



**SAFEGUARDING
CHILDREN AND
YOUNG PEOPLE FROM
INSTITUTION-RELATED
TRAFFICKING AND
EXPLOITATION**





A family for all children

ABOUT LUMOS

Lumos is fighting for every child's right to a family by transforming care systems around the world. We are an international charity striving for a future where every child is raised in a safe, loving home, supported by family to help them thrive.

On average more than 80% of children in orphanages have a living parent, and research proves that these institutions can harm a child's growth and development. Yet there are still an estimated 5.4 million children trapped in institutions globally.

Lumos sheds light on the root causes of family separation – poverty, conflict and discrimination – and demonstrates that children can safely be united with families. By pressing governments to reform care systems, and by building global expertise and capacity with partners, we ensure no child is forgotten.

Founded by author J.K. Rowling, we are lighting a path to a brighter future where all children can grow up in a safe and loving family. We believe in a family for all children.

ACKNOWLEDGMENTS AND AUTHORS

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**GLOBALLY, THERE
ARE AN ESTIMATED
9.965 MILLION
CHILDREN IN
MODERN SLAVERY...**



INTRODUCTION

This safeguarding resource was created to help frontline professionals, volunteers and others who work with children, young people and those with lived experience of care to effectively understand, identify and respond to safeguarding concerns about institution-related trafficking and exploitation. As with any resource, keep in mind both the wider legal and cultural context and the specific safeguarding or protection procedures of your organisation, which should always be followed unless it is unsafe to do so.

This resource is based in large part on the findings of Lumos' two groundbreaking reports on institution-related trafficking. [Cracks in the System](#), which was published in 2020, examined the phenomenon of institution-related trafficking in Europe, while the 2021 report [Cycles of Exploitation](#) examined the issue on a global scale.

IN THIS RESOURCE, WE'LL PROVIDE INFORMATION ON:



THE ISSUE OF INSTITUTION-RELATED TRAFFICKING AND EXPLOITATION



RECOGNISING HARM AND RISKS RELATED TO TRAFFICKING AND EXPLOITATION



HOW TO APPROPRIATELY RESPOND AND TAKE ACTION



THE IMPORTANCE OF EFFECTIVE PARTICIPATION OF CHILDREN AND YOUNG PEOPLE IN THIS PROCESS



PREVENTION



OTHER LEARNING AND NEXT STEPS

1 SECTION 1

INTRODUCTION TO INSTITUTION-RELATED HARM AND TRAFFICKING AND EXPLOITATION



Decades of research have shown how important it is for children to grow up in safe, loving families rather than institutions. For children to thrive, they need more than basic health, nutrition, and hygiene: they also need individualised, personalised care from a trusted adult – care that institutions, by their very nature, cannot provide.¹

There are many forms of harm that can occur within institutions. Studies have shown that children in institutions are at a greater risk of physical and sexual abuse than children who grow up in families^{2,3}, and children with disabilities placed in institutions are particularly at risk of abuse⁴. Children who grow up in institutions are also more at risk of developing psychiatric disorders⁵ and behavioral problems⁶, as well as many other harms. There is also an increasing understanding that trafficking and exploitation are among the harms that children in institutions are at risk of experiencing.

There is growing evidence to suggest there are significant links between the institutionalisation of children and human trafficking. When instances of trafficking intersect with institutionalisation, this overlap can compound both phenomena; this is known as institution-related trafficking. As the case for care reform continues to be made in many parts of the world, it's critical to recognise and understand these links so that interventions, advocacy and policies can be put in place to disrupt the systems and processes that negatively affect children's lives.

Lumos' report *Cycles of Exploitation* is one of the first to explore the many links between institutions and trafficking. This ground-breaking report was based on research conducted by Lumos between July 2019 and November 2020.

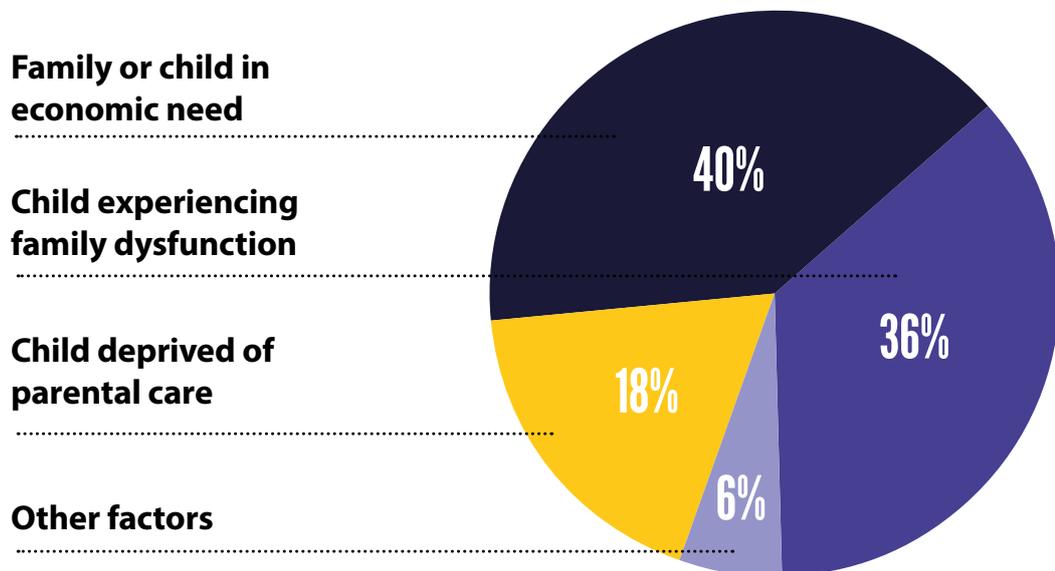
Some of these questions will be explored in this resource, but for a full understanding of Lumos' findings on institution-related trafficking you can read [Cycles of Exploitation here](#)

- 1 Berens, A.E. & Nelson, C.A. (2015). The science of early adversity: is there a role for large institutions in the care of vulnerable children? *The Lancet*. 386(9991): 388-98. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(14\)61131-4/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)61131-4/fulltext) [accessed 1 September 2021].
- 2 Euser, S., Alink, L.R., Tharner, A., van Ijzendoorn, M.H., Bakersman-Kranenburg M.J. (2014). The prevalence of child sexual abuse in out-of-home care: a comparison between abuse in residential and in foster care. *Child Maltreatment*. 18(4): 6. http://journals.sagepub.com/doi/abs/10.1177/1077559513489848?url_ver=Z39.88-2003&rfr_id=ori:rid:crossref.org&rfr_dat=cr_pub%3d-pubmed [accessed 09.02.22].
- 3 Pinheiro, P.S. (2006). Report of the independent expert for the United Nations study on violence against children. New York: UN General Assembly, p9. <https://digitallibrary.un.org/record/587334?ln=en>
- 4 UNICEF. (2007). Promoting the Rights of Children with Disabilities. *Innocenti Digest 13*. UNICEF. www.unicef-irc.org/publications/pdf/digest13-disability.pdf [accessed 8 May 2017].
- 5 Zeanah, C.H. et al. (2009). Institutional rearing and psychiatric disorders in Romanian pre-school children. *AMJ Psychiatry*. 166: 777-785.
- 6 MacKenzie et al. (2014). Child Mental Health in Jordanian Orphanages: effect of placement change on behaviour and caregiving. *BMC Pediatrics*. 14(316). <https://bmcpediatr.biomedcentral.com/articles/10.1186/s12887-014-0316-1> [accessed 09.02.22].

SCALE AND PREVALENCE

We know that an estimated 9.965 million children live in modern slavery. The term ‘Modern Slavery’ encompasses human trafficking for all forms of exploitation, including sexual abuse, criminality, and forced labour⁷. However, collecting data specifically on institution-related trafficking is extremely challenging. There are two main reasons for this. In the first place, different language may be used to describe residential institutions and childcare systems more generally from country to country, meaning that it can be difficult to gather data about them in a consistent way. Secondly, institution-related trafficking isn’t yet recognised as a specific type of human trafficking and so is rarely measured and monitored on an official level by individual countries, let alone internationally.

Nevertheless, some global data exists to help identify the scale and prevalence of institution-related trafficking. A 2018 UNODC analysis looking at child trafficking court cases found that the top three pre-existing factors that traffickers were able to take advantage of are:⁸



These factors show overlaps with the vulnerabilities facing children in institutional care or those at risk of institutionalisation. This would seem to back up the anecdotal evidence which Lumos is aware of on the overrepresentation of institutionalised children in human trafficking statistics.

⁷ International Labour Organization (ILO). (2017). Global estimates of modern slavery: Forced labour and forced marriage. https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf [accessed 1 September 2021], p18.

⁸ Lumos (2021) Cycles of Exploitation: The Links Between Children’s Institutions and Human Trafficking. P61, https://lumos.contentfiles.net/media/documents/document/2021/12/LUMOS_Cycles_of_exploitation.pdf [Accessed 14 December 2021]

THE FOUR CYCLES IN WHICH INSTITUTIONAL CARE AND HUMAN TRAFFICKING ARE LINKED



CHILDREN ARE RECRUITED AND TRAFFICKED **INTO** INSTITUTIONS FOR THE PURPOSE OF FINANCIAL PROFIT AND OTHER FORMS OF EXPLOITATION – ALSO KNOWN AS ‘ORPHANAGE TRAFFICKING’.



CARE LEAVERS ARE MORE AT RISK OF EXPLOITATION AND TRAFFICKING.



CHILDREN ARE TRAFFICKED **OUT OF** INSTITUTIONS INTO OTHER FORMS OF EXPLOITATION.



CHILD TRAFFICKING VICTIMS AND UNACCOMPANIED CHILDREN ARE PLACED IN INSTITUTIONS FOR THEIR ‘PROTECTION’, WHICH CAN PUT THEM AT RISK OF TRAFFICKING AND RE-TRAFFICKING.

THE FOUR CYCLES OF INSTITUTION-RELATED TRAFFICKING

Institution-related trafficking is a new area of research. In *Cycles of Exploitation*, Lumos has identified four main cycles of institution-related trafficking. These are as follows:



1 – TRAFFICKING INTO INSTITUTIONS OR ORPHANAGE TRAFFICKING

Child trafficking into institutions – also referred to as orphanage trafficking – is a form of child trafficking described as “the recruitment of children into residential care institutions for the purpose of profit and exploitation”.⁹ Orphanage traffickers may be driven by the desire for financial gain, which may come in part through direct donations of money and goods from tourists, volunteers, and businesses. The opportunity to exploit children for financial gain has been fuelled by the industry created to ‘support’ children in orphanages. Orphanage owners use tactics including deception and, in some cases, violent coercion and criminal behaviour to ensure a pipeline of children into these institutions. In some cases, ‘child finders’ may be sent to remote areas to persuade parents into placing their children into orphanages with a false promise of opportunities for the children and their families.¹⁰ Orphanage trafficking often involves a process called ‘paper orphaning’. In this situation, children are manufactured as orphans by virtue of false identity documents.

