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, para. 620, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc)>.
- <sup>434</sup> Circular No. 1, 2007, 'Goals and priorities for the conduct of criminal cases by the police'.
- <sup>435</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, para. 621, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc)>.
- <sup>436</sup> Swedish Penal Code, chapter 24, section 8.
- <sup>437</sup> Penal Code of Finland, chapter 17, sections 7(2) and 7a(2).
- <sup>438</sup> United Nations Economic and Social Council, Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, Economic and Social Council Resolution 2005/20, 22 July 2005, annex I.1, I.3, accessed from: <[www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=468922c92](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=468922c92)>.
- <sup>439</sup> Ibid., annex XI.
- <sup>440</sup> Ibid., annex I.6.
- <sup>441</sup> United Nations Office on Drugs and Crime and United Nations Children's Fund, *Justice in Matters Involving Child Victims and Witnesses of Crime, Model Law and Related Commentary*, UNODC/UNICEF, New York, 2009, p. iv, accessed from: <[www.unodc.org/documents/justice-and-prison-reform/Justice\\_in\\_matters...pdf](http://www.unodc.org/documents/justice-and-prison-reform/Justice_in_matters...pdf)>.
- <sup>442</sup> The Children's House in Iceland, 'The Children's House: Center for Child Sexual Abuse', undated, accessed from: <[www.bvs.is/files/file779.pdf](http://www.bvs.is/files/file779.pdf)>.
- <sup>443</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Office of the High Commissioner for Human Rights, Geneva, Initial Reports of States Parties due in 2004, Iceland, CRC/C/OPSA/ISL/1, 15 July 2005, para. 43, accessed from: <[www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/6892618128716357c12570bc006efaf8?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/6892618128716357c12570bc006efaf8?Opendocument)>.
- <sup>444</sup> Gudbrandsson, Bragi, "Under one Roof" – Towards the best interest of the child in cases of child sexual abuse', Government Agency for Child Protection, undated, p. 1, accessed from: <[www.coe.int/t/dghl/standardsetting/childjustice/Iceland%20good%20practices.pdf](http://www.coe.int/t/dghl/standardsetting/childjustice/Iceland%20good%20practices.pdf)>.
- <sup>445</sup> Information supplied by The Children's House in Iceland, Reykjavik, 24 September 2010.
- <sup>446</sup> Gudbrandsson, Bragi, op. cit.
- <sup>447</sup> Information supplied by The Children's House in Iceland, Reykjavik, 24 September 2010.
- <sup>448</sup> The Children's House in Iceland, 'The Children's House: Center for Child Sexual Abuse', undated, accessed from: <[www.bvs.is/files/file779.pdf](http://www.bvs.is/files/file779.pdf)>.
- <sup>449</sup> Gudjonsson, Gisli, et al., 'The Ability of Suspected Victims of Childhood Sexual Abuse (CSA) to Give Evidence, Findings from the Children's House in Iceland', *Journal of Forensic Psychiatry and Psychology*, Routledge, Taylor & Francis Group, February 2010, 2010, pp. 1-18. See also: National Children's Advocacy Center, 'Home', <[www.nationalcac.org/index.html](http://www.nationalcac.org/index.html)>, accessed 17 August 2011. The interview technique used at The Children's House in Iceland is based on the child advocacy model principles and protocols of the National Children's Advocacy Center in the United States of America.
- <sup>450</sup> The Children's House in Iceland, *The Children's House*, Brochure, undated, accessed from: <[www.bvs.is/files/file743.pdf](http://www.bvs.is/files/file743.pdf)>. Information supplied by The Children's House in Iceland, Reykjavik, 24 September 2010.
- <sup>451</sup> See: United Nations Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Iceland's Third Periodic Report', Government of Iceland, Ministry of Justice and Ecclesiastical Affairs, June 2008, para. 196-199, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.doc)>.
- <sup>452</sup> Ibid., para. 195.
- <sup>453</sup> Ministry of Social Affairs and Social Security, 'Plan of Action to Deal with Domestic and Sexual Violence', Translation from Icelandic, September 2006, p. 12, accessed from: <[www.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/Plan\\_of\\_Action\\_to\\_deal\\_with\\_Domestic\\_and\\_Sexual\\_Violence.pdf](http://www.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/Plan_of_Action_to_deal_with_Domestic_and_Sexual_Violence.pdf)>. Information also supplied by The Children's House in Iceland, Reykjavik.
- <sup>454</sup> Information supplied by The Children's House in Iceland (Reykjavik), United States Department of State, Bureau of Democracy, Human Rights, and Labor, '2008 Human Rights Report: Iceland', 2008 Country Reports on

