

COUNTERING NEW FORMS OF ROMA CHILD TRAFFICKING:
PARTICIPATORY APPROACH
(CONFRONT)

Guidelines for Good Practice Identification



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I. Introduction

The identification of good practices for providing assistance to Roma child victims of trafficking falls within CONFRONT project objective “to enhance child victims’ support in countries of origin and destination.”

The identification of good practice is envisaged as project activity 15, to be implemented during the fieldwork months of the project time frame (June, July, August 2014), as well as during the period for drafting of the national report (Nov, December 2014). Research questions on good practice identification were formulated in the CONFRONT Participatory Research Methodology. The output of activity 15 – good practice identification -- is a Compendium of Good Practices.

CONFRONT country reports, however, were focused mostly on deficiencies in identification, referral and assistance of child victims of trafficking in both countries of origin and destination. Special focus was given on the way child protection mechanisms *fail* to prevent child trafficking of Roma victims and the reasons why assistance is in many cases *not effective* for Roma child victims. The focus on *gaps*, rather than good practices, was on the one hand dictated by the realities related to prevention of child trafficking and protection of victims. On the other hand, criteria for good practices were not explicitly defined by project coordinator and project team and were not discussed prior to the start of field work.

In view of completing the project activity and fulfilling project objectives, the following approach to identification of good practice is suggested by the project coordinator:

- Defining areas of good practice
- Defining criteria for good practice
- Review of data collected in preliminary research phase (including NGO/grey reports, reports on policy and project implementation).
- Review of data collected in field work phase (semi-structured interviews)

- Identification of good practice or *elements* of good practice
- Drafting of brief overview of the good practice (5-10 pages, Times New Roman 12, 1.5 spaced) by each project partner
- Development of Compendium of good practice by project coordinator

The following document suggests **areas** within the child VoT assistance and protection framework for identification of good practice, proposes general quality **criteria for good practice**, and gives a **structure** of the outline of the good practice to be produced by project partners.

II. Areas for identification of good practice

CONFRONT project has particular focus on protection and assistance of Roma child victims of trafficking, focusing on interim care provided to child VoT in countries of destination, as well as return and long term re/integration in the countries of origin. The key areas suggested below are derived from the UNICEF Guidelines on the Protection of Child Victims of Trafficking. The guidelines are based on international and regional human rights instruments and aim to support governments and state actors, international organisations and NGOs to develop special protection measures for child victims of trafficking.

1. Identification of children as victims of trafficking
2. **Appointment of a guardian for each trafficked child**
3. **Questioning by the authorities**
4. **Registration and documentation**
5. **Interim care and protection**
6. **Individual case assessment**
7. **Implementation of durable solution**
8. Access to justice
9. Cost of proceedings, financial assistance, reparation, compensation and
10. Research and data collection.

The focus of CONFRONT project relates mostly to the areas 2-7 of the UNICEF list. Thus, good practices should be sought in the a) appointment of guardian, b) questioning of the child in a manner that is suitable for his age and prevents re-victimisation, c) registration and documentation, including needs assessment, developing individual action plans, d) interim care, including psychological support and medical support, e) implementation of durable solution, including reintegration in the family, placement with relatives/guardians, placement in family type facility, other.

The areas were further elaborated in the *Methodological Guidelines for Country Reports on the identification of good practices in assistance and (re)integration of child victims of trafficking* developed by the Ludwig Boltzmann Institute of Human Rights in the framework of the ARECHIVIC project.

Appointment of a guardian for each trafficked child

- Appointment process
 - As soon as identified, a guardian shall be appointed accompanying the child throughout the entire process until durable solution
 - Reviewing the quality of the exercise of guardianship
 - Specialized trainings, professional support and appropriate assistance for guardians
- Responsibilities of guardian
 - Link between authorities and child
 - Holding legal rights to be able to act in the child best interest

Regularization of status

- Granting a reflection period for children, during which no deportation is carried out.
- Guardian shall initiate the application procedures for the temporary residence permit

- After a temporary residence permit, the child may qualify for a long-term residence, if the local integration is identified as durable solution in the best interest of the child.

Interim care and protection

- Care and protection
 - o Right to immediate care and protection including security, food, and accommodation, health services, psychological support, legal assistance and education
- Accommodation in a safe place
 - o Development of minimum standards for care of child victims

Individual case assessment

- Each child has the right to have his or her case assessed individually.
- Tracing
 - o Information of child about progress in tracing family
- Risk assessment
 - o After tracing, a risk assessment should verify that the family reunification is in the best interest of the child.
- Best interest determination
 - o Next step is the determination of the best solution: local integration, voluntary repatriation and re-integration or resettlement in another third country.