There are numerous additional safeguarding risks that are specific to children who have been trafficked into institutions that are run for profit.



2 – TRAFFICKING OUT OF INSTITUTIONS

Evidence shows that children living in residential institutions are more likely to go missing than children in families, and children in institutional care can be easy targets for traffickers seeking to exploit vulnerabilities for their own gain.¹¹ Institutions that are poorly managed enable traffickers to operate in or around the facility with impunity and there is a strong link between missing children and trafficking, meaning that children missing from institutions are at serious risk of trafficking and exploitation.¹² There is global evidence of children in institutions being groomed, coerced and deceived into leaving institutions for what many assume will be a place of safety.¹³ And the institutions themselves can be complicit or directly involved in child trafficking. In these instances, institutions may benefit directly or indirectly from the commercial exploitation of resident children outside the institution.

9 Van Doore, K. (2016). Paper Orphans: Exploring Child Trafficking for the Purpose of Orphanages. *International Journal of Children's Rights*, 24. <https://research-repository.griffith.edu.au/handle/10072/99655> [accessed 14 December 2021].

10 Lumos (2021) *Cycles of Exploitation: The Links Between Children's Institutions and Human Trafficking*, P47, https://lumos.contentfiles.net/media/documents/document/2021/12/LUMOS_Cycles_of_exploitation.pdf [Accessed 14 December 2021]

11 European Commission. (2013). *Missing Children in the European Union: Mapping, Data Collection and Statistics*. <https://op.europa.eu/en/publication-detail/-/publication/655b34ad-341b-4348-9e3b-38741ff40f23/language-en> [accessed 14 December 2021]

12 Information collected by FRANET (Hungarian Central Statistical Office). (2013). *Szociális Statisztikai Évkönyv [Yearbook of welfare and statistics, 2011]*. Budapest: KSH.

13 U.S. Department of State. (2019). Op. cit.



3 – INSTITUTIONALISATION OF CHILD TRAFFICKING VICTIMS

Children who have been trafficked are regularly placed in institutions, either as a child protection mechanism intended to provide protection and support, or as a law enforcement response because the child isn't being treated as a victim.¹⁴ This can occur when children who have been trafficked and forced into sexual exploitation or gangs are not recognised as victims by law enforcement and criminal justice systems. Consequently, these children are sometimes fined or placed in juvenile detention centres.

The institutionalisation of victims of trafficking increases their vulnerability to future exploitation, perpetuating the intricate cycle of institutionalisation and trafficking.



4 – TRAFFICKING OF CARE LEAVERS

This form of trafficking applies to two types of care leavers: young people who 'age out' of the system, and those who run away from institutions. Although both groups of care leavers are vulnerable to various forms of exploitation linked to trafficking, there are minor situational differences. In the case of runaways, victims of trafficking can include both minors and dependent adults who are at risk of being trafficked after running away from an institution. Young adults who are too old to remain in the system include adults who are vulnerable to trafficking as they lack the support needed to re-integrate into their communities and the skillsets to gain employment.

WORKING TOGETHER TO PROTECT CHILDREN AND YOUNG PEOPLE

It's vitally important that professionals working in care settings, or working with care-experienced children and young people, understand institution-related trafficking. Lumos' evidence suggests that this issue is prevalent globally, and a potential risk for children living in institutional care. If professionals are educated about institution-related trafficking, they may be able to combat it in their communities.



2

SECTION 2

RECOGNISING HARM AND RISK



As with all types of harm, abuse and risks to children and young people, it's important that professionals understand how to identify or notice when a concern about trafficking or exploitation may exist or when a child/young person is at risk.

This starts with understanding the types of trafficking, exploitation and related harms. Here are some important definitions. Additional definitions regarding harm and abuse can be found in annex A of this resource.

EXPLOITATION

Exploitation involves the use or attempted use of a power imbalance or relationship of trust to coerce, manipulate or deceive a person for sexual, monetary, political, social or personal gain and is a type of abuse. This can include sexual exploitation and commercial exploitation (forced labour/child labour) and trafficking. Victims of exploitation may not always recognise that they are experiencing abuse or harm and may appear to be "consenting". The appearance of consent or willingness to engage in the exploitative activity does not mean that the child/adult is not at risk or has not experienced harm and abuse.

HUMAN TRAFFICKING

The internationally accepted definition of human trafficking is: "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control of another person, for the purpose of exploitation."

CHILD TRAFFICKING

Child trafficking under international law is "the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploiting the child". A child has been trafficked if they have been moved within a country, or across borders, whether by force or not, with the purpose of exploiting the child. Children in institutions are at a considerably higher risk of trafficking than their peers raised in families. Orphanage trafficking is the deliberate recruitment of children into orphanages in order to make profit. In some countries, the pervasive model of orphanage care is a form of trafficking in itself, where orphanages are established and children are recruited purely to make an income from donations.

MODERN SLAVERY

Modern slavery is the severe exploitation of people for personal or commercial gain. Modern slavery takes many forms. Some common forms are human trafficking, forced labour, debt bondage and forced marriage.

INSTITUTION-RELATED TRAFFICKING

This term is used to describe instances of human trafficking which have links with the institutionalisation of children. More detail on this phenomenon can be found below.

FORMS OF HUMAN TRAFFICKING

Sexual exploitation

Sexual exploitation is when someone is deceived, coerced, or forced to take part in sexual activity. Sexual exploitation can take the form of forced prostitution, forced marriage, or a person being forced to create pornography, work for an escort agency, or take part in sexual activity in an online environment.

Labour exploitation

This refers to situations where people are coerced to work for little or no remuneration, often under threat of punishment. There are a number of ways a person can be coerced, including use of violence, accumulated debt, retention of identity papers, or threat of exposure to immigration authorities. All types of labour, within every industry, are susceptible to labour exploitation. Some common sectors and industries that are identified as vulnerable include manufacturing, hospitality, agriculture, and nail bars.

Child soldiers

These are children and young people, ranging from as young as four, up to 18, who are used for any military purpose. Females and males are affected. Children may be used for frontline combat – which means they are made to commit acts of violence – or within auxiliary roles, for example informants or kitchen hands. This phenomenon is most prevalent in parts of Africa and Asia.

Forced marriage

This is when a person is put under pressure to marry someone. They may be threatened with physical or sexual violence or placed under emotional or psychological distress to achieve these aims. Perpetrators may use forced marriage to gain entry into a country or other benefits.

Forced criminality

This is when somebody is forced to carry out criminal activity through coercion or deception. Forced criminality can take many forms, including the drug trade, begging, pick pocketing, or selling of counterfeit goods. Forced criminality also encompasses social welfare fraud. This takes place when exploiters falsely apply for tax credits and other welfare benefits using the victim's details.

Domestic servitude

A domestic worker or helper is a person who works within their employer's home, performing a variety of tasks. This arrangement becomes exploitative when there are restrictions on the domestic worker's movement, and they are forced to work long hours for little pay. They may also suffer physical and sexual abuse.

Forced adoption

Forced adoption is the practice of taking children from their families using force, coercion, or deception, and placing them for adoption, including for international adoption.

INSTITUTION-RELATED TRAFFICKING AND EXPLOITATION AROUND THE GLOBE

Through the Cycles of Exploitation report, Lumos has been able to shed light on the prevalence of institution-related trafficking in different contexts across the world. These examples show how this phenomenon affects children and young people differently around the world. These examples show how this phenomenon affects children and young people differently around the world.

CASE STUDY – HOGAR SEGURO, GUATEMALA

Sexual exploitation

In 2017, 41 girls died in a fire in Hogar Seguro, a state-run orphanage in Guatemala. Many of the children had been sent to the institution as a protection measure, including girls rescued from criminal gangs that are alleged to have sexually exploited them.¹⁵

However, Hogar Seguro had a history of abusing, neglecting and exploiting for sex or labour the children who stayed there, with six children reportedly dying between 2012-2015.¹⁶ In some cases, orphanage staff sexually abused the girls or prostituted them to others.¹⁷

After various forms of exploitation at Hogar Seguro, over 100 children attempted to flee, but they were brought back by law enforcement personnel and placed in confinement. 56 girls were kept in a single cramped room. In a desperate attempt to gain the attention of officers stationed outside, the girls started a fire. The officers did not respond, resulting in a tragic loss of life.¹⁸

After the fire, the surviving children were placed in other institutions with similar histories, with some suffering physical abuse from staff.¹⁹ The cycle repeats itself, with children then trying to escape from these institutions and becoming even more vulnerable to other forms of trafficking.²⁰

In many of these institutions, orphanage volunteering is common and encouraged. At Hope of Life, an orphanage where 40 survivors of the Hogar Seguro fire reside, volunteers can buy packages to stay at the orphanage at US\$750 for “The Significance Package”, US\$850 “The Transformation Package” and US\$1000 for “The Dream Makers Package”. In some seasons, the orphanage receives 400 volunteers a week.²¹ At some orphanages, such as Dorie’s Promise, volunteers are not required to have any form of qualification or experience: the only requirement is that they pay the US\$1100 fee.²²

Reports highlight an intersection between voluntourism and child sex tourism in Guatemala, with volunteers having unregulated access to children (sometimes even sleeping the same room as them)²³ and with criminal background checks rarely being undertaken.²⁴ In one study, only three out of 20 companies arranging voluntourism trips to Guatemala orphanages conducted background checks.²⁵

15 Rodríguez, P. et al. (2018). Still in Harm’s Way: International Voluntourism, Segregation, and Abuse of Children in Guatemala. Disability Rights International. <https://www.driadvocacy.org/wp-content/uploads/Still-in-Harms-Way-2018.pdf> [accessed 1 September 2021].

16 Ahmed, A. (2019). A Locked Door, a Fire and 41 Girls Killed as Police Stood By. New York Times. <https://www.nytimes.com/2019/02/14/world/americas/guatemala-shelter-fire-trial.html> [accessed 1 September 2021].

17 *Ibid.*

18 *Ibid.*

19 *Ibid.*, p8.

20 *Ibid.*

21 *Ibid.*

22 *Ibid.*

23 U.S. Department of State. (2020). Op. cit., Afghanistan.

24 *Ibid.*

25 Better Care Network. (2014). Collected viewpoints on international volunteering in residential centers. Country focus: Guatemala.