- Human Rights Practice, 25 February 2009, p. 9, accessed from:  
<[www.state.gov/g/drl/rls/hrrpt/2008/eur/119084.htm](http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119084.htm)>.
- <sup>455</sup> Gudbrandsson, Bragi, Government Agency for Child Protection, 'Unaccompanied and Trafficked Children: Regional cooperation, The Working Group for Cooperation on Children at Risk, WGCC, The Council of the Baltic Sea States (CBSS)', PowerPoint Presentation, May 2009.
- <sup>456</sup> Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 7, accessed from: <[http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>.
- <sup>457</sup> See, for example: United Nations General Assembly, Joint report of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative of the Secretary General on Violence against Children, Human Rights Council, Sixteenth session, A/HRC/16/56, 7 March 2011, para. 68, accessed from: <[www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-56.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-56.pdf)>. United Nations Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Iceland's Third Periodic Report', Government of Iceland, Ministry of Justice and Ecclesiastical Affairs, June 2008, para. 195, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.doc)>. Crime Victim Compensation and Support Authority, 'Child Victims in the Union – Rights and Empowerment, A report of the CURE project 2009–2010', Umeå, 2010, p. 7, accessed from: <[www.brottsoffermyndigheten.se/Sidor/EPT/CURE%20-%20Puffar/Bilder/Cure%20report%20for%20web%20.pdf](http://www.brottsoffermyndigheten.se/Sidor/EPT/CURE%20-%20Puffar/Bilder/Cure%20report%20for%20web%20.pdf)>.
- <sup>458</sup> The Internal Security Programme (Finland), which is implemented under the leadership of the Ministry of the Interior, includes one measure aimed at the introduction of The Children's House in Iceland model (*Lastentalo*) to help strengthen child-oriented judicial processes. See: Ministry for Foreign Affairs, 'Government Report to Parliament on the Human Rights Policy of Finland 2009', Publications of the Ministry for Foreign Affairs 14/2009, Helsinki, 2010, p. 153, accessed from: <<http://formin.finland.fi/public/download.aspx?ID=54284&GUID=%7B1248AD8B-CFFB-44F6-A69B-7831BC7F274C%7D>>. See: Ministry of the Interior, 'Safety First, Internal Security Programme', Government Plenary Session 8 May 2008, Publications of the Ministry of the Interior 25/2008, Helsinki, 2008, accessed from: <[www.intermin.fi/intermin/biblio.nsf/B48B12C5D837461AC22574C00025B90A/\\$file/252008.pdf](http://www.intermin.fi/intermin/biblio.nsf/B48B12C5D837461AC22574C00025B90A/$file/252008.pdf)>. Specialized centres have been established at two hospitals: Rigshospitalets Team for Seksuelt Misbrugte Børn (Hospital Team for Sexually Abused Children), in Copenhagen, and Center for Børn udsat for Overgreb (Centre for Children who were Exposed to Abuse), in Århus. The centre in Århus brings together representatives of the regional police, the Institute of Forensic Medicine and the children's department of Århus University Hospital. At the centre, which is located within the hospital, children who were exposed to physical or sexual abuse can be examined, including for investigative purposes, and receive treatment. In the Copenhagen hospital, cases of child sexual abuse are investigated by an interdisciplinary team. See: National Council for Children, 'Report to the UN Committee on the Rights of the Child, Supplementary Report to Denmark's 4<sup>th</sup> Periodic Report', May 2009, p. 22, accessed from: <[www.boerneraadet.dk/files/Brd.dk%20Filbibliotek/PDF%20FILER/EKSTERNE%20RAPPORTER/BRD%204.%20Suppl.%20Rapp.%20til%20FN%20-%202009%20-%20UKversion.pdf](http://www.boerneraadet.dk/files/Brd.dk%20Filbibliotek/PDF%20FILER/EKSTERNE%20RAPPORTER/BRD%204.%20Suppl.%20Rapp.%20til%20FN%20-%202009%20-%20UKversion.pdf)>. See also: Crime Victim Compensation and Support Authority, 'Child Victims in the Union – Rights and Empowerment, A report of the CURE project 2009–2010', Umeå, 2010, p. 125, accessed from: <[www.brottsoffermyndigheten.se/Sidor/EPT/CURE%20-%20Puffar/Bilder/Cure%20report%20for%20web%20.pdf](http://www.brottsoffermyndigheten.se/Sidor/EPT/CURE%20-%20Puffar/Bilder/Cure%20report%20for%20web%20.pdf)>.
- <sup>459</sup> See: Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, p. 62, available at: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>>. Ministry for Foreign Affairs, 'Government Report to Parliament on the Human Rights Policy of Finland 2009', Publications of the Ministry for Foreign Affairs 14/2009, Helsinki, 2010, p. 153, accessed from: <<http://formin.finland.fi/public/download.aspx?ID=54284&GUID=%7B1248AD8B-CFFB-44F6-A69B-7831BC7F274C%7D>>, accessed 13 December 2011. > Ministry of the Interior, 'Safety First, Internal Security Programme', Government Plenary Session 8 May 2008, Publications of the Ministry of the Interior 25/2008, Helsinki, 2008, accessed from: <[www.intermin.fi/intermin/biblio.nsf/B48B12C5D837461AC22574C00025B90A/\\$file/252008.pdf](http://www.intermin.fi/intermin/biblio.nsf/B48B12C5D837461AC22574C00025B90A/$file/252008.pdf)>.
- <sup>460</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, para. 19, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc)>. Interview with participant 424 in Norway.
- <sup>461</sup> Justis- og Politidepartementet (Ministry of Justice and the Police), 'Turning Point: Action plan against domestic violence 2008-2011', Oslo, undated, p. 7, accessed from: <[www.regjeringen.no/upload/JD/Vedlegg/Handlingsplaner/Vendepunkt\\_eng.pdf](http://www.regjeringen.no/upload/JD/Vedlegg/Handlingsplaner/Vendepunkt_eng.pdf)>.
- <sup>462</sup> Interview with participant 424 in Norway.
- <sup>463</sup> Ibid.
- <sup>464</sup> Regeringskansliet (Government Offices of Sweden), 'Sweden's Implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography', 2009, para. 90, available at: <[www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPSC.SWE.1.doc](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPSC.SWE.1.doc)>. Children's Rights Convention Network, 'Supplementary Report by Children, Young People and Adults in Sweden to the UN Committee on the Rights of the Child: Comments to the Government of Sweden's Fourth Periodic Report from the Swedish NGO Children's Rights Convention Network', 25 June 2008, p. 7, available at: <[www.crin.org/resources/infoDetail.asp?ID=20372&flag=legal](http://www.crin.org/resources/infoDetail.asp?ID=20372&flag=legal)>.
- <sup>465</sup> Regeringskansliet (Government Offices of Sweden), 'Sweden's Implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography', 2009,



- para. 90-91, available at: <[www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPSC.SWE.1.doc](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPSC.SWE.1.doc)>.
- <sup>466</sup> Office of the United Nations High Commissioner for Human Rights, United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by General Assembly resolution 45/113 of 14 December 1990, rule 11(b), accessed from: <[www2.ohchr.org/english/law/res45\\_113.htm](http://www2.ohchr.org/english/law/res45_113.htm)>. Rules apply to any child under 18 years of age (rule 11[a]).
- <sup>467</sup> United Nations Committee on the Rights of the Child, General Comment No.6 (2005): Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6, 1 September 2005, accessed from: <[www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2005.6.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2005.6.En?OpenDocument)>. The Human Rights Committee stated in its General Comment No. 8 that administrative detention for immigration purposes falls under the scope of "deprivation of liberty" in relation to article 9 CCPR. See: United Nations Human Rights Committee, General Comment No. 8: Right to liberty and security of persons (Article 9), Sixteenth Session, 30/06/1982, CCPR General Comment No. 8, accessed from: <[www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/f4253f9572cd4700c12563ed00483bec?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/f4253f9572cd4700c12563ed00483bec?Opendocument)>. See: Shabas, William and Helmut Sax, *A Commentary on the United Nations Convention on the Rights of the Child, Article 37: Prohibition of Torture, Death Penalty, Life Imprisonment and Deprivation of Liberty*, Martinus Nijhoff Publishers, Lieden/Boston, 2006, pp. 59-62.
- <sup>468</sup> United Nations Committee on the Rights of the Child, General Comment No.6 (2005): Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6, 1 September 2005, para. 61, accessed from: <[www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2005.6.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2005.6.En?OpenDocument)>.
- <sup>469</sup> The Working Group states the following: "The detention of minors, particularly of unaccompanied minors, requires even further justification. Given the availability of alternatives to detention, it is difficult to conceive of a situation in which the detention of an unaccompanied minor would comply with the requirements stipulated in article 37 (b), clause 2, of the Convention on the Rights of the Child, according to which detention can be used only as a measure of last resort." See: United Nations Human Rights Council, Report of the Working Group on Arbitrary Detention, Thirteenth session: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, A/HRC/13/30, 18 January 2010, para. 60, accessed from: <[www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.30\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.30_en.pdf)>.
- <sup>470</sup> United Nations Committee on the Rights of the Child, General Comment No.6 (2005): Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6, 1 September 2005, para. 40, accessed from: <[www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2005.6.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2005.6.En?OpenDocument)>. United Nations Children's Fund, *Implementation Handbook for the Convention on the Rights of the Child*, Fully revised edition, prepared for UNICEF by Rachel Hodgkin and Peter Newell, UNICEF, New York/Geneva, 2002, p. 552.
- <sup>471</sup> Shabas, William and Helmut Sax, *A Commentary on the United Nations Convention on the Rights of the Child, Article 37: Prohibition of Torture, Death Penalty, Life Imprisonment and Deprivation of Liberty*, Martinus Nijhoff Publishers, Lieden/Boston, 2006, pp. 60, 82. International standards do not provide a unified definition of a 'closed institution'. For the purpose of this study, the term is therefore understood in light of article 30 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty: a closed institution, as opposed to an open institution, is an establishment where the security measures are high and where permission to leave the establishment needs to be obtained from a judicial, administrative or public authority. A 'safe institution' is an institution that provides secure accommodation for persons who are exposed to concrete threats or risks. Security measures are in place to protect the persons that are hosted at the institution but a person is not physically prevented from leaving the institution when he or she chooses to do so.
- <sup>472</sup> European Parliament and the European Council, Directive 2008/115/EC of the European Parliament and the European Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Brussels, 16 December 2008, article 17, available at: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>>. See also: Council of the European Union, Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, Official Journal of the European Union, 6 February 2003, article 19, accessed from: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>>. For a discussion of the detention of third-country nationals, including children, in return procedures in the European Union, see: European Union Agency for Fundamental Rights, 'Detention of third-country nationals in return procedures', Conference Edition, Vienna, November 2010, accessed from: <[www.fra.europa.eu/fraWebsite/attachments/FRA-report-detention-december-2010\\_EN.pdf](http://www.fra.europa.eu/fraWebsite/attachments/FRA-report-detention-december-2010_EN.pdf)>.
- <sup>473</sup> Dottridge, Mike, 'Child Trafficking for Sexual Purposes – A contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents', Rio de Janeiro, Brazil, 25–28 November 2008, p. 47, accessed from: <[www.ecpat.net/WorldCongressIII/PDF/Publications/Trafficking/Thematic\\_Paper\\_Trafficking\\_ENG.pdf](http://www.ecpat.net/WorldCongressIII/PDF/Publications/Trafficking/Thematic_Paper_Trafficking_ENG.pdf)>.
- <sup>474</sup> United Nations Economic and Social Council, Recommended Principles and Guidelines on Human Rights and Human Trafficking, Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council. E/2002/68/Add.1, Office of the United Nations High Commissioner for Human Rights, Geneva, 20 May 2002, guideline 2.6, guideline 6.1, accessed from: <[www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.2002.68.Add.1.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.2002.68.Add.1.En?Opendocument)>.
- <sup>475</sup> Office of the High Commissioner of Human Rights, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, OHCHR, New York/Geneva, 2010, p. 133.
- <sup>476</sup> Ibid., p. 135.
- <sup>477</sup> See for example: **Denmark**: Aliens Act, sections 36 and 37; Administrative Order, section 15, subsection 1(7). See: Kofod Olsen, Birgitte, Christoffer Badse and Nanna Margrethe Krusaa, 'FRA Thematic Study on Child Trafficking, Denmark', European Union Agency for Fundamental Rights, undated, p. 20, accessed from: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-dk.pdf>>. Backer Neufeld, Inger and Caspar Strand, 'Red Barnets rapport on handel med børn i Danmark 2006: Kortlægning og praksis', Save the Children Denmark, January 2007, pp. 40-42, accessed from: <[www.redbarnet.dk/Admin/Public/Download.aspx?File=Files%2FFiler%2FTrafficking%2FRed\\_Barnet\\_trafficking\\_2006.pdf](http://www.redbarnet.dk/Admin/Public/Download.aspx?File=Files%2FFiler%2FTrafficking%2FRed_Barnet_trafficking_2006.pdf)>. **Finland**: Aliens Act, sections 122, 123. See: European Migration Network, 'Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – An EU Comparative