Implementation of a durable solution

- Local integration of the trafficked child should be organized with a long-term perspective and take also into account the time after the child turns 18.
- Return to the country of origin:
 - o Return should only take place when the return is in the best interest of the child.
 - o It should only be considered when safe family reunification can be considered or an appropriate institution can provide protection and care upon arrival.
- Reception and reintegration:

- In the country of origin children should have a guardian and access to care, protection, food, accommodation, health care, legal assistance and education.
- Individual integration plan for each child.
- Follow-up after return: Follow-up visits to his or her family until the child turns 18.

III. Criteria for good practice

The proposed criteria for good practice identification (1,2,3,4,5,7,9) are derived from the *Methodological Guidelines for Country Reports on the identification of good practices in assistance and (re)integration of child victims of trafficking* developed by the Ludwig Boltzmann Institute of Human Rights. These 7 criteria are further elaborated with a suggested focus that is close to the CONFRONT research. Two additional criteria are included to reflect CONFRONT project objectives (criteria 5-9).

1. Rights-based approach
2. “Do no harm” principle – impact assessment
3. Gender-sensitivity
4. Child participatory approach and stakeholder involvement
5. Monitoring and Evaluation
6. Effectiveness
7. Sustainability
8. Replicability
9. Community involvement

1. A (human/child) rights-based approach

As all anti-trafficking efforts should help strengthen the protection of children’s rights, one fundamental criterion should be to what extent has a measure/programme/action been

implemented with a human rights focus in mind. Have there been direct references e.g. in public documents or statements to human/child rights standards? Or more implicitly, as there any evidence that basic human/child rights principles, such as indivisibility of rights (which speaks against, e.g. isolated measures not linked to a broader policy framework), non-discrimination (e.g. of girls/boys, of ethnic minorities, by nationality, language etc.) and priority-setting in favour of the best interests of the child have been addressed by the practice?

In line with the CONFRONT project research focus, the overview of particular examples of measures/programmes ensuring non-discrimination on the basis of gender or ethnicity is encouraged.

According to UNICEF, the child rights-based approach in the context of child trafficking means *“placing the children at the center of all trafficking related interventions. The child’s best interest need to be given primary consideration in all actions. These should be determined for each child, giving due consideration to his or her views.”*¹

One crucial element of a rights-based approach relates to accountability: has the practice under review contributed to a clearer understanding of (state) responsibilities?

And, more generally, does the practice under review conform to relevant human rights and child rights standards?

2. Do no harm – impact assessment

Closely related to a general reference to child/human rights standards, and given the sensitivity of the subject of assistance to child victims of trafficking, there is a clear need for an equally sensitive approach in e.g. providing services to them. A prerequisite for this is a comprehensive pre-assessment of needs and potential impact of any measure (be it a piece of legislation, or an educational programme, or a mobile health clinic for trafficking victims), especially to check whether it has caused prejudice or harm to the intended beneficiaries or to others (sometimes also known as the ‘do no harm’ principle).

¹ UNICEF Innocenti Research Centre (2008), A Broad Vision to Put Children First. Child Trafficking in Europe, UNICEF Insight, Florence, p. 40.

This concern was reflected in an anti-trafficking related principle identified by the United Nations High Commissioner for Human Rights in 2002:

*“Anti-trafficking measure shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked and of migrants, internally displaced persons, refugees and asylum-seekers”.*²

Especially relevant to the CONFRONT project, is the aspect of the “do no harm-principle” which relates to culture sensitivity, i.e. the awareness of implications of the cultural background of child victims (e.g. concerning understanding of what leads to vulnerabilities/dependencies of the child, concerning acceptability of services offered to child victims etc).

3. Gender sensitivity

Another key aspect of the non-discrimination principle relates to the dimension of gender in the trafficking context. Trafficking/exploitation has different impacts on girls and boys, which policies, programmes, methods need to adequately take into account. Much too often, trafficking for sexual exploitation is still regarded as a concern for women, whereas e.g. in the context of some forms of trafficking for labour exploitation (e.g. in construction, partly in agriculture) still no assistance services for male victims of trafficking exist. Practices with a gender-sensitive approach, however, should aim at increased awareness for the specific situation of men/women, and also at reducing gender inequalities on several levels, including structural barriers, to empower girls and boys to articulate their rights and to provide measures and initiatives which meet their specific needs also as victims of trafficking .

Particularly relevant to CONFRONT project would be assistance measures that are suitable or especially developed for male victims of trafficking. In addition, measures, targeting structural inequalities (such as lower level of education of Roma girls) should be given specific attention.