SPOTLIGHT – ALBANIA

Trafficking of Care Leavers

Children leaving Albanian institutions are at increased risk of trafficking as the national age for leaving the care system is only 15, when they are less likely to have the life skills needed to live independently as fully integrated members of society.²⁶ However, it is worth noting that Albania has begun a deinstitutionalisation process, meaning that the government is hoping to transition away from institutional care, and towards quality family and community-based care in the coming years.²⁷

SPOTLIGHT – LIBERIA

Impact of Disease Outbreak

Between 2013 and 2016, Liberia, along with much of West Africa, was gripped by the Ebola epidemic. One result was that the number of children without parental care rose very sharply during the epidemic years. Traditional alternative care practices, such as kinship care, were hindered during the Ebola crisis, due both to the fear of contagion and to the sheer volume of children suddenly requiring care.²⁸ There were also reports of a rise in institutions due to the epidemic – sometimes called ‘Ebola Orphanages’,²⁹ leading to serious concerns that these orphanages may become ‘hubs’ for human trafficking.³⁰

The West African Ebola outbreak offers insights into how the COVID-19 pandemic might impact child protection systems worldwide. Although the age profile for those most at risk of death or severe illness from the COVID-19 virus is older than that of Ebola, it is estimated that around **5.2 million children have been impacted by COVID-associated orphanhood and caregiver death**.³¹ As child protection services grapple with these problems, it’s vital they don’t turn to institutionalisation to address them.

26 Lumos. (2019). [Call for evidence submission from the Council of Europe - GRETA in France]. Unpublished data: on file with Lumos.

27 Lumos. (2019). [Call for evidence submission from RENATE Europe in the Netherlands]. Unpublished data: on file with Lumos.

28 Plan International. (2014). Young Lives on Lockdown – The impact of Ebola on Children and Communities in Liberia https://resourcecentre.savethechildren.net/node/8708/pdf/ih-liberia_ebola_interim_report-final-io-eng-dec14_1.pdf [accessed 17 November 20].

29 UNICEF. (2016). Care and Protection of Children in the West African Ebola Virus Disease Epidemic. <https://resourcecentre.savethechildren.net/node/10319/pdf/final-ebola-lessons-learned-dec-2016.pdf> [accessed 17 November].

30 Lumos. (2019). [Anonymous call for evidence submission from Liberia]. Unpublished data: on file with Lumos

31 H. Juliette T. Unwin & Susan Hillis, (2022). More than 5.2 million children affected by global surges in COVID-associated orphanhood and caregiver death: new evidence for national responses.. In press – expected publication in The Lancet Child and Adolescent Health Vol 6(4)

RISKS AND DRIVERS

The risks, drivers, and vulnerabilities of children who are at risk of institution-related trafficking can occur at an individual, family, or community level, or can be to do with structural factors; ie institutional, cultural, and economic norms and realities. It should be noted that an individual child can, and often does, experience multiple risk factors and vulnerabilities at once; this will increase the likelihood of the child experiencing institution-related trafficking. Some of the major risks and drivers of institution-related trafficking include:³²



POVERTY

Poverty is one of the most significant drivers of institution-related trafficking and is likely to interact with every other risk factor. Orphanage ‘entrepreneurs’ can target impoverished families to convince them to give up their children.³³ In some countries, families living in poverty are more likely to have their children placed in alternative care by the state.³⁴ The poverty faced by most care leavers can also leave them vulnerable to exploitation.³⁵



DISABILITY

Children with disabilities are overrepresented in institutional care³⁶ in countries around the world, and therefore are exposed to institution-related trafficking. They can also be more vulnerable to exploitation than their peers who don’t have disabilities.³⁷



ABUSE AND NEGLECT

As well as being a consequence of institution-related trafficking, abuse and neglect can also drive the phenomenon. Children who have experienced abuse in the past may consider it to be “normal” and accept treatment that other young people would not. Children living in abusive environments may also be more willing to place themselves in dangerous situations to escape.



GENDER

Evidence suggests that girls are more vulnerable to trafficking worldwide than boys, and the same is true for institution-related trafficking.³⁸ There are many reasons for this; for example pregnancy can make girls more vulnerable to exploitation, as can financial difficulties caused by gender discrimination.³⁹ Gender can also affect the types of exploitation that children and young people encounter; for example women and girls are more likely to be trafficked for the purpose of sexual exploitation,⁴⁰ while boys may be trafficked for the purpose of forced labour or begging.⁴¹



32 Lumos (2021) Cycles of Exploitation: The Links Between Children’s Institutions and Human Trafficking. P69, https://lumos.contentfiles.net/media/documents/document/2021/12/LUMOS_Cycles_of_exploitation.pdf [Accessed 14 December 2021]

33 Lumos. (2019). [Call for evidence submission from The Umbrella Foundation in Nepal]. Unpublished data: on file with Lumos

34 Brock, J. (2017). Preventing Orphanage Tourism: A Practical Guide for the Tourism Industry. Myanmar Responsible Tourism Institute, Hanns Seidel Foundation and Ministry of Hotels and Tourism in Myanmar.

35 Hynes, P. et al. (2019). ‘Between Two Fires’: Understanding Vulnerabilities and the Support Needs of People from Albania, Vietnam and Nigeria who have experienced Human Trafficking into the UK. IOM & University of Bedfordshire. <https://www.beds.ac.uk/trafficking> [accessed 4 June 2020].

36 EveryChild & Better Care Network. (2012). Enabling reform. Why supporting children with disabilities must be at the heart of successful child care reform. https://bettercarenetwork.org/sites/default/files/Enabling%20Reform%20-%20Why%20Supporting%20Children%20with%20Disabilities%20Must%20Be%20at%20the%20Heart%20of%20Successful%20Child%20Care%20Reform_0.pdf [accessed 1 September 2021].

37 Disability Rights International (DRI). (2015). No Way Home: The Exploitation and Abuse of Children in Ukraine’s Orphanages. <https://www.driadvocacy.org/wp-content/uploads/No-Way-Home-final2.pdf> [accessed 4 June 2020].

38 United Nations Office on Drugs and Crime (UNODC). (2020). Global Report on Trafficking in Persons. https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf [accessed 1 September 2021]

39 Lumos. (2019). [Anonymous call for evidence submission]. Unpublished data: on file with Lumos.

40 *Ibid.*

41 *Ibid.*



ARMED CONFLICT AND COMMUNITY VIOLENCE

Armed conflict can be a major cause of children being placed in institutions, especially where a large-scale loss of life leads to an increase in the number of children losing one or both parents. Where there is a lack of family and community-based support, there is a risk that children will be placed in institutions. Conflict can also increase vulnerabilities that are known to drive family separation such as poverty and a lack of access to basic services.



NATURAL DISASTERS

The impact of 'natural' or climate-related disasters on vulnerable children is a significant driver of institution-related trafficking.⁴² The chaos caused by disasters like floods or earthquakes often leads to widespread family separation. If no robust child safeguarding process is put in place, many children will be at risk of trafficking as a result.⁴³



ILLNESS

When countries or communities are hit by contagious diseases, children are likely to become increasingly vulnerable as a result. Sadly, this has been witnessed on a global scale in the COVID-19 pandemic, and its impact on children is still being documented.⁴⁴ As with drivers such as conflict and disaster, epidemics are likely to cause widespread loss of life, and an increase in orphanhood, which can lead to the proliferation of orphanages.⁴⁵ Furthermore, loss of income as a result of national lockdown measures can create widespread poverty, one of the most significant drivers of institution-related trafficking.⁴⁶



DISCRIMINATION

Another driver of institution-related trafficking is discrimination against minority ethnic groups. Children from Roma communities, for example, are disproportionately taken into institutional care.⁴⁷ This sometimes happens because of concerns about trafficking in their communities, but children are rarely safer in institutional care.⁴⁸ Similarly, in Australia and Canada, children from indigenous communities are more likely to be placed in alternative care than their peers; an issue which has impacted these communities for generations.⁴⁹



INVOLVEMENT WITH THE CRIMINAL JUSTICE SYSTEM

Children who have come into conflict with the law are at risk of being trafficked, especially those who have been placed in some form of correctional facility, which can be similar to an institutional setting.⁵⁰ In these correctional facilities, children can be at greater risk of being trafficked.⁵¹

42 Lumos. (2019). [Call for evidence submission from Miracle Foundation in India]. Unpublished data: on file with Lumos.

43 Lumos. (2019). [Call for evidence submission from Save the Children UK]. Unpublished data: on file with Lumos.

44 Better Care Network. (2020). Guidance for Alternative Care Provision During COVID-19. <https://bettercarenetwork.org/sites/default/files/2020-09/GuidanceforAlternativeCareCOVID19final.pdf> [accessed 18 November 2020].

45 UNICEF. (2016). Care and Protection of Children in the West African Ebola Virus Disease Epidemic. <https://resourcecentre.savethechildren.net/node/10319/pdf/final-ebola-lessons-learned-dec-2016.pdf> [accessed 17 November].

46 Terre Des Hommes. (2020). Situation Analysis: The Impact of COVID-19 on Families in Need in Albania. https://bettercarenetwork.org/sites/default/files/2020-05/situation_analysis_tdh_covid_19_eng.pdf [accessed 18 November 2020].

47 European Roma Rights Centre. (2021). Blighted Lives: Romani Children in State Care. http://www.errc.org/uploads/upload_en/file/5284_file1_blighted-lives-romani-children-in-state-care.pdf [accessed 1 September 2021]

48 Lumos. (2019). [Call for evidence submission from the Council of Europe - GRETA in France]. Unpublished data: on file with Lumos.

49 Australian Institute of Health and Welfare. (2020). Child Protection Australia 2018-19. <https://www.aihw.gov.au/getmedia/3a25c195-e30a-4f10-a052-adbf56d6d45/aihw-cws-74.pdf.aspx?inline=true> [accessed 1 September 2021], p53. Kassam, A. (2017). Ratio of Indigenous Children in Canada Welfare System is 'humanitarian crisis'. The Guardian <https://www.theguardian.com/world/2017/nov/04/indigenous-children-canada-welfare-system-humanitarian-crisis> [accessed 18 November 2020]

50 ECPAT UK & Missing People. (2018). Still in Harm's Way. <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=27ebad70-3305-4e41-a5ca-7af124c6a698> [accessed 18 November 2020]

51 Lumos. (2019). [Call for evidence submission Anti Trafficking and Labour Exploitation Unit in the United Kingdom]. Unpublished data: on file with Lumos.