- Study', EMN Study 2009 (I), Helsinki, 2009, p. 39, accessed from:  
<http://emn.sarenet.es/Downloads/download.do;jsessionid=12017EB6EEB5527A0E595281C4F82F2C?fileID=757>>. Parsons, Annika, 'The best interests of the child in asylum and refugee procedures in Finland', Finnish National Rapporteur on Trafficking in Human Beings, Publication 6, Helsinki, 2010, p. 76, accessed from:  
[www.intermin.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20-selvitys\\_englanti/\\$file/VV%20lapsen%20etu%20-selvitys\\_englanti.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20-selvitys_englanti/$file/VV%20lapsen%20etu%20-selvitys_englanti.pdf)>. **Sweden:** Aliens Act, chapter 10, sections 2, 3, 5. European Migration Network, 'National Report for Sweden: Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – An EU Comparative Study', Study 2008 (II), June 2009, p. 32, available at:  
<http://emn.sarenet.es/Downloads/download.do;jsessionid=6408181CC3813B9A49EB1F99D7473D26?fileID=849>>. Aliens Act, chapter 10, section 3. See also: European Union Agency for Fundamental Rights, 'Detention of third-country nationals in return procedures', Conference Edition, Vienna, November 2010, p. 86, accessed from: [www.fra.europa.eu/fraWebsite/attachments/FRA-report-detention-december-2010\\_EN.pdf](http://www.fra.europa.eu/fraWebsite/attachments/FRA-report-detention-december-2010_EN.pdf)>.
- <sup>478</sup> See for example: **Denmark:** United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Fifth Periodic Reports of States Parties, Denmark, CCPR/C/DNK/5, 20 November 2007, para. 166, accessed from:  
[www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fb330b61d0e49853c1256a780034f4d5/\\$FILE/G0045997.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fb330b61d0e49853c1256a780034f4d5/$FILE/G0045997.pdf)>. Backer Neufeld, Inger and Caspar Strand, 'Red Barnets rapport on handel med børn i Danmark 2006: Kortlægning og praksis', Save the Children Denmark, January 2007, pp. 34-35, accessed from:  
[www.redbarnet.dk/Admin/Public/Download.aspx?File=Files%2FFiler%2FTrafficking%2FRed\\_Barnet\\_trafficking\\_2006.pdf](http://www.redbarnet.dk/Admin/Public/Download.aspx?File=Files%2FFiler%2FTrafficking%2FRed_Barnet_trafficking_2006.pdf)>. **Finland:** Ministry of the Interior, 'Revised National Plan of Action against Trafficking in Human Beings', Publications of the Ministry of the Interior 29/2008, Helsinki, 2008, p. 11, accessed from:  
[www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/\\$file/292008.pdf](http://www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/$file/292008.pdf)>. Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, pp. 25, 28-29, available at:  
<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>  
<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>>. **Norway:** Asker Kommune (Municipality of Asker), 'Alene på veien til Norge', undated, p. 13, accessed from:  
[www.regjeringen.no/pages/2214522/Asker%20kommune%20-%20Alene%20p%C3%A5%20veien%20til%20Norge.pdf](http://www.regjeringen.no/pages/2214522/Asker%20kommune%20-%20Alene%20p%C3%A5%20veien%20til%20Norge.pdf)>. Interview with participant 422 in Norway. **Sweden:** Care of Young Persons Act (sections 2 and 3).
- <sup>479</sup> Minister for Ligestilling, Ministeriet for Flygtninge, Invandrere og Integration, Udenrigsministeriet, Justitsministeriet (Minister of Gender Equality, Ministry of Refugees, Immigration and Integration, Ministry of Foreign Affairs and Ministry of Justice), 'Action Plan to Combat Trafficking in Human Beings 2007–2010', Copenhagen, 2007, pp. 19-20, accessed from: [http://uk.lige.dk/files/PDF/Handel/Menneskehandel\\_4K.pdf](http://uk.lige.dk/files/PDF/Handel/Menneskehandel_4K.pdf)>.
- <sup>480</sup> Ibid., p. 20.
- <sup>481</sup> Danish Institute for Human Rights, 'Parallel Report July 2010 to the UN Committee on the Rights of the Child on the 4<sup>th</sup> Periodic Report by the Government of Denmark on the Implementation of the Rights of the Child', Copenhagen, July 2010, p. 23.
- <sup>482</sup> Aliens Act, sections 122, 123. See: European Migration Network, 'Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – An EU Comparative Study', EMN Study 2009 (I), Helsinki, 2009, p. 39, accessed from:  
<http://emn.sarenet.es/Downloads/download.do;jsessionid=12017EB6EEB5527A0E595281C4F82F2C?fileID=757>>.
- <sup>483</sup> Parsons, Annika, 'The best interests of the child in asylum and refugee procedures in Finland', Finnish National Rapporteur on Trafficking in Human Beings, Publication 6, Helsinki, 2010, p. 76, accessed from:  
[www.intermin.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20-selvitys\\_englanti/\\$file/VV%20lapsen%20etu%20-selvitys\\_englanti.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20-selvitys_englanti/$file/VV%20lapsen%20etu%20-selvitys_englanti.pdf)>. Interview with participant 248 in Finland.
- <sup>484</sup> Ministry of the Interior, 'Revised National Plan of Action against Trafficking in Human Beings', Publications of the Ministry of the Interior 29/2008, Helsinki, 2008, p. 11, accessed from:  
[http://www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/\\$file/292008.pdf](http://www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/$file/292008.pdf)>. Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, pp. 28-29, available at:  
<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>  
<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>>.
- <sup>485</sup> Asker kommune (Municipality of Asker), 'Alene på veien til Norge', undated, p. 13, accessed from:  
[www.regjeringen.no/pages/2214522/Asker%20kommune%20-%20Alene%20p%C3%A5%20veien%20til%20Norge.pdf](http://www.regjeringen.no/pages/2214522/Asker%20kommune%20-%20Alene%20p%C3%A5%20veien%20til%20Norge.pdf)>.
- <sup>486</sup> Informed by the national round table consultation in Norway, 5 May 2011.
- <sup>487</sup> See, for example: End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, 'Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children: Sweden', ECPAT International, Bangkok, 2006, pp. 57-58, available at:  
[http://www.ecpat.net/A4A\\_2005/PDF/Europe/Global\\_Monitoring\\_Report-SWEDEN.pdf](http://www.ecpat.net/A4A_2005/PDF/Europe/Global_Monitoring_Report-SWEDEN.pdf)>.
- <sup>488</sup> Rikskriminalpolisen (National Criminal Police), 'Trafficking in Human Beings for Sexual and Other Purposes', *Situation Report 9*, 1 January–31 December 2006, RKP Report 2007:6b, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, January 2009, p. 19, accessed from:  
[http://www.polisen.se/Global/www%20och%20Intrapolis/Informationsmaterial/01%20Polisen%20nationellt/Engelskt%20informationsmaterial/Trafficking\\_Lagesrapport\\_9\\_ENG.pdf](http://www.polisen.se/Global/www%20och%20Intrapolis/Informationsmaterial/01%20Polisen%20nationellt/Engelskt%20informationsmaterial/Trafficking_Lagesrapport_9_ENG.pdf)>.
- <sup>489</sup> In 2009, for example, 60 accompanied children and 5 unaccompanied children were held in immigration detention in Sweden. In 2008, the figures are 54 children and 3 children respectively. Swedish Migration Board, Immigration detention of children (2006-2009), data received from the Swedish Migration Board.
- <sup>490</sup> Aliens Act, chapter 10, section 3. See also: European Union Agency for Fundamental Rights, 'Detention of third-country nationals in return procedures', Conference Edition, Vienna, November 2010, p. 86, accessed from:

- <[www.fra.europa.eu/fraWebsite/attachments/FRA-report-detention-december-2010\\_EN.pdf](http://www.fra.europa.eu/fraWebsite/attachments/FRA-report-detention-december-2010_EN.pdf)>.
- <sup>491</sup> Aliens Act, chapter 10, sections 6-10. See: Jonsson, Anna and Dominika Borg, 'Return: The Swedish approach', Department of Eurasian Studies, Uppsala University, *Working Papers No. 108*, Uppsala, 2006, p. 65, available at: <[www.temaasyl.se/Documents/EU-dokument/EMN/Return%20The%20Swedish%20Approach.pdf](http://www.temaasyl.se/Documents/EU-dokument/EMN/Return%20The%20Swedish%20Approach.pdf)>. Econ Pöyry, 'The enforced return of irregular migrants: Rules and practices in Norway, France, Poland and Sweden', Commissioned by the Norwegian Directorate of Immigration (UDI – Utlendingsdirektoratet), Oslo, 2009, p. 89, available at: <[www.econ.no/stream\\_file.asp?iEntityId=4400](http://www.econ.no/stream_file.asp?iEntityId=4400)>.
- <sup>492</sup> Appeals can be made to the Migration Court. When a decision to detain a child is appealed, the child has the right to be assisted by an interpreter if required. The interpreter is appointed by the Swedish Migration Board. See: Jonsson, Anna and Dominika Borg, 'Return: The Swedish approach', Department of Eurasian Studies, Uppsala University, *Working Papers No. 108*, Uppsala, 2006, pp. 66-67, available at: <[www.temaasyl.se/Documents/EU-dokument/EMN/Return%20The%20Swedish%20Approach.pdf](http://www.temaasyl.se/Documents/EU-dokument/EMN/Return%20The%20Swedish%20Approach.pdf)>. Eriksson, Maja K., 'Thematic Study on Child Trafficking: Sweden', European Union Agency for Fundamental Rights/ECPAT Sweden, undated, p. 39, available at: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-se.pdf>>.
- <sup>493</sup> Informed by round table consultations in Denmark, May 2011, and in Sweden on 3 May 2011.
- <sup>494</sup> The European Parliament and the Council of the European Union, Directive 2004/38/EC of the European Parliament and of the Council, of 29 April 2004, on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, Strasbourg, 29 April 2004, article 6, accessed from: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:EN:PDF>>.
- <sup>495</sup> **Denmark:** Minister for Ligestilling, Ministeriet for Flygtninge, Invandrere og Integration, Udenrigsministeriet, Justitsministeriet (Minister of Gender Equality, Ministry of Refugees, Immigration and Integration, Ministry of Foreign Affairs and Ministry of Justice), 'Action Plan to Combat Trafficking in Human Beings 2007–2010', Copenhagen, 2007, p. 7, accessed from: <[http://uk.lige.dk/files/PDF/Handel/Menneskehandel\\_4K.pdf](http://uk.lige.dk/files/PDF/Handel/Menneskehandel_4K.pdf)>. **Finland:** Orama, Kristina, Maija Mustaniemi-Laakso and Martin Sheinin, 'Thematic Study on Child Trafficking: Finland', European Union Agency for Fundamental Rights, undated, p. 49, available at: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-fi.pdf>>. **Sweden:** Rikskriminalpolisen (National Criminal Police), 'Trafficking in Human Beings for Sexual Purposes', *Situation Report 8*, 1 January–31 December 2005, RKP KUT Report 2006:4b, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, 2006, p. 8, available at: <[www.osce.org/documents/cthb/2007/05/24548\\_en.pdf](http://www.osce.org/documents/cthb/2007/05/24548_en.pdf)>. Ministry of Health and Social Affairs, 'National Action Plan for Safeguarding Children from Sexual Exploitation', Stockholm, 2007, p. 13, available at: <[www.sweden.gov.se/content/1/c6/11/01/73/5681ba8f.pdf](http://www.sweden.gov.se/content/1/c6/11/01/73/5681ba8f.pdf)>, accessed 20 January 2010.
- <sup>496</sup> **Denmark:** Minister for Ligestilling, Ministeriet for Flygtninge, Invandrere og Integration, Udenrigsministeriet, Justitsministeriet (Minister of Gender Equality, Ministry of Refugees, Immigration and Integration, Ministry of Foreign Affairs and Ministry of Justice), 'Action Plan to Combat Trafficking in Human Beings 2007–2010', Copenhagen, 2007, p. 7, accessed from: <[http://uk.lige.dk/files/PDF/Handel/Menneskehandel\\_4K.pdf](http://uk.lige.dk/files/PDF/Handel/Menneskehandel_4K.pdf)>. Kofod Olsen, Birgitte, Christoffer Badse and Nanna Margrethe Krusaa, 'FRA Thematic Study on Child Trafficking, Denmark', European Union Agency for Fundamental Rights, undated, p. 17, accessed from: <<http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-dk.pdf>>. **Finland:** The Aliens Act, section 52c. **Sweden:** Socialstyrelsen och UNICEF Sverige (National Board of Health and Welfare and UNICEF Sweden), 'Kan det vara människohandel? Kortfattad information för myndigheter med flera som kan komma i kontakt med barn som utsatts för människohandel', Stockholm, 2008, p. 16, available at: <[www.unicef.se/assets/kan-det-vara-manniskohandel.pdf](http://www.unicef.se/assets/kan-det-vara-manniskohandel.pdf)>.
- <sup>497</sup> United States Department of State, 'Trafficking in Persons Report, June 2008', Washington, DC, 2008, retrieved 11 October, 2008, information available at: <[www.state.gov/g/tip/rls/tiprpt/2008/](http://www.state.gov/g/tip/rls/tiprpt/2008/)>, accessed 1 November 2011.
- <sup>498</sup> Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, Warsaw, 16 May 2005, article 13.1, accessed from: <<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=197&CM=8&DF=15/02/2011&CL=ENG>>.
- <sup>499</sup> Ibid., article 13 (also see article 12). available at: .
- <sup>500</sup> Council of the European Union, Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, Official Journal of the European Union, 6 August 2004, article 8, accessed from: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:261:0019:0023:EN:PDF>>.
- <sup>501</sup> The Aliens Act, section 52b, section 52b(2).
- <sup>502</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Norway, CRC/C/NOR/4, 11 May 2009, para. 546, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.NOR.4.doc)>. Koordineringsenheten for Ofre for Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'You Have Been Granted a Reflection Period', KOM, undated, p. 5, accessed from: <[www.politi.no/vedlegg/rapport/Vedlegg\\_398.pdf](http://www.politi.no/vedlegg/rapport/Vedlegg_398.pdf)>.
- <sup>503</sup> Immigration Regulations, section 8-4, entry into force on 15 May 2008.
- <sup>504</sup> Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, Warsaw, 16 May 2005, article 14.1, available at: <<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=197&CM=8&DF=15/02/2011&CL=ENG>>.
- <sup>505</sup> Ibid., article 14.2.
- <sup>506</sup> Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', p. 6, accessed from: <[http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>.
- <sup>507</sup> **Norway:** Immigration Regulations, section 8-4, entry into force on 15 May 2008. **Sweden:** Aliens Act, chapter 5, section 15.
- <sup>508</sup> The Aliens Act, section 52a.