² Principle 3, Recommended Principles and Guidelines on Human Rights and Human Trafficking, issued by the UN. High Commissioner for Human Rights in Addendum to the Report of the UN High Commissioner for Human Rights to ECOSOC. UN document E/2002/68/Add.1, 20 May 2002, 4

4. Child participatory approach and stakeholder involvement

Participation ranks high among the key principles of human rights, be it in the context of political rights and democratic values, be it in the design and implementation of victim support programmes. Taking the UN Convention on the Rights of the Child seriously means promoting the participation of children in the planning and execution of activities that are intended to protect them (against traffickers or other abuse). In the context of the current good practice identification it should be looked for evidence that the practice under review has demonstrated commitment to at least consult with children, both to find out what their experiences have been and to ask for their opinion whether a method, project, policy, etc. that is being planned seems appropriate and relevant to them – and whether they could potentially affect the outcome of a decision-making process. Similarly, the establishment of feedback processes (e.g. to assess the quality of accommodation, food, legal assistance/guardianship, information provided, spare time activities offered etc) to allow young people voice their concern or satisfaction about any treatment would be important elements under this criterion.

Moreover, participatory approaches should also include all other relevant stakeholders, e.g. in the design of an assistance programmes, such as NGOs/service providers and responsible authorities (child protection, asylum, health, education etc).

5. Monitoring and evaluation

Monitoring and evaluation of the mechanisms for child VoT support are necessary in order to assess the effectiveness and sustainability of the measures, as well as to evaluate the quality of the assistance provided. Monitoring and evaluation (M&E) systems should be sought in all phases of child VoT return and reintegration – in providing crisis/interim support to the child, preparing his/her return, establishing a durable solution and providing long term re/integration support. Researchers should seek to find specific indicators used to measure the quality and effectiveness of assistance. There should be indicators for output (number of programmes provided, number of consultations etc), as well as indicators for outcome (completed educational courses, successful school re-insertion, durable long term re-integration with family, relatives, or in family type environment.) Quality indicators should also be sought, such as – minimum standards for

assistance and protection. Researchers should aim to report on how the data is collected, analysed and reported. Researchers should seek to establish whether the assessments provided through the M&E system serve to inform and guide policies and programmes for child VoT support and re/integration.

6. Effectiveness

Did the measure contribute to stop child trafficking or enable trafficked children to recover effectively? Does it reach a majority of trafficked children in need of assistance? This term can be defined as “the extent to which the intervention’s objectives were achieved, or are expected to be achieved, taking into account their relative importance.” One precondition for establishing this criterion is thus sound documentation of objectives and means used; consistent monitoring, (internal and external) evaluation reports (with M&E mechanisms ready in place) are also particularly relevant for such purposes. Indications for effectiveness might also be to what extent a programme is known to stakeholders and to target groups, *in particular the Roma community, and to what extent it is accessed by Roma child victims of trafficking.*

6. Sustainability

In many cases, assistance programmes in the anti-trafficking context are quite short-lived, often dependent on funding, including from the EU. Once the external funding has stopped, the mere existence of such measures is under jeopardy. To avoid this, emphasis should be placed in considering a practice a “good” one, whether it is likely to be sustainable – will its effects be visible beyond the life of the project during which it was initiated? Good practices should have a longer duration or effect than that of the project during which they are introduced. Again, sustainability is linked to the ability and inclination of local actors to continue with a particular measure after project-specific funding runs out, but also with the level of commitment and responsibility expressed by a country’s government in its fight against trafficking of children.

In general, as child rights protection is always concerned about the establishment of the necessary framework and structures (ranging from legislation e.g. on a reflection period for child trafficking victims to national referral mechanisms) in order to maintain

standards and levels of protection reached, such aspects could also be addressed through this criterion here.

7. Replicability

Although this aspect is certainly difficult to assess and may require more specific tools (such as „mirror evaluations/assessments“) it should be possible to identify at least some basic elements, which would potentially allow transfer of knowledge, of standards and processes from one context to another. For instance, one prerequisite to replicability is sound documentation of a practice; in addition, an assessment should have been done already on factors which contributed to its success (strong political will, media attention, clear methodology), but also eventually, what obstacles (e.g. disharmonized legislation, competences of federal state/decentralised governments, language etc) could hinder successful transfer. What preconditions need to be present before attempting to replicate a particular method? And ultimately, the question arises whether the measure is replicable also in another EU country.

8. Community involvement

Community involvement in the care and re-integration of child VoT should be sought primarily in the countries of origin of Roma child victims (Bulgaria, Hungary, Romania, Slovakia). Community involvement is most relevant for the interim assistance provided to victims (possibly placement in shelters/crisis centers or other short term accommodation facilities for child VoT) as well as for the long term re/integration of the child victim (integration in the family, with relatives, in family type environment or in an institution). Particular elements of community involvement could take form in the collaboration with local community based centers for the provision of assistance to victims and assessment of their needs, establishing contacts with the families of the children, consulting the families, monitoring of the re/integration in the family or family environment etc.

IV. Structure of the good practice report

The brief report on the good practice (or elements of good practice) should follow the structure outlined below.

1. Brief description of good practice
2. Key stakeholders involved
3. Criteria met
4. Potential for improvement (gaps) and replicability