There are also two important contexts relating to institution-related trafficking that *Cycles of Exploitation* covers in depth. These are:

ORPHANAGE TOURISM AND VOLUNTEERING

Volunteer tourism or ‘voluntourism’ is defined as “a type of holiday in which you work as a volunteer ... to ‘help’ people in the places you visit.”⁵² There is growing awareness that the flow of international volunteers to orphanages causes children to be separated unnecessarily from their families and increases institutionalisation, creating opportunities for traffickers to supply children to feed their business model. Research consistently demonstrates that orphanage trafficking is more prolific in countries where there is a significant tourist industry, with orphanages generally being set up in the main tourist areas.⁵³ For example, Cambodia has experienced a 75% increase in the number of residential care institutions, despite a significant reduction in the number of orphans.⁵⁴

As well as being a driver for institution-related trafficking, it’s important to note that many institutions that engage volunteers don’t carry out the necessary background checks or other safeguarding procedures that can help keep children safe from harm.⁵⁵ A high turnover of volunteers, combined with weak safeguarding structures, can leave children at risk of various forms of abuse and exploitation at the hands of volunteers. It can also be distressing to children when their caregivers change so frequently. In the absence of their parents or primary caregivers, children in orphanages may form unnaturally quick bonds with visitors and volunteers, only to be followed by a form of grief when the individual leaves.⁵⁶ This cycle of attachment and abandonment repeats with every visitor or volunteer that comes along, and the experience can exacerbate existing attachment disorders and expose each child to repeated patterns of emotional and psychological harm.⁵⁷

UNACCOMPANIED MIGRANT AND REFUGEE CHILDREN

Without the protection provided by parents and guardians, children who travel alone or have been separated from their families are at heightened risk of trafficking and exploitation both in transit and on arrival in their destination country.⁵⁸ In many countries around the world, migrant and refugee children go missing from camps and shelters, which are not secured environments, on a regular basis. They either leave of their own accord, hoping to reach other countries to join family members or to seek perceived better opportunities, or they leave because they have been targeted by traffickers.⁵⁹ There is a lack of substantial data on this, as camps and shelters can be chaotic environments without the capacity to monitor the movement of individuals. There is also insufficient action by authorities to trace them, with only four countries in the EU having legal or procedural recourse to investigate disappearances of children.⁶⁰

52 Cambridge Dictionary. (n.d.). Voluntourism. <https://dictionary.cambridge.org/dictionary/english/voluntourism> [accessed 4 June 2020]

53 Punaks, M & Feit, K. (2014). The Paradox of Orphanage Volunteering: Combatting Child Trafficking Through Ethical Voluntourism. Next Generation Nepal. <https://nextgenerationnepal.org/wp-content/uploads/2017/08/The-Paradox-of-Orphanage-Volunteering.pdf> [accessed 14 December 2021].

54 ReThink Orphanages. (n.d.). Fact Sheet: The Orphanage Industry. <https://bettercarenetwork.org/bcn-in-action/key-initiatives/rethink-orphanages/resources/fact-sheet-the-orphanage-industry> [accessed 1 September 2021].

55 Lumos. (2019). [Anonymous call for evidence submission from Cambodia]. Unpublished data: on file with Lumos

56 Richter, L.M. & Norman, A. (2010). AIDS orphan tourism: A threat to young children in residential care. *Vulnerable Children and Youth Studies*. 5(3): 217-229. <https://www.tandfonline.com/doi/abs/10.1080/17450128.2010.487124> [accessed 1 September 2021].

57 This is illustrated well in the short film by The Umbrella Foundation & Forget Me Not. (2018). Dear Volunteer. YouTube. <https://www.youtube.com/watch?app=desktop&v=c6NILnfH3tg> [accessed 23 February 23, 2022].

58 UNICEF-INNOCENTI. (n.d.). Migration and Children. <https://www.unicef-irc.org/article/606-migration-and-children.html> [accessed 20 July 2021];

59 Lumos. (2019). [Call for evidence submission from RENATE Europe in the Netherlands]. Unpublished data: on file with Lumos

60 Missing Children Europe (n.d.). Missing Children in Migration <https://missingchildreneurope.eu/Missingchildreninmigration> [accessed 26 October 2020]





BE AWARE THAT EXPLOITATION HAS MANY FORMS

All trafficking and exploitation is abuse and causes harm to children and young people. As a consequence of being exploited or trafficked, children and young people are also likely to be exposed to other types of harm and abuse including emotional, physical or sexual abuse, as well as neglect. Remember that harm, exploitation and grooming for the purposes of trafficking can happen both in person (face to face) and/or remotely (online/phone).

INTERSECTIONALITY AND POWER IMBALANCES

In the previous section we discussed risk factors and drivers that increase the likelihood of exploitation and trafficking. Within this, it's important to recognise wider systems of power, privilege and discrimination that create contexts and situations where abuse is more likely to happen.

INTERSECTIONALITY

Intersectionality is the way in which social categorisations (for example race, class, and gender) overlap to strengthen and entrench interdependent systems of discrimination or disadvantage.⁶¹ When thinking about intersectionality as professionals, we need to consider how such characteristics interact and / or combine to impact the unique and different ways children experience discrimination and how society does or doesn't consider and respond to these factors.

For example, a female child with a disability may be at a disproportionately higher risk of abuse and harm in certain settings. Socio-cultural norms around disability and gender may make it difficult or even impossible for that child to share concerns about exploitation. Also, our own assumptions and biases may make it difficult to see or notice harm. That is why it's important to continually examine our own assumptions and those which shape and govern the structures and services around children and young people. Keeping the focus on individual children/young people, listening to them to understand their unique experiences, needs and perspectives, as well as considering how power dynamics impact the recognition and reporting of abuse and harm will help ensure professionals take the right approach.

REMEMBER, PROFESSIONALS MUST:

- **Be aware that your position as a professional is one of power and privilege, and that you have a responsibility to consider the rights and needs of all individual children and young people.**
- **Recognise where power resides in situations and contexts and how this is affecting children, young people and systems for protection. Exploitation is always more likely to occur where there are imbalances of power.**
- **Think about intersectionality, disadvantage and un/conscious discrimination/ bias and how these factors can harm children and young people or prevent them from speaking up to report harm and abuse.**
- **Be proactive in speaking out about biases, assumptions and structures that make it difficult or impossible for children and young people to be seen and heard, especially around harm, abuse and exploitation. Advocate for systems and structures that shift the power to children and young people, removing barriers to sharing concerns.**
- **Keep in mind that children and young people can play a vital role in their own protection when provided with support and information from professionals. This includes awareness raising, the promotion of peer support, the use of accessible materials to explain risks, and accessible reporting mechanisms. More detail can be found on the importance of child and youth participation in section 4.**

RECOGNISING SIGNS AND INDICATORS OF EXPLOITATION AND TRAFFICKING

As with all types of abuse and harm, recognising the signs and indicators of exploitation and trafficking requires that professionals are vigilant and exercise professional care and curiosity. This means knowing what to look for, keeping an eye out for when a child or young person is acting differently and being proactive in asking questions or following up with others when you feel something isn't right. Keep in mind that children and young people experiencing or at risk of trafficking and exploitation may not always feel comfortable seeking help or even recognise that they are at risk of or experiencing harm.

Here are some possible indicators that a child or young person may have been exploited or trafficked, or may be at risk. It's not an exhaustive list and the presence of one or many of these concerns doesn't automatically mean a child or young person is being exploited. However, if you become aware of any of these things, it's important that you consider the possibility of harm and abuse and take appropriate action within your organisation and specific context.

POSSIBLE SIGNS OR INDICATORS OF EXPLOITATION AND TRAFFICKING

- Regularly going missing or running away
- Unexplained injuries
- Sexually transmitted infections or pregnancy
- Changes in presentation or emotional wellbeing
- Relationships with others that are kept secret
- Suddenly having gifts or items that they wouldn't be able to afford
- Having multiple phones
- Unable to or fearful of communicating
- Movements which appear to be controlled or monitored
- Distrustful or fearful
- Has false documents or ID

For further information see [this useful resource from Hertfordshire Modern Slavery Partnership](#).

Note that exploitation and trafficking are forms of abuse, therefore any indicators or suspicions of harm and abuse are relevant. The table below sets out some possible indicators for different types of harm and abuse that you should be aware of. Remember that this list isn't exhaustive and the presence of one or more of these doesn't necessarily indicate abuse/harm is occurring.

But if something is observed, it should always be taken seriously and appropriately reported and addressed to ensure the protection of the child/young person. It's important to bear in mind that every child/young person is different and abuse and harm may affect them in different ways.

TYPE OF ABUSE OR HARM	Possible Indicators, Signs and Symptoms
Physical Abuse	<ul style="list-style-type: none"> • Open wounds, bruising, welts, burns, bite marks or broken bones • Untreated injuries in various stages of healing or injuries that have not been appropriately treated • Secrecy or fear around injuries being discovered • Soiled clothing or bedding • Cowering or flinching from adults or other young people • Aggressive behaviour or emotional outbursts
Sexual Abuse	<ul style="list-style-type: none"> • Showing sexual knowledge or behaviour that is beyond the age or developmental level • Self-harming • Sexually transmitted infections • Pregnancy • Complaints of soreness or discomfort in the genital area • Changes in emotional presentation, becoming withdrawn, etc. • Substance misuse • Nightmares • Soiled clothing or bedding • Secrecy and/or fear around certain relationships
Emotional Abuse	<ul style="list-style-type: none"> • Self-harming • Fearful of adults or those in positions of authority • Regressive behaviours – sucking, biting, rocking • Withdrawn, non-communicative or nonresponsive • Hesitation to express needs/wants • Confusion or disorientation • Isolation from peers
Neglect	<ul style="list-style-type: none"> • Untreated medical conditions • Low weight or loss of weight • Taking or hiding food • Poor hygiene • Inadequate clothing for weather conditions • Rashes, sores, or lice

REMEMBER THAT A SAFEGUARDING CONCERN FOR A CHILD OR YOUNG PERSON, WHETHER THAT BE ABOUT EXPLOITATION/TRAFFICKING OR OTHER FORMS OF HARM AND ABUSE, CAN OFTEN BE SPOTTED BY CONSIDERING A RANGE OF INFORMATION INCLUDING:

- ✓ Behaviours
- ✓ Observations
- ✓ Disclosures or statements
- ✓ History, particularly history of abuse or trauma
- ✓ Risk factors
- ✓ Context/circumstances
- ✓ Information from professionals, services, agencies and other individuals

It's important that professionals keep in mind the idea of the safeguarding "puzzle" or "jigsaw." Each person who knows or works with a child/young person may only see one piece of the whole situation. For example, a community nurse may be aware that a 14-year-old girl is pregnant. The care worker at the girl's small group home may be aware that she has been going missing overnight on a regular basis. And the girl may have told a teacher that she has an "older boyfriend" and showed a gift he bought her. But the full scope of the concerns and the potential risks around harm and exploitation may not be fully seen unless professionals share and communicate the information and concerns they have about young people. **Robust multi-agency and multi-disciplinary information sharing is critical to building strong systems of protection.**

THINGS TO THINK ABOUT/CONSIDER:

- **Think about who and how your organisation shares information about at-risk children and young people.**
- **Do you have the right relationships, partnerships and memorandum of understanding in place to facilitate appropriate and secure information sharing in the best interests of children and young people?**
- **Have you undertaken a risk assessment process, involving all relevant professionals and included input from the child/young person where possible? (see section 4 for more information on conducting risk assessments).**

**CHILDREN AND
YOUNG PEOPLE WHO
ARE EXPERIENCING
EXPLOITATION AND
TRAFFICKING CANNOT
GIVE CONSENT TO THEIR
OWN HARM AND ABUSE.**

Besides not knowing the signs and risk factors to be aware of, and failing to share information, professionals can also sometimes make false assumptions about children and young people, particularly those who are adolescents or older or display “challenging” or “difficult” behaviours and do not want the help of professionals and services. Sometimes people might say that a child is “out of control” or imply that they are choosing to put themselves in dangerous situations or associate with dangerous people. There is sometimes a fallacy that professionals cannot do any more or intervene beyond a certain point.