- <sup>509</sup> Ibid., chapter 1, section 3(23).
- <sup>510</sup> **Sweden:** The Aliens Act, chapter 5, section 15. See: Rikskriminalpolisen (National Criminal Police), 'Trafficking in Human Beings for Sexual Purposes', *Situation Report 8*, 1 January–31 December 2005, RKP KUT Report 2006:4b, Criminal Intelligence and Investigation Division, Intelligence Section, Stockholm, 2006, p. 8, accessed from: <[www.osce.org/documents/cthb/2007/05/24548\\_en.pdf](http://www.osce.org/documents/cthb/2007/05/24548_en.pdf)>. Ministry of Health and Social Affairs, 'National Action Plan for Safeguarding Children from Sexual Exploitation', Stockholm, 2007, p. 13, available at: <[www.sweden.gov.se/content/1/c6/11/01/73/5681ba8f.pdf](http://www.sweden.gov.se/content/1/c6/11/01/73/5681ba8f.pdf)>, accessed 20 January 2010. Denmark: Aliens Act, section 9c (1), according to which residence permit can be granted, "if exceptional reasons make it appropriate".
- <sup>511</sup> See, for example: Jonsson, Anna and Dominika Borg, 'Return: The Swedish approach', Department of Eurasian Studies, Uppsala University, *Working Papers No. 108*, Uppsala, 2006, p. 22, available at: <[www.temaasyl.se/Documents/EU-dokument/EMN/Return%20The%20Swedish%20Approach.pdf](http://www.temaasyl.se/Documents/EU-dokument/EMN/Return%20The%20Swedish%20Approach.pdf)>.
- <sup>512</sup> Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, pp. 77-80, accessed from: <[www.intermin.fi/intermin/vvt/home.nsf/files/lhmiskaupparaportti%202010\\_englanti\\_nettiversio/\\$file/lhmiskaupparaportti%202010\\_englanti\\_nettiversio.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/lhmiskaupparaportti%202010_englanti_nettiversio/$file/lhmiskaupparaportti%202010_englanti_nettiversio.pdf)>.
- <sup>513</sup> Ministry of the Interior, 'Revised National Plan of Action against Trafficking in Human Beings', Publications of the Ministry of the Interior 29/2008, Helsinki, 2008, p. 11, accessed from: <[www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/\\$file/292008.pdf](http://www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/$file/292008.pdf)>.
- <sup>514</sup> Ibid., p. 10.
- <sup>515</sup> See, for example: Justis- og Politidepartementet (Ministry of Justice and the Police), 'Stop Human Trafficking, The Norwegian Government's Plan of Action to Combat Human Trafficking (2006–2009)', Oslo, 2007, p. 10, accessed from: <[www.regjeringen.no/upload/kilde/jd/rap/2007/0001/ddd/pdfv/304170-stop\\_human\\_trafficking\\_0107.pdf](http://www.regjeringen.no/upload/kilde/jd/rap/2007/0001/ddd/pdfv/304170-stop_human_trafficking_0107.pdf)>.
- <sup>516</sup> United Nations High Commissioner for Refugees, Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, HCR/GIP/06/07, 7 April 2006, para. 13, accessed from: <[www.unhcr.org/publ/PUBL/443b626b2.pdf](http://www.unhcr.org/publ/PUBL/443b626b2.pdf)>.
- <sup>517</sup> Ibid., para. 24.
- <sup>518</sup> United Nations High Commissioner for Refugees, Guidelines on International Protection: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, HCR/GIP/09/08, 22 December 2009, para. 28, accessed from: <[www.unhcr.org/refworld/pdfid/4b2f4f6d2.pdf](http://www.unhcr.org/refworld/pdfid/4b2f4f6d2.pdf)>.
- <sup>519</sup> Ibid., para. 6.
- <sup>520</sup> United Nations Committee on the Rights of the Child, Written Replies by the Government of Norway to the List of Issues (CRC/C/NOR/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Norway (CRC/C/NOR/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/NOR/Q/4/Add.1, 30 November 2009, para. 6, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc)>.
- <sup>521</sup> UNICEF Sverige (UNICEF Sweden), *Comments from UNICEF Sweden on the Swedish Government's 4<sup>th</sup> Report to the UN Committee on the Rights of the Child 2007*, UNICEF Sweden, Stockholm, undated, available at: <[www.unicef.se/assets/unicef-sweden-comments-on-sweden-crc-report-2008.pdf](http://www.unicef.se/assets/unicef-sweden-comments-on-sweden-crc-report-2008.pdf)>.
- <sup>522</sup> Minister for Ligestilling, Ministeriet for Flygtninge, Invandrer og Integration, Udenrigsministeriet, Justitsministeriet (Minister of Gender Equality, Ministry of Refugees, Immigration and Integration, Ministry of Foreign Affairs and Ministry of Justice), 'Action Plan to Combat Trafficking in Human Beings 2007–2010', Copenhagen, 2007, p. 21, accessed from: <[http://uk.lige.dk/files/PDF/Handel/Menneskehandel\\_4K.pdf](http://uk.lige.dk/files/PDF/Handel/Menneskehandel_4K.pdf)>.
- <sup>523</sup> Ibid.
- <sup>524</sup> International Organization for Migration and UN High Commissioner for Refugees, 'Framework Document: Developing Standard Operating Procedures to Facilitate the Protection of Trafficked Persons', Internal Reference Tool, IOM/UNHCR, Skopje, 2009, p. 3.
- <sup>525</sup> UN High Commissioner for Refugees, Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, 22 December 2009, HCR/GIP/09/08, available at: <[www.unhcr.org/refworld/docid/4b2f4f6d2.html](http://www.unhcr.org/refworld/docid/4b2f4f6d2.html)>.
- <sup>526</sup> See, for example: Justis- og Politidepartementet (Ministry of Justice and the Police), 'Stop Human Trafficking, The Norwegian Government's Plan of Action to Combat Human Trafficking (2006–2009)', Oslo, 2007, p. 10, accessed from: <[www.regjeringen.no/upload/kilde/jd/rap/2007/0001/ddd/pdfv/304170-stop\\_human\\_trafficking\\_0107.pdf](http://www.regjeringen.no/upload/kilde/jd/rap/2007/0001/ddd/pdfv/304170-stop_human_trafficking_0107.pdf)>.
- <sup>527</sup> European Parliament and the European Council, Directive 2008/115/EC of the European Parliament and the European Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Brussels, 16 December 2008, available at: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>>.
- <sup>528</sup> Mougne, Christine, *Trees Only Move in the Wind: A study of unaccompanied Afghan children in Europe*, Policy Development and Evaluation Services, UNHCR, Geneva, 2010, p. 34, accessed from: <[www.unhcr.org/4c1229669.html](http://www.unhcr.org/4c1229669.html)>. Among other things, the study was based on interviews with 150 unaccompanied boys from Afghanistan who were seeking asylum in France, Greece, Italy, the Netherlands, Norway and the UK. See p. 3.
- <sup>529</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, para. 435, accessed from: <<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc>><<http://www2.ohchr.org/english/bodies/crc/crcs51.htm>>.
- <sup>530</sup> United Nations Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, Fifth Periodic Reports of States Parties, Denmark, CCPR/C/DNK/5, 20 November 2007, para. 162, accessed from: <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/455/12/PDF/G0745512.pdf?OpenElement>><<http://www.unhcr.ch/tbs/doc.nsf/89>>