It is important that these notions are challenged. Children and young people who are experiencing exploitation and trafficking cannot give consent to their own harm and abuse. The grooming and manipulation by perpetrators involved in exploitation and trafficking can be hard for children and young people to identify, and they may minimise or try and normalise any harm or abuse they are experiencing, particularly if they have a history of experiencing harm and trauma. It’s important that professionals remain proactive, vigilant and use a multidisciplinary approach in any cases where there is suspected or actual exploitation and/or trafficking. All approaches and actions should be child or young person centered, focusing on what is in their best interest and most likely to minimise harm.

Socio-cultural norms and/or legal structures – for example, relating to the legal age of consent or discriminatory attitudes towards unaccompanied children or traditional practices – may shape perceptions and unconsciously impact how professionals view children and young people who are experiencing trafficking or exploitation. In Haiti, it’s common for parents who struggle to care for their children due to poverty or illness to send them to act as domestic servants in the houses of host families, where the false belief is that the children will have more opportunity and ultimately, better lives.

The reality is that these children are experiencing exploitation and abuse on a daily basis, missing out on their basic rights to education, play, safety, care and family life. Many organisations are working to challenge the view of this as an acceptable practice. As professionals, we must be aware of context, culture, biases, legal structures and our own perceptions and how these may impact our thinking or those of the partners and service providers around us. We must remind everyone that freedom from harm, abuse and exploitation is a fundamental right for all children and young people and take action, to the best of our ability and in line with overarching procedures, wherever we see harm, abuse, trafficking or exploitation



3

SECTION 3

RESPONDING AND TAKING ACTION



WHAT TO DO IF YOU SUSPECT OR HAVE BEEN TOLD ABOUT EXPLOITATION, TRAFFICKING, HARM OR ABUSE

- ✓ Don't keep concerns to yourself. Remember the "puzzle" approach. Never assume someone else will report it.
- ✓ Report concerns according to your organisation's policies and procedures, or directly to appropriate authorities if it's safe and appropriate to do so.
- ✓ Seek advice if you're not sure.
- ✓ Think about the immediate or most pressing risks and what steps need to be taken to ensure the immediate safety/security of the child or young person. Once any immediate issues of safety are addressed, think about what support and help they may need (psychological, medical, practical, emotional, etc.) and how this can be made accessible to them.

GUIDANCE ON MANAGING DISCLOSURES:

What to do if a child or young person makes a disclosure to you about exploitation, trafficking or any other form of harm or abuse.

As a professional, it's important that you know how to appropriately respond if a child or young person tells you about any harm or abuse they may be experiencing or have experienced in the past, including exploitation and trafficking. While children and young people may make disclosures to professionals they know and trust, they equally may feel a connection with or feel the time is right to share a concern with a professional they have just met or encountered. Therefore, it's important to always be ready and always be prepared.

Here are some things to keep in mind when a child or young person shares concerning information about trafficking, exploitation or other abuse or harm:

- ✓ Listen carefully. Talking about harm and abuse can be very difficult. Focus on the child/young person and what they are saying.
- ✓ Let the child/young person set the pace. Don't interrupt or jump in to fill pauses. Allow the child/young person to tell you as much as they want to. Show them that you're listening and receiving the information openly and sensitively by nodding encouragingly and keeping eye contact.
- ✓ It's okay to ask questions for clarification or to ensure you are understanding the child/young person's concerns, but don't ask leading questions. It's not your place to work out whether what the child/young person is saying is true, so don't ask questions or make statements that indicate disbelief or blame, as this can be extremely damaging for the child/young person.
- ✓ Make sure that the child/young person knows that you're taking what they say seriously and that you'll be seeking help and support for them. Explore if they have concerns or worries about what will happen next.
- ✓ Don't promise confidentiality, but do explain that you have a duty to pass on information. Provide reassurance that you will do this as sensitively as possible, always keeping the child/young person informed and included to ensure that any concerns or fears they have are fully explored and considered so that their needs can be met.
- ✓ If a child/young person wants to talk but seeks a promise of confidentiality first, tell the child that if they or someone else might be harmed you will have to pass on the information.
- ✓ If the child/young person has questions, answer them as honestly as you can. If you don't know an answer, say so and explain that you will try and find out for them.
- ✓ Reassure the child/young person that they were right to share their concerns and that the matter will be treated seriously. Let the child/young person know what you're going to do next and how they will be supported through the process and kept informed of what's happening.
- ✓ Once is enough – don't ask the child/young person to unnecessarily repeat their story. Securely record what has been said as soon as possible so that you don't lose or forget any details.
- ✓ Don't investigate on your own or confront anyone who is allegedly involved. It's your responsibility as a professional to report the information in line with your organisation's policies and procedures and it's the duty of the relevant protection authorities to investigate. Confronting an alleged abuser may put you and the child/young person at heightened risk and it may interfere with the authorities' ability to investigate and prosecute any crimes.
- ✓ Report the concerns in line with your organisation's policies and procedures as soon as possible. Don't forget to think about data security and privacy in this process, including if the information needs to be sent electronically to be reported externally to authorities or others.
- ✓ Remember not to lose sight of keeping the child/young person at the centre of the process – think about what care and support they will need, what their fears/worries or concerns might be and empower them to share their views, wishes and feelings. Make sure the support and help they need are available and accessible. Plan for this in advance and know what services are in your area.

REPORTING AND ESCALATION

Beyond reporting concerns about trafficking, exploitation, harm and abuse within your own organisation, there are often other statutory agencies to which you may need to report concerns. Always check with your organisation's safeguarding leads and follow their advice.

As the legal, social and cultural context varies greatly across countries, so too do specific legal reporting procedures and considerations. It's important that professionals and organisations have a good understanding of the protection frameworks in which they operate, both legally and in terms of practical application. In some contexts, and especially if not done appropriately and with the right support/via the right channels, reporting concerns about trafficking, exploitation, harm and abuse can increase the risk to children and young people. This needs to be carefully considered and expert advice should be sought if your organisation does not have a clear understanding of the context and how to safely report and manage concerns.

If your organisation does not have this information documented, it can be helpful to use a template (like the one in annex B) to ensure that this information is kept to hand and accessible. Reaching out to other NGOs, partners and civil society organisations, especially those who have a focus on child protection or exploitation and trafficking, can also be helpful.

A NOTE ON HISTORICAL DISCLOSURES

When a child or your person shares concerns about exploitation or trafficking, or any other type of harm or abuse, it can be a current concern or something that happened in the past, sometimes called historical abuse. It's not uncommon for children and young people to disclose harm and abuse years after it has happened, sometimes only when they reach adulthood or when they are in a safe situation. Some children and young people may not have known that what they experienced was abuse at the time, and may only share this information later when they become aware.

It's important that professionals treat historical concerns regarding trafficking, exploitation, harm and abuse the same as they would a current concern. This is because:

- There is a significant likelihood that a person who was involved in harm, abuse, trafficking or exploitation of children and young people in the past will have continued and may still be doing so, meaning that there could be other children or young people still at risk of harm.
- There may still be a possibility of criminal prosecution or an obligation to report to authorities.
- The child or young person disclosing the historical concerns will still have support and care needs, which professionals and organisations have a duty to respond to.

So, if a child or young person discloses historical abuse, remember that it should be treated with the same care and prompt response as a current concern.

A NOTE ON RECORDING AND DATA PROTECTION

Whenever you become aware of a concern regarding trafficking, exploitation, harm or abuse, it's important that you carefully and securely record the details of the concerns. Accurate records help ensure that information is not lost and helps avoid having to ask the child or young person to repeat details, which can often be traumatising and upsetting. It is also important for use in any investigation and can be requested by authorities. Records should be kept secure, meaning that only those who need access to the information can see it. Remember to think about data security and privacy when sharing information over email or other electronic methods. All children and young people have a right to privacy and the loss of such sensitive information could result in harm or expose them to further risk. However, keep in mind that data protection or privacy should not prohibit the sharing of private or sensitive information to protect a child or young person from imminent or serious harm.

HERE ARE SOME THINGS TO THINK ABOUT WHEN COMPLETING RECORDS

ABOUT A DISCLOSURE OR CONCERNS:

- Make sure the record is as accurate as possible. Record the child, young person or other individual's own words as best you can recall them and don't allow any embarrassment on your part to "sanitise" crude words which may have been used.
- Distinguish clearly between the facts of what the referrer said and any observations you wish to make on those facts.
- Be concise, clear and accurate: whatever you write should be easily understood by anyone not familiar with the young person, setting, issues, etc. Give context briefly where appropriate.
- Be clear about the level of risk to the child/young person and/or any other child or young person associated. What will happen if this concern isn't responded to? What exactly are we concerned about? What type of harm will happen or has happened?

REMEMBER THESE QUICK TIPS TO HELP MAKE SURE YOU MANAGE A DISCLOSURE IN THE BEST WAY POSSIBLE:

READY

Know what to look for – familiarise yourself with the signs and indicators of trafficking, exploitation, harm and abuse. Always exercise professional curiosity and care.

RECEIVE: listen carefully, let the person set the pace, stay calm and be supportive.

REASSURE: tell them they have done the right thing by sharing the concerns. Don't judge or blame.

RESPOND

Ask open questions to clarify understanding, concerns and risk, but don't lead. Don't promise confidentiality. Explain that you must report but reassure that it will be done sensitively and the person will be kept informed as much as possible.

REPORT

Never keep concerns to yourself. Report as soon as possible in accordance with your organisation's policies/procedures and legal requirements for statutory reporting.

TRAUMA-INFORMED APPROACHES

As highlighted above, it's important that in the process of responding to concerns about exploitation and trafficking (whether that be in response to a disclosure or other information), that professionals take a sensitive and trauma-informed approach.

AWARENESS OF ADVERSE CHILDHOOD EXPERIENCES AND USING A TRAUMA INFORMED APPROACH TO SAFEGUARDING

Trauma is “the experience of an event by a child that is emotionally painful or distressful, which often results in lasting mental and physical effects.”⁶² Childhood trauma can occur when a child witnesses or is exposed to overwhelming negative experiences. Interpersonal trauma, such as abuse, neglect, violence and exploitation, all have a profound impact on a child or young person’s ability to form positive relationships and build trust, as well as regulate their emotions and behaviour.⁶³ A related concept is that of “Adverse Childhood Experiences” or ACEs. ACEs are “*highly stressful, and potentially traumatic, events or situations that occur during childhood and/or adolescence. They can be a single event, or prolonged threats to, and breaches of, the young person’s safety, security, trust or bodily integrity.*”⁶⁴ Examples of ACEs include all types of abuse and exploitation, living with someone who has abused drugs/alcohol, has serious mental illness, losing a parent to divorce, death or abandonment or exposure to domestic violence. These strong negative experiences have a lasting impact on children and young people, impacting their ability to:

- **recognise and manage their own feelings and emotions, as well as those of others**
- **maintain healthy friendships and relationships**
- **manage their behaviour.**

It’s critical that professionals recognise that many of the children and young people you will work with have experienced trauma, harm and adverse experiences which will shape how they view and engage with both peers and adults. Being aware of this helps ensure that we can provide sensitive and effective services, responses and care to children and young people who disclose concerns about trafficking, exploitation or any other harm and abuse.

One approach that professionals can utilise is called the “Trauma Informed Approach.” This approach, which originated in healthcare settings, is when an organisation or agency understands how trauma can impact individuals and seeks to promote environments of recovery and support, rather than practices or approaches which may in-advertently re-traumatise or cause upset and harm to services users.⁶⁵ Below are some ways your organisation can ensure a trauma-informed approach to providing support to children and young people experiencing trafficking, exploitation or other forms of harm and abuse. Keep in mind that a trauma-informed approach is not about applying a checklist of actions or using one particular way of working – rather it requires everyone to take an active approach in building sensitivity and awareness of trauma as an integral part of the culture and ways of working within an organisation.⁶⁶

62 <https://lookthroughtheireyes.org/what-is-childhood-trauma/#:~:text=According%2520to%2520the%2520National%2520Institute,last%2520mental%2520and%2520physical%2520effects.%25E2%2580%259D>

63 <https://www.nctsn.org/what-is-child-trauma/trauma-types/complex-trauma/effects>

64 [https://mft.nhs.uk/rmch/services/camhs/young-people/adverse-childhood-experiences-aces-and-attachment/#:~:text=Adverse%20Childhood%20Experiences%20\(ACEs\)%20are,\(Young%20Minds%2C%202018\).](https://mft.nhs.uk/rmch/services/camhs/young-people/adverse-childhood-experiences-aces-and-attachment/#:~:text=Adverse%20Childhood%20Experiences%20(ACEs)%20are,(Young%20Minds%2C%202018).)

65 <https://socialwork.buffalo.edu/social-research/institutes-centers/institute-on-trauma-and-trauma-informed-care/what-is-trauma-informed-care.html>

66 https://www.cdc.gov/cpr/infographics/6_principles_trauma_info.htm

CORE PRINCIPLE OF A TRAUMA-INFORMED APPROACH



RECOGNISE

Recognise that trauma is widespread and can affect anyone. Recognise the signs and symptoms of trauma, abuse and harm and integrate knowledge of these into policies, procedures and practices with the goal of avoiding re-traumatisation or harm in the process of working with children and young people.



CREATE SAFETY

Think about ways to create physical and psychological safety for children and young people and what is needed to do this. Ensure spaces are welcoming, friendly and privacy is respected.



CHOICE AND COLLABORATION

Communicate to children and young people that they have a say and the right to be included in decision making by sharing their views, wishes and feelings.



TRUST AND TRANSPARENCY

Professionals must always maintain appropriate boundaries and conduct and should be respectful in all interactions with children and young people. Professionals should be patient when building working relationships and trust with children and young people, always keeping their word and operating with openness and integrity.



EMPOWERMENT

Help children and young people know their rights, build their skills, share their experiences and play an active role in addressing issues and concerns. Recognise strengths and validate feelings and opinions.



BE WILLING TO LEARN AND ACCEPT FEEDBACK

Recognise and challenge individual or cultural biases/ stereotypes that prevent the recognition of trauma, harm and abuse and its impact. Shift the power to children and young people by ensuring there are clear, safe and accessible methods to provide feedback and input on how services are provided and shaped.

Here are some further resources/reading to help make sure that, as professionals, we take in to account the impact of ACES, past trauma and abuse when providing support and services to victims of trafficking and exploitation:

<https://mft.nhs.uk/rmch/services/camhs/young-people/adverse-childhood-experiences-aces-and-attachment/>

<https://developingchild.harvard.edu/resources/aces-and-toxic-stress-frequently-asked-questions/>

<https://www.youngminds.org.uk/media/ojpon1ut/addressing-adversity-infographic-poster.pdf>

<https://www.traumainformedcare.chcs.org/what-is-trauma-informed-care/>

<https://theinnovateproject.co.uk/trauma-informed-practice/>

<https://www.gov.scot/publications/trauma-informed-practice-toolkit-scotland/pages/12/>

<http://socialwork.buffalo.edu/social-research/institutes-centers/institute-on-trauma-and-trauma-informed-care/what-is-trauma-informed-care.html>

CREATING CHILD AND YOUNG PERSON

CENTERED APPROACHES

Using a trauma-informed approach has many similarities and crossovers with child and youth participation. In this section, we will explore the importance of using child and young person centered approaches and their relationships to safeguarding against trafficking and exploitation.

INVOLVING CHILDREN AND YOUNG PEOPLE

Every child and young person is an individual, with their own experiences, wishes and opinions. Listening to children and involving them in decision making must be central to our work as professionals. Child participation is one of the guiding principles of the Convention on the Rights of the Child (1989). 'Article 12 of the Convention on the Rights of the Child provides: "1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child"⁶⁷

Listening to children and young people and involving them in decisions is vital to protecting them from trafficking and exploitation and to supporting their recovery. However, the views of children and young people who have experienced trafficking and exploitation are often missing from research, policy and practice developments.

WHAT IS CHILD AND YOUTH PARTICIPATION?

There are different models of conceptualising children's participation. At its core, it's about listening to children and taking their concerns seriously in all matters which affect them, either as individuals or as members of a group of children with a shared experience or perspective (for example, Roma children). All children can be supported to participate: very young children; children with intellectual disabilities; children with communication disabilities. It is incumbent upon those professionals working with children to ensure that child-friendly information is shared using appropriate formats so that children understand that they have this basic right and how they will be supported to realise it.

At its most basic form, child participation requires asking children for their opinions on everyday decisions such as what they want for breakfast but also includes engaging them in more fundamental and sensitive decision making about where – and with whom – they will live and what support they might need. This is often referred to as child-centered case management, where the child is at the heart of care planning and is involved throughout the process.

The level of decision making depends on the age and understanding of the child, however even young children can and should be asked about their wishes and feelings. It is imperative that marginalised children and young people such as those who have experienced trafficking are not further disadvantaged by being excluded from participation in decisions about their life. Children are the experts on their lives and have the fundamental right to share their views and perspectives and to have those views taken into account when decisions are being reached about their lives.

Providing information in accessible formats is a vital pillar of meaningful participation. This includes both written and verbal communication. When supporting children and young people who have experienced trauma as a result of exploitation, trafficking or other harm and abuse, it is critical that we explain what is happening and what they can expect to happen next. This helps to build trust and their sense of control over their situation.

Beyond individual level decision making, children and young people who have been affected by trafficking and exploitation are also well placed to advise on the drivers and what needs to change. Examples of other ways you could involve children and young people in your work include:

- Working with them to determine what good quality care looks like. Co-designing services and involving children and young people in monitoring and evaluating the performance of services.
- Listening to their ideas about how policies and practices need to change.
- Involving them in research – both as participants and researchers.
- Engaging children and young people in peer-to-peer support projects.

Each of these activities will support children and young people to develop critical life skills, agency and confidence, which can increase their sense of empowerment and reduce vulnerabilities.

CREATING A SAFE ENVIRONMENT FOR PARTICIPATION

Creating a safe environment is vital for effective participation, especially when working with children and young people who have experienced trauma. It is adults' responsibility to provide safe and protective spaces for children and young people to participate.

We strongly recommend following a set of overarching principles for how you work with children and young people. Having principles provides **an ethical framework** which underpins your work. It also forms a basis for monitoring and evaluation. The United Nations Committee on the Rights of the Child developed standardised principles which you might adopt.⁶⁸

They are:



TRANSPARENT AND INFORMATIVE

Children and young people must be provided with full, accessible, diversity sensitive and age-appropriate information about their right to express their views freely, how the participation will take place, its scope, purpose and potential impact.



VOLUNTARY

Children and young people should never be coerced into expressing views against their wishes and they should be informed that they can cease involvement at any stage.



RESPECTFUL

Children and young people's views must be treated with respect and they should be provided with opportunities to initiate ideas and activities. Adults working with children and youth should acknowledge, respect and build on good examples of children's participation, for instance, in their contributions to the family, school, culture and the work environment. They also need an understanding of the socioeconomic, environmental and cultural context of children and young people's lives. People and organisations working for and with children should also respect children's views about participation in public events.



RELEVANT

The issues on which children are invited to express their views should be of real relevance to their lives, so they can draw on their knowledge, skills and abilities. Space also needs to be created to enable children to highlight and address the issues they themselves identify as relevant and important.



CHILD AND YOUTH-FRIENDLY

Environments and working methods should be adapted to children's capacities. Adequate time and resources should be made available to ensure that children and young people are prepared and have the confidence and opportunity to contribute their views. Consideration needs to be given to the fact that children will need differing levels of support and forms of involvement according to their age and evolving capacities.



INCLUSIVE

Participation must be inclusive, avoid existing patterns of discrimination (based on gender, nationality, language, disability, age, family background, etc.), and encourage opportunities for marginalised children including all genders to be involved. Children and youth are not a homogenous group and participation needs to provide for equality of opportunity for all, without discrimination on any grounds. Programmes also need to ensure that they are culturally sensitive to children and young people from all communities.

68 UN Committee on the Rights of the Child (CRC), General comment No. 12 (2009): The right of the child to be heard, 20 July 2009, CRC/C/GC/12 and based on Save the Children's Practice Standards in Children's Participation, 2005.



SUPPORTED BY TRAINING

Adults need preparation, skills and support to facilitate children and young people's participation effectively, to provide them, for example, with skills in listening, working jointly with children and engaging children effectively in accordance with their evolving capacities. Children and young people themselves can be involved as trainers and facilitators on how to promote effective participation; they require capacity-building to strengthen their skills in, for example, effective participation and awareness of their rights, and training in organising meetings, raising funds, dealing with the media, public speaking and advocacy.



SAFE AND SENSITIVE TO RISK

In certain situations, expression of views may involve risks. Adults have a responsibility towards the children and young people they work with and must take every precaution to minimise the risk to children of violence, exploitation or any other negative consequence of their participation. It's crucial to develop a clear child protection strategy, which recognises the particular risks faced by some groups of children, and the extra barriers they face in obtaining help. Children must be aware of their right to be protected from harm and know where to go for help if needed.