- 8586b1dc7b4043c1256a450044f331/fb330b61d0e49853c1256a780034f4d5/\$FILE/G0045997.pdf>.
- <sup>531</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, para. 435, accessed from: <<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc>><http://www2.ohchr.org/english/bodies/crc/crcs51.htm>>.
- <sup>532</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Fourth Periodic Report of States Parties due in 2008: Denmark, CRC/C/DNK/4, 22 January 2010, para. 434, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.DNK.4.doc)>.
- <sup>533</sup> Ligestillingsafdelningen (Department for Gender Equality), 'Evaluering af den nationale indsats til bekæmpelse af menneskehandel 2007–2010', July 2010, p. 96, accessed from: <[www.lige.dk/Files/pdf/Handel/evaluering\\_indsats\\_menneskehandel.pdf](http://www.lige.dk/Files/pdf/Handel/evaluering_indsats_menneskehandel.pdf)>.
- <sup>534</sup> Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009', pp. 5-7, accessed from: <[http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>.
- <sup>535</sup> Ibid., p. 8.
- <sup>536</sup> Ibid.
- <sup>537</sup> European Migration Network, 'National Report for Sweden: Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – An EU Comparative Study', Study 2008 (II), June 2009, p. 36, available at: <<http://emn.sarenet.es/Downloads/download.do;jsessionid=6408181CC3813B9A49EB1F99D7473D26?fileID=849>>. For a detailed discussion of the different forms of return migration and relevant Swedish and international terminology, see: Jonsson, Anna and Dominika Borg, 'Return: The Swedish approach', Department of Eurasian Studies, Uppsala University, *Working Papers No. 108*, Uppsala, 2006, pp. 13-19, available at: <<http://www.temaasyl.se/Documents/EU-dokument/EMN/Return%20The%20Swedish%20Approach.pdf>>. Econ Pöyry, 'The enforced return of irregular migrants: Rules and practices in Norway, France, Poland and Sweden', Commissioned by the Norwegian Directorate of Immigration (UDI – Utlendingsdirektoratet), Oslo, 2009, pp. 83-84, available at: <[http://www.econ.no/stream\\_file.asp?iEntityId=4400](http://www.econ.no/stream_file.asp?iEntityId=4400)>.
- <sup>538</sup> Government of Finland, Government Migration Policy Programme, Government Resolution 19 October 2006, p. 33, accessed from: <[http://www.mol.fi/mol/en/99\\_pdf/en/90\\_publications/migration\\_programme2006.pdf](http://www.mol.fi/mol/en/99_pdf/en/90_publications/migration_programme2006.pdf)>.
- <sup>539</sup> Halvorsen, Vigdis, Stop Human Trafficking! Desk Study of the Norwegian Foreign Ministry's portfolio on human trafficking 2000-2010, Part 2 of the Review, 'Review of the Norwegian Ministry of Foreign Affairs Portfolio on Human Trafficking', Norad Rapport 9/2009 Discussion, Norwegian Agency for Development Cooperation, Oslo, 2009, p. 13, accessed from: <[www.norad.no/en/attachment/134155/binary/62783?download=true](http://www.norad.no/en/attachment/134155/binary/62783?download=true)>.
- <sup>540</sup> Brekke, Jan-Paul, 'While we are waiting: Uncertainty and empowerment among asylum-seekers in Sweden', Institute for Social Research, Oslo, 2004, accessed from: <[www.temaasyl.se/Documents/Forskning/NTG/While%20we%20are%20waiting.pdf](http://www.temaasyl.se/Documents/Forskning/NTG/While%20we%20are%20waiting.pdf)>. Interview with participant 430 in Norway.
- <sup>541</sup> Ministry of Labour, 'Return of Unaccompanied Minor Asylum Seekers', Press Release, 4 September 2009, available at: <[www.regjeringen.no/en/dep/aid/Press-Centre/Press-Releases/2009/return-of-unaccompanied-minor-asylum-see.html?id=575674](http://www.regjeringen.no/en/dep/aid/Press-Centre/Press-Releases/2009/return-of-unaccompanied-minor-asylum-see.html?id=575674)>, accessed 7 December 2009.
- <sup>542</sup> See: Government of Norway, 'National Report Submitted in Accordance with Paragraph 15(a) of the Annex to Human Rights Council Resolution 5/1, Norway', 8 September 2009, p. 15, accessed from: <[www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsrådet/UPR\\_Norway\\_final.pdf](http://www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsrådet/UPR_Norway_final.pdf)>. United Nations Committee on the Rights of the Child, Written Replies by the Government of Norway to the List of Issues (CRC/C/NOR/Q/4) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Fourth Periodic Report of Norway (CRC/C/NOR/4), Office of the High Commissioner for Human Rights, Geneva, CRC/C/NOR/Q/4/Add.1, 30 November 2009, p. 8, accessed from: <[www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-NOR-Q-4-Add1.doc)>. See also: Carlsson, Anki, 'Return of unaccompanied minors from a children's rights perspective', Paper prepared for the 'Nordic Refugee Seminar', Swedish Red Cross, May 2011, accessed from: <[www.diis.dk/graphics/Events/2011/Anki%20Carlsson%20Paper%20Asylseminar.pdf](http://www.diis.dk/graphics/Events/2011/Anki%20Carlsson%20Paper%20Asylseminar.pdf)>.
- <sup>543</sup> Danish Institute for Human Rights, 'Parallel Report July 2010 to the UN Committee on the Rights of the Child on the 4<sup>th</sup> Periodic Report by the Government of Denmark on the Implementation of the Rights of the Child', Copenhagen, July 2010, pp. 21-22.
- <sup>544</sup> Interviews with participant 242 in Finland and participant 517 in Sweden.
- <sup>545</sup> Informed by national round table consultations in Sweden, 3 May 2011, and Norway, 5 May 2011. Also see: United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Concluding Observations Norway, CRC/C/NOR/CO/4, 3 March 2009, Advanced Unedited Version, para. 52, available at: <<http://daccess-ods.un.org/TMP/8454144.html>>.
- <sup>546</sup> **Denmark:** Ligestillingsafdelningen (Department for Gender Equality), 'Evaluering af den nationale indsats til bekæmpelse af menneskehandel 2007–2010', July 2010, p. 93, accessed from: <[www.lige.dk/Files/pdf/Handel/evaluering\\_indsats\\_menneskehandel.pdf](http://www.lige.dk/Files/pdf/Handel/evaluering_indsats_menneskehandel.pdf)>. **Finland:** European Migration Network, 'Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – An EU Comparative Study', EMN Study 2009 (I), Helsinki, 2009, pp. 40-41, accessed from: <<http://emn.sarenet.es/Downloads/download.do;jsessionid=12017EB6EEB5527A0E595281C4F82F2C?fileID=757>>. **Norway:** International Organization for Migration, 'Voluntary Return and Reintegration Assistance to Victims of Trafficking from Norway', IOM, Oslo, undated, available at: <[www.iom.no/trafficking/project\\_information.htm](http://www.iom.no/trafficking/project_information.htm)>, accessed 29 March 2010. **Iceland:** Minister of Social Affairs and Social Security, 'Report of the Minister of Social Affairs and Social Security, Ásta R. Jóhannesdóttir, on the Action Plan against Human Trafficking, Presented before the Althingi in its 136<sup>th</sup> legislative session 2008–2009',