ACCOUNTABLE

A commitment to follow-up and evaluation is essential. For example, in any research or consultative process, children must be informed as to how their views have been interpreted and used and, where necessary, provided with the opportunity to challenge and influence the analysis of the findings. Children are also entitled to be provided with clear feedback on how their participation has influenced any outcomes. Wherever appropriate, children should be given the opportunity to participate in follow-up processes or activities. Monitoring and evaluation of children's participation needs to be undertaken, where possible, with children themselves.⁶⁹

AUTHENTIC VS TOKENISTIC PARTICIPATION

Meaningful participation is when children and young people are genuinely listened to and able to directly influence change. It requires a time and resource commitment and the willingness of adults to share power with children and young people. For participation to be safe and meaningful it needs to be facilitated by staff who are trained and experienced in working with children and young people who have been affected by trauma. It is important to ensure the work is positive, empowering and does not cause any further traumatisation. When done well participating can increase children and young people's skills, confidence and support their recovery. Many young people we work with at Lumos say that participating can be therapeutic and it can help their healing to know that they have used their difficult experiences to prevent other children going through the same things.

Tokenistic participation is when professionals say that they listen to children and young people but do not take their views seriously into account. Sometimes adults think that just listening to children is enough. Children are much more trusting and open to adults when they feel part of all processes concerning their lives. Professionals need to be patient and listen to children and young people with empathy. It may take time and support before they are ready to share their ideas and experiences, but when it happens it will be worth the extra effort.

69 Putting Child and Youth Participation at the Heart of Care Reform: An Introductory Manual for Practitioners, p.17, Lumos

RECOMMENDATIONS

All NGOs and care services for children and young people who have been subject of trafficking and exploitation need to find sustainable mechanisms to empower children and young people to speak up and be part of decision making processes and governance. This includes local grassroots, government services and international NGOs.

Remember that:

- In order to protect children we must take time to listen their experiences and ask what they want and need. Meaningful participation requires a culture of listening to children and asking them about their opinions. This is not just in formal case work, but also includes how parents, carers, professionals and the wider community engage with children and young people.
- Every child and young person is an individual and will be at a different point in their journey. All children and young people must be involved in their own care planning, but some may not be ready to take part in wider participatory activities. It can be an empowering process for some survivors to share their experiences and to advocate for their peers. Others may not find this beneficial or have an interest in engaging. Others may need to work on their recovery before they are able to participate in other activities. The key is to build trusting relationships with children and young people and listen and respond to what they want and need.
- Professionals should follow a set of principles which underpins how they engage with children and young people.
- See beyond children and young people's experience of trauma. Each child and young person is an individual with unique wishes and dreams. It is our job to help them move forward in their life.
- Staff working with children and young people who have experienced trauma must receive adequate training. For meaningful participatory approaches to work, staff need to create safe and creative spaces which promote opportunities for children and young people to express themselves and share their views.
- For organisations working to protect children and young people, consider how you could increase children and young people's role throughout your work. How are they engaged in your core programmes? Do they have a say in your organisation's policies and strategic decisions? Do your staff receive training on participatory approaches? Do you have child-friendly materials or tools to help children and young people express their views? Are children and young people seen as beneficiaries or active participants and partners?
- Developing child and youth friendly materials such as safeguarding information and other accessible tools is vital to support children's participation in a meaningful way.

SECTION 4

PREVENTION – BUILDING AWARENESS, ENVIRONMENTS AND POSITIVE RELATIONSHIPS TO PREVENT AND/OR RESPOND TO TRAFFICKING AND EXPLOITATION



Wherever possible, it's important to consider how we can prevent children and young people from experiencing trafficking, exploitation, harm and abuse. This is not an exhaustive list, as there are many drivers and risk factors which contribute to trafficking and exploitation. However, this section provides some information on things that professionals and organisations can consider to both help prevent trafficking and exploitation, as well as ensure they're able to identify and respond to concerns and risks when they arise.

AWARENESS AND VETTING FOR PROFESSIONALS

- Ensuring a comprehensive safeguarding policy is in place
- Appropriate safeguarding induction and refresher training for staff so that they know how to recognise and respond to concerns about harm, abuse, exploitation and trafficking
- Appropriate checks and vetting for staff and services who are going to have contact with children and young people or access to their information

See here for resources: [Keeping Children Safe](#) and [Safeguarding Support Hub](#)

TRAINING AND AWARENESS RAISING FOR

CHILDREN AND YOUNG PEOPLE

- Child-friendly and accessible safeguarding policies
- Thinking about accessible reporting mechanisms and safe, meaningful ways to obtain feedback and complaints

See here for resources from ECPAT: [Tools](#), [Child Friendly Leaflets](#) and [ReAct Resources](#)

RISK ASSESSMENT

If appropriate in the context of your organisation, conducting risk assessments for children and young people whom your organisation is providing services can help identify risk factors for exploitation and trafficking. Risk assessments should use signs and indicators of exploitation and trafficking, as well as a thorough history and understanding of the child/young person. This may require consulting with other agencies or partners if they hold this information.

RISK ASSESSMENTS SHOULD INCLUDE:

- Evidence of risk indicators
- Cultural, identity and additional risk factors (gender, disability, etc.)
- Risk assessment analysis and summary
- Identification of current level of risk, primary risk/type of exploitation and differentiation between immediate, short and longer term concerns
- Be clear what actions have already been taken to address the risk and which actions are outstanding
- Recommendations of immediate actions needed to protect the child/young person
- Protective or resilience factors for the child or young person
- Contextual safeguarding analysis (see section 4 of this resource)
- Who else needs to be informed/notified or given information to ensure the protection of the individual

More information can be found in the resources below:

[*Surrey County Council Child Exploitation Guidance, Assessment and Intervention Toolkit*](#)

From the the Alliance for Child Protection in Humanitarian Action:

[*Identifying and Ranking Risk and Protective Factors: A Brief Guide*](#)

[*Child Protection Rapid Assessment Toolkit*](#)

[*Evidence Brief: Why Identifying Risk and Protective Factors is a Critical Step in*](#)

[*Guidance: Understanding Risk and Protective Factors in Humanitarian Crises*](#)

CONTEXTUAL SAFEGUARDING⁷⁰

Contextual Safeguarding was developed by Carlene Firmin at the University of Bedfordshire as an approach to safeguarding adolescents, specifically focusing on harm that occurs outside the family unit/home (as is often the case with trafficking and exploitation). Traditional safeguarding models have focused on carers or adults closest to children/young people, but as children move into their teenage years, the influence of these carers subsides as the influence of peers, school, neighbourhood and society at large increases.

Contextual Safeguarding expands the definition of safeguarding activity to include the variety of settings and social contexts in which children and young people can be harmed. This includes peer on peer abuse or sexually harmful behaviour, child sexual exploitation, grooming and recruitment into criminal activity, as well as radicalisation and trafficking. The key is that it recognises that contexts (ie physical places, shared ideas/cultures as well as people) can all contribute to the harm of an individual. Negative spaces/context create harm and positive spaces/context create and promote safety and wellbeing.

Contextual Safeguarding helps us think beyond old models of abuse, reminding us of the importance of creating safer spaces, attitudes and relationships. When we do this for adolescents, we help them become safer adults. And while the model was created for teenagers, it gives us important food for thought about the role that all organisations can play in helping create safe, positive and protective spaces for children and young people.

SO WHAT DOES THIS MEAN FOR PROFESSIONALS AND ORGANISATIONS?⁷¹

Understand your environment

- Know your organisation's safeguarding policies and procedures, how these apply to your role and the roles of others, how these are communicated to children and how you encourage children/young people to speak up if they have a concern about trafficking, exploitation, harm or abuse.
- Know your context and area – what are the challenges and risks that young people are facing? Think about the physical space of your organisation, but also the wider spaces or contexts in which children/young people are living their lives. Consider harm and risks online or risks posed by increased criminal activity and recruitment or grooming of young people in your area. Being aware of trends, issues and challenges in your context will help ensure that you can provide the best approach and support to keeping children and young people safe.

Working with others

- Don't forget the importance of working with/communicating with others in the area to make sure your organisation has the full picture. This could include police, children's services, CSO or NGOs, or even families, carers, local residents and community groups. By joining together to understand risks and share information about trafficking and exploitation that may be happening in the community, you can find ways to collaborate, raise awareness and appropriately respond to what's going on.

Take the time to talk and build trusting relationships with young people

- Children and young people themselves are best placed to tell you about the challenges they face, including risks about trafficking, exploitation harm and abuse that are happening in the contexts/environments where they spend time. Create safe, child/young person centered spaces to facilitate conversations with them in order to provide the right support, identify harm and risks and to inform work and protection for other children and young people.

⁷⁰ <https://contextualsafeguarding.org.uk/#:~:text=Contextual%20safeguarding%20is%20an%20approach,can%20feature%20violence%20and%20abuse>

⁷¹ <https://learning.nspcc.org.uk/news/2019/october/what-is-contextual-safeguarding>



5

SECTION 5

LEARNING AND NEXT STEPS



As in all safeguarding, it's important for professionals and organisations to make sure they have mechanisms and procedures in place to review safeguarding incidents through the lens of "lessons learned." Managing safeguarding, in terms of prevention, identifying harm and abuse, response, reporting and after care/support for children and young people is complex work. It is important to look back on incidents and cases to reflect where professionals could have done better or managed things differently. While this is most important where there have been mistakes or where failures to act contributed to the harm or risk of harm to a child or young person, it's also important to generally reflect and be open about your own practice and that of your organisation. We can always do better.

HERE ARE SOME QUESTIONS TO HELP YOU REVIEW AND REFLECT ON HOW YOU AND YOUR ORGANISATION RESPONDED TO CONCERNS ABOUT EXPLOITATION, TRAFFICKING OR HARM AND ABUSE:

- What went well in managing the concern?
- What are the strengths identified? (for professionals and as an organisation)
- What could have gone better?
- What are the weaknesses? (for professionals and as an organisation)
- What warning signs or other indicators did we miss?
- How might we have better communicated with partners or others?
- How does the child/young person feel about the way the concern was managed?
- What improvements are needed in process?
- Is there training or learning needed to improve practice?
- Who is responsible for taking action on lessons learned?
- How will we make sure actions are monitored?

SYSTEMIC PREVENTION:

ADVOCACY AND AWARENESS RAISING

- **To protect children around the world, it's important that we all, as part of our local communities as well as one global one, commit to understand and question our systems, so we can push for them to be constantly strengthened. This section provides an overview of current laws and recent work done to help safeguard children against institution-related trafficking.**

- **Existing laws, policies, and systems.**

A wide range of international laws, policies and other mechanisms exist to support children's rights, especially those who are separated from their families or suffer child abuse and exploitation.^{72 73 74} Additional measures prohibit or criminalise child exploitation in all its forms and are intended to protect children, including from human trafficking.

In 2019, the links between institutions and child trafficking were recognised by the United Nations General Assembly (UNGA)⁷⁵. For the first time, member states collectively expressed their deep concern over the harm that institutions can cause to children and called for them to be progressively phased out. In its historic Resolution on the Rights of the Child, the UNGA set out the political and human rights case for transforming care systems and made some ground-breaking recommendations. Crucially, the UNGA Resolution also recognised the link between orphanage tourism and child trafficking, with member states urged to act against orphanage tourism and volunteering.⁷⁶

Sometimes, child victims of institution-related trafficking are not recognised as such, meaning they are not given the support they need. This can happen even where policy frameworks exist and are implemented. In Latvia, for example, regulations did not previously allow people from state care institutions, such as orphanages, to enroll in the state trafficking victim assistance programme.⁷⁷

The effectiveness of the laws and policies depends on adequate child protection systems being in place at a local level. However, the quality of child protection systems differs significantly across the globe and can even vary within countries. In many countries, children who live away from their families have no specific protections. Shortcomings in child protection systems, lack of accountability structures in institutional care, insufficient legal recognition of the phenomenon and misdirected financial support to orphanages around the world all contribute to a system that enables the exploitation of children in vulnerable situations.⁷⁸

- **The model law**

To respond to a lack of legislation surrounding institution-related trafficking, Lumos worked with Professor Parosha Chandran on the development of a Model Law on Institutional Childcare Trafficking for the Purpose of Financial Exploitation. It is hoped this Model Law can serve as a point of discussion to enable the application of effective laws that can combat this issue and better protect children.

72 United Nations Human Rights: Office of the High Commissioner (OHCHR). (1990). Convention on the Rights of the Child. E/CN.4/RES/1990/74, Preamble

73 United Nations Department of Economic and Social Affairs (UN DESA). (2007). Convention on the Rights of Persons with Disabilities. Articles 2, 5, 7, 19, 23 & 24.

74 United Nations General Assembly (UNGA). (2010). Guidelines for the Alternative Care of Children. A/RES/64/142.

75 United Nations General Assembly (UNGA). (2019). Resolution adopted by the General Assembly, 74/133. Rights of the child

76 *Ibid.*

77 U.S. Department of State. (2019). Trafficking in Persons Report: June 2019. <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf> [accessed 4 January 2022]

78 Lumos (2021) Cycles of Exploitation: The Links Between Children's Institutions and Human Trafficking. P39, https://lumos.contentfiles.net/media/documents/document/2021/12/LUMOS_Cycles_of_exploitation.pdf [Accessed 14 December 2021]

IN THE CARE REFORM SECTOR

The care reform sector has largely acknowledged the issue of institution-related trafficking. The Call for Evidence launched by Lumos received responses from 84 organisations, many of which were working specifically in the care reform sector. Many organisations working on the ground, such as Next Generation Nepal, have reported on the issue of orphanage trafficking in the regions in which they work.⁷⁹

IN THE ANTI-TRAFFICKING SECTOR

In the anti-trafficking sector, there is less awareness about the issue of institution-related trafficking, although Lumos hopes that the reports *Cracks in the System* and *Cycles of Exploitation* might be an opportunity to forge new interlinkages between professionals working in care reform, and those working in anti-trafficking. There have been some examples of acknowledgement of this issue in anti-trafficking spaces. For example, the annual US Trafficking In Persons report has acknowledged the existence of orphanage trafficking in several contexts.⁸⁰ However, there is still work to be done in terms of mainstreaming institution-related trafficking as an issue among the human trafficking sector at large.

Further Reading:

LUMOS REPORTS

[*Cracks in the System*](#)

[*Cycles of Exploitation*](#)

[*Orphanage Entrepreneurs: The Trafficking of Haiti's Invisible Children*](#)

⁷⁹ Punaks, M & Feit, K. (2014). Op. cit

⁸⁰ U.S. Department of State. (2019). Op. cit.

ANNEX A: DEFINITIONS

DEFINITIONS

In this resource, the following key terms are defined as such:

Safeguarding and child protection

Safeguarding broadly refers to an organisation's responsibility to keep people safe, including both beneficiaries and its own staff. Child protection is an important part of safeguarding and refers to the actions an organisation takes to address a specific concern that a particular child is at risk of significant harm due to their contact with staff, partners, programmes, services, activities or via unrelated risks posed in the community.

Child and youth participation

Listening to children of all backgrounds, ages and evolving capacities (including those with disabilities) and creating appropriate opportunities for them to express their opinions and receive feedback, ensuring that they can take an informed and active role in decision making about their own lives and societies.

Child

For the purposes of this resource, in line with the UN Convention on the Rights of the Child, a child is defined as any person under the age of 18. This definition applied to all of Lumos' work, regardless of whether the legal age varies in any country or legal context.

Adult at risk

An adult who is experiencing, or is at risk of, abuse, neglect or exploitation because of being in a position of social disadvantage due to one or more factors. The result is individual, and sometimes collective, vulnerability due to differences in power. These factors include (but are not limited to) poverty, migrant status, sex, gender identity, sexual orientation, disability, mental health, caste, religion, health, and age. For Lumos' work, adults at risk can include self-advocates over the age of 18, as well as other vulnerable adults Lumos may come into contact with as part of our work in institutions or other settings.

Residential care

Residential care can be described as care provided in any non-family-based group setting. While institutions are not an appropriate form of care, high-quality residential care can be an important part of the continuum of care: this is ideally provided in small groups, within the community, with a highly trained workforce who support the children and, wherever possible, maintain strong relationships with their birth and extended families.

Family and community-based care

Family-based care refers to care for a child in a family, as opposed to in institutional or residential care. This includes kinship care (where children are looked after by extended family members) and foster care. Community-based care refers to the spectrum of services that enable individuals to live in the community and, in the case of children, to grow up in a family environment. It encompasses mainstream services, such as housing, healthcare, education, employment, culture and leisure, which are accessible to everyone regardless of disability or their required level of support. It also refers to specialised services, such as personal assistance for people with disabilities, respite care and others.

Care leaver

There are two types of care leavers who might be impacted by institution-related trafficking: young people who 'age out' of the system, and those who run away from orphanages. It is important to note that some young people who age out of the care system in their country may still be considered children under the UN definition.

Harm and abuse

Harm is any action which may negatively affect the sense of safety or wellbeing of a person at risk. Harm can be caused intentionally and unintentionally. Abuse is a type of harm. Abuse is harm which is so severe or persistent that it is deemed "significant" and is likely to have a lasting effect on the person's health or development.

Exploitation

Exploitation involves the use or attempted use of a power imbalance or relationship of trust to coerce, manipulate or deceive a person for sexual, monetary, political, social or personal gain and is a type of abuse. This can include sexual exploitation and commercial exploitation (forced labour/child labour) and trafficking. Victims of exploitation may not always recognise that they are experiencing abuse or harm and may appear to be “consenting.” The appearance of consent or willingness to engage in the exploitative activity does not mean that the child/adult is not at risk or has not experienced harm and abuse.

Human trafficking

The internationally accepted definition of human trafficking is: “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control of another person, for the purpose of exploitation.”

Child trafficking

Child trafficking under international law is “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploiting the child.” A child has been trafficked if he or she has been moved within a country, or across borders, whether by force or not, with the purpose of exploiting the child. Children in institutions are at a considerably higher risk of trafficking than their peers raised in families. Orphanage trafficking is the deliberate recruitment of children into orphanages in order to make profit. In some countries, the pervasive model of orphanage care is a form of trafficking in itself, where orphanages are established and children are recruited purely to make an income from donations.

Modern slavery

Modern slavery is the severe exploitation of people for personal or commercial gain. Modern slavery takes many forms. Some common forms are human trafficking, forced labour, debt bondage and forced marriage.

Institution-related trafficking

This term is used to describe instances of human trafficking which have links with the institutionalisation of children.

ANNEX B: EXAMPLE COUNTRY CONTEXT FORM

Example country context form	
Country	
Date completed	
Safeguarding lead name and contact details	
Neglect	
<p>Summary and description of legislation governing the welfare/safeguarding/ protection of children's and adults' risk (including all young people, care leavers and other adults with whom Lumos works as part of our programmatic activities). Please list legislation involved in any aspect of prevention or response to abuse, harm, neglect or welfare concerns for these groups.</p> <p>In addition to general concerns about harm, abuse and welfare, please consider any additional legislation or details that relate to disability, mental health, mental capacity, trafficking and exploitation, migrant status, gender identity, sexual orientation, health or age for example.</p>	
Analysis of extent of implementation/enforcement of legislation described above. Please provide information regarding barriers or problems relating to implementation and enforcement.	
Details of any government agencies, local authorities, services or organisations with legal authority for the safeguarding or protection of children and adults at risk (including young people, care leavers and other adults with whom Lumos works as part of our programmatic activities). Please list all involved in any aspect of prevention or response to abuse, harm, neglect or welfare concerns for these groups. Consider government agencies, local authorities or legally designated organisations relating to disability, mental health, mental capacity, trafficking and exploitation, migrant status, gender identity, sexual orientation, health or age.	
Please include details of any other health, welfare and other services that may be accessed as part of safeguarding response, including for victim support for both children and adults at risk.	
Details of legislation, services, authorities or organisations relating to institutions, residential care, small group homes, foster care, kinship care or other alternative care arrangements.	

<p>Details of legislation, services, authorities or organisations that are involved in supporting care leavers or young people with experience of being in alternative care, institutions or other settings.</p> <p>If there is a legally described age for a care leaver (for example in the UK it is from 18 to 25), please say and list what support they can access or are entitled to.</p> <p>If there is no formal support or legal framework to support care leavers, please describe what services, if any, are available.</p>	
<p>International conventions on welfare/ safeguarding/protection of children and adults at risk, to which the country is a signatory or has ratified (eg UN Convention on Rights of the Child). Please include an analysis of the extent of implementation or links to such information, if available.</p>	
<p>Local police/statutory service position on investigation of criminal assault, exploitation, trafficking abuse or harm against children and adults at risk and likelihood of prosecution of such offences.</p>	
<p>Legal age of consent for children in country and legislation covering this. Any other information relating to legal consent for adults with disabilities or individuals with reduced capacity or decision-making abilities.</p>	
<p>Known harmful practices such as early marriage, female genital mutilation, trafficking and exploitation, etc. and details of any locations where this is known/believed to be particularly prevalent.</p>	
<p>Attitudes, beliefs or behaviours seen in country that may cause harm to children and adults at risk.</p>	
<p>Details of any informal or community-based justice and safeguarding mechanisms and how these function.</p>	
<p>Details of NGOs and other organisations who provide protection or prevention services to children and adults at risk. Include any local arrangements for dealing with safeguarding issues.</p>	
<p>Details of any professional networks/alliances involved in safeguarding, rights and protection of children and adults at risk.</p>	
<p>Any other relevant information not covered in the areas above but which may be relevant for the safeguarding of children or adults at risk in the specific context.</p>	



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