- p. 7, accessed from: <[http://eng.felagsmalaraduneyti.is/media/acrobat-enskar\\_sidur/The\\_Icelandic\\_Action\\_Plan\\_against\\_Trafficking\\_in\\_Human\\_Beings.pdf](http://eng.felagsmalaraduneyti.is/media/acrobat-enskar_sidur/The_Icelandic_Action_Plan_against_Trafficking_in_Human_Beings.pdf)>.
- <sup>547</sup> European Migration Network, 'Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – An EU Comparative Study', EMN Study 2009 (I), Helsinki, 2009, pp. 40-41, accessed from: <<http://emn.sarenet.es/Downloads/download.do;jsessionid=12017EB6EEB5527A0E595281C4F82F2C?fileID=757>>.
- <sup>548</sup> Ligestillingsafdelningen (Department for Gender Equality), 'Evaluering af den nationale indsats til bekæmpelse af menneskehandel 2007–2010', July 2010, p. 93, accessed from: <[www.lige.dk/Files/pdf/Handel/evaluering\\_indeksats\\_menneskehandel.pdf](http://www.lige.dk/Files/pdf/Handel/evaluering_indeksats_menneskehandel.pdf)>. United Nations Committee on the Elimination of Discrimination against Women, Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Seventh Periodic Report of States Parties, Denmark, CEDAW/C/DEN/7, 21 July 2008, p. 31, accessed from: <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/399/16/PDF/N0839916.pdf?OpenElement>>. Interviews with participant 421 in Norway and participant 243 in Finland.
- <sup>549</sup> United Nations Committee on the Elimination of Discrimination against Women, Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Seventh Periodic Report of States Parties, Denmark, CEDAW/C/DEN/7, 21 July 2008, p. 31, accessed from: <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/399/16/PDF/N0839916.pdf?OpenElement>>. Interviews with participant 421 in Norway and participant 243 in Finland.
- <sup>550</sup> A new manual on monitoring reintegration of trafficked victims divides the process into three phases: crisis (0–3 months), transition (4–12 months) and re/integration/social inclusion (13–36 months). Although it notes that these timings are indicative, it suggests that three months is too short a time for monitoring the reintegration phase, see: Surtees, Rebecca, *Monitoring anti-trafficking re/integration programmes. A manual: Trafficking Victims Re/integration Programme (TVRP)*, King Baudouin Foundation, Brussels/The Nexus Institute, Washington, 2010.
- <sup>551</sup> Ligestillingsafdelningen (Department for Gender Equality), 'Evaluering af den nationale indsats til bekæmpelse af menneskehandel 2007–2010', July 2010, p. 93, accessed from: <[www.lige.dk/Files/pdf/Handel/evaluering\\_indeksats\\_menneskehandel.pdf](http://www.lige.dk/Files/pdf/Handel/evaluering_indeksats_menneskehandel.pdf)>.
- <sup>552</sup> European Migration Network, 'Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – An EU Comparative Study', EMN Study 2009 (I), Helsinki, 2009, pp. 40-41, accessed from: <<http://emn.sarenet.es/Downloads/download.do;jsessionid=12017EB6EEB5527A0E595281C4F82F2C?fileID=757>>.
- <sup>553</sup> Koordineringsenheden for Ofre for Menneskehandel (National Coordinating Unit for Victims of Trafficking), 'Rapport fra koordineringsenheden for ofre for menneskehandel, Årene 2007-2008', KOM, April 2010, p. 34, accessed from: <[www.politi.no/vedlegg/lokale\\_vedlegg/politidirektoratet/Vedlegg\\_785.pdf](http://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/Vedlegg_785.pdf)>. Interview with participant 421 in Norway.
- <sup>554</sup> Berman, Jacqueline and Phil Marshall, 'Evaluation of the International Organization for Migration and its Efforts to Combat Human Trafficking', Norwegian Agency for Development Cooperation, Oslo 2011, pp. 44-45, available at: <<http://www.norad.no/en/tools-and-publications/publications/publication-page?key=259795>>, accessed 25 October 2011.
- <sup>555</sup> Council of the European Union, Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, accessed from: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:NOT>>.
- <sup>556</sup> Council of the European Union, Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, article 15, subsections 1 and 3, accessed from: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:NOT>>. The European Union Agency for Fundamental Rights noted the following: "The European Commission recast proposal amending the Dublin Regulation deletes the reference to "if possible" and therefore sets a clear obligation towards EU Member States in this regard. Moreover, the proposal introduces an obligation for Member States to trace the family members of unaccompanied minors, in the same lines as in the recast proposal amending the Reception Conditions Directive." Cited in: European Union Agency for Fundamental Rights, 'Separated, asylum-seeking children in European Union Member States', Comparative Report, Conference Edition, Vienna, November 2010, pp. 86-87, accessed from: <[http://fra.europa.eu/fraWebsite/research/publications/publications\\_per\\_year/pub\\_sep\\_asylum\\_en.htm](http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/pub_sep_asylum_en.htm)>. See also: Commission of the European Communities, Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, (Recast), COM(2008) 820 final, 2008/0243 (COD), 3 December 2008, accessed from: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0820:FIN:EN:PDF>>.
- <sup>557</sup> Council of the European Union, Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, accessed from: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:NOT>>.
- <sup>558</sup> European Commission, Home Affairs, *Asylum - Building a common area of protection and solidarity*, information available at: <[http://ec.europa.eu/home-affairs/policies/asylum/asylum\\_intro\\_en.htm](http://ec.europa.eu/home-affairs/policies/asylum/asylum_intro_en.htm)>, accessed on 10 November 2011. European Court of Human Rights, Case of M.S.S. v. Belgium and Greece, Strasbourg 21 January 2011, accessed from: <[www.unhcr.org/refworld/docid/4d39bc7f2.html](http://www.unhcr.org/refworld/docid/4d39bc7f2.html)>.
- <sup>559</sup> Ministry of the Interior, 'Revised National Plan of Action against Trafficking in Human Beings', Publications of the Ministry of the Interior 29/2008, Helsinki, 2008, p. 6, accessed from:

- 
- <sup>560</sup> <[www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/\\$file/292008.pdf](http://www.poliisi.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/$file/292008.pdf)>.
- <sup>561</sup> Ibid., p. 11.
- <sup>562</sup> Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings, Warsaw, 16 May 2005, article 10, subsection 2.
- <sup>563</sup> Ibid., article 16, subsection 7.
- <sup>564</sup> "Among these cases, there are...extremely vulnerable children, regarding whom it is suspected that they may have been victimised in another Member State, for example, due to shortcomings in reception centre conditions in the state in question, or they may for the same reason be at a very grave risk of becoming victims if returned to that state." Ombudsman for Minorities, 'Annual Report of the Ombudsman for Minorities', 2009, p. 7, accessed from:  
<[www.ofm.fi/intermin/vvt/home.nsf/files/VV\\_Vuosikertomus\\_englanti/\\$file/VV\\_Vuosikertomus\\_englanti.pdf](http://www.ofm.fi/intermin/vvt/home.nsf/files/VV_Vuosikertomus_englanti/$file/VV_Vuosikertomus_englanti.pdf)>  
<[www.vahemmistovaltuutettu.fi/intermin/vvt/home.nsf/files/VV2008\\_englanti/\\$file/VV2008\\_englanti.pdf](http://www.vahemmistovaltuutettu.fi/intermin/vvt/home.nsf/files/VV2008_englanti/$file/VV2008_englanti.pdf)>. Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, p. 99, accessed from:  
<[www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio/\\$file/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010_englanti_nettiversio/$file/Ihmiskaupparaportti%202010_englanti_nettiversio.pdf)>. For a more detailed discussion of the challenges related to victims of trafficking and the Dublin II Regulation, see also pp. 50-52, 96-99, 102-103.
- <sup>565</sup> Parsons, Annika, 'The best interests of the child in asylum and refugee procedures in Finland', Finnish National Rapporteur on Trafficking in Human Beings, Publication 6, Helsinki, 2010, p. 65, accessed from:  
<[http://ec.europa.eu/justice/news/consulting\\_public/0009/contributions/public\\_authorities/042\\_ombudsman\\_for\\_minorities\\_finland\\_report.pdf](http://ec.europa.eu/justice/news/consulting_public/0009/contributions/public_authorities/042_ombudsman_for_minorities_finland_report.pdf)>.
- <sup>566</sup> Icelandic Human Rights Centre, 'Notes for the List of Issues Concerning Iceland and the Implementation of the Convention against Torture, Submitted to the Committee against Torture, Prepared by the Icelandic Human Rights Centre', Reykjavik, August 2007, para. 2, accessed from:  
<[www.humanrights.is/english/activities/reports/nr/2699](http://www.humanrights.is/english/activities/reports/nr/2699)>.
- <sup>567</sup> Informed by the national round table consultation in Norway, 5 May 2011.
- <sup>568</sup> Finnish National Rapporteur on Trafficking in Human Beings, 'Report 2010: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland', Publication 7, Porvoo, 2010, p. 103, accessed from:  
<[www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio/\\$file/Ihmiskaupparaportti%202010\\_englanti\\_nettiversio.pdf](http://www.intermin.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010_englanti_nettiversio/$file/Ihmiskaupparaportti%202010_englanti_nettiversio.pdf)>. Interviews with participants 244 and 248 in Finland.
- <sup>569</sup> Parsons, Annika, op. cit.
- <sup>570</sup> For a description of the process of joint goal-setting in practice, see Potocky, M., 'Effectiveness of Services for Victims of International Human Trafficking: An Exploratory Evaluation', *Journal of Immigrant & Refugee Studies*, 8:359-385, 2010.

---

## ACRONYMS AND ABBREVIATIONS

BID	Best Interests Determination
CBSS	Council of the Baltic Sea States
CMM	Danish Centre against Human Trafficking (Center Mod Menneskehandel)
COE	Council of Europe
COMPAS	Centre on Migration, Policy and Society (University of Oxford, United Kingdom)
DIHR	Danish Institute for Human Rights (Institut for Menneskerettigheder)
'Dublin II Regulation'	Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national
EC	European Commission
EU	European Union
Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
ILO	International Labour Organization
IOM	International Organization for Migration
IRC	Innocenti Research Centre (UNICEF)
KOM	Koordineringsenheden for Ofre for Menneskehandel (National Coordination Unit for Victims of Human Trafficking, Norway)
KRIPOS enhet	National Criminal Investigation Service (Nasjonale for bekjempelse av organisert og annen alvorlig kriminalitet, Norway)
NBHW	National Board of Health and Welfare (Socialstyrelsen, Sweden)
NGO	non-governmental organization
NORAD	Norwegian Agency for Development Cooperation



---

OPSC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
OSCE	Organization for Security and Co-operation in Europe
PFP	Private Fundraising and Partnerships (section, UNICEF Geneva)
UDI	Utlendingsdirektoratet (Norwegian Directorate for Immigration)
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
'UN Trafficking Protocol'	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
WHO	World Health Organization

---

UNICEF Innocenti Research Centre  
Piazza SS. Annunziata, 12  
50122 Florence, Italy  
Tel: (39) 055 20 330  
Fax: (39) 055 2033 220  
florence@unicef.org  
[www.unicef-irc.org](http://www.unicef-irc.org)

ISBN: 978-88-6522-007-8  
IRC stock no: 648U

© United Nations Children's Fund (UNICEF)  
December 2011