



Time to Strengthen the Anti-Trafficking Directive: How can a revised Directive better protect ALL children at risk of trafficking, including those vulnerable to the different forms of institution-related trafficking?

Recommendations stemming from Lumos' Panel Discussion on 27 October 2021

Lumos' research¹ identifies **four** ways in which trafficking is linked with institutions for children (for which we use the umbrella term "institution-related trafficking"):

1. Children are recruited and trafficked into institutions, solely for the purpose of financial profit and other forms of exploitation (this is also referred to as 'orphanage trafficking').
2. Children are trafficked from institutions into other forms of exploitation.
3. Child trafficking victims and unaccompanied children are placed in institutions for "protection", putting them at risk of re-trafficking.
4. Care-leavers are more vulnerable to exploitation and trafficking.

Despite these proven links between child trafficking and institutions, there is currently no legislation in Europe that refers to the trafficking of children into and out of institutional care specifically.

We therefore asked our panellists²: **How can institution-related trafficking be addressed at the EU level, and how can the EU Anti-Trafficking Directive be Strengthened?** This resulted in the following set of key messages:

- Targeted laws are transformative, and in the absence of such, criminals can act with impunity and victims remain undetected. To date, trafficking laws have not given adequate attention to the forms of trafficking which centre around institutional care for children. Exploiters operate by finding these cracks in the system, and can use them to identify and traffic vulnerable children. Laws, policy, research and practice need to work together as a framework to address institution-related trafficking, better protect vulnerable children and hold perpetrators to account.
- The common element of victims of trafficking is vulnerability. Children are particularly vulnerable,³ and therefore child victims of trafficking require special attention, with the best interest of the child being paramount. Those who do not have the protection of a family are especially vulnerable. If the public administrations in charge of children without parental care fail to significantly enhance their role of offering protection and safeguarding, these children will remain at increased risk of trafficking.
- Effective coordination (including cross-border) between child protection agencies, judicial authorities, law enforcement and courts is key to protect victims. Legal and psychological training for those working with child victims of trafficking is crucial, including for those who work in residential care facilities.
- European policy- and decision-makers can play a role in tackling all forms of institution-related trafficking. It is essential that any policy also addresses the root causes of residential care facilities.
- Orphanage tourism and volunteering play a role in driving family separation and institutionalisation. Citizens across the EU take part in these activities, often without knowing the harmful consequences.

Based on the outcomes of the panel discussion, **Lumos' recommendations for a new Directive are:**

- i. Broaden the definition of trafficking so as to cover all forms of institution-related trafficking;
- ii. Strengthen the capacity of the different bodies which come in contact with victims of trafficking such as child welfare officials with the aim to ensure that child victims of trafficking are not placed (back) into institutions as a protection measure.
- iii. Improve collaboration and information-sharing between child protection actors, law enforcement and the courts for children deprived of parental care;
- iv. Reinforce data collection mechanisms to ensure that institution-related trafficking is recorded and included in national referral mechanisms.
- v. Enhance accountability by implementing systems that monitor and regulate funding that flows into orphanages.
- vi. Raise awareness about institution-related trafficking and ban the practise of unskilled volunteering in children's institutions.

¹ Lumos (2020). [Cracks in the System](#); Lumos (to be published), 'Where vulnerability meets exploitation: the links between children's institutions and child trafficking' A global thematic review.

² For more information on the panellists see the Annex.

³ European Parliament (2020). [Report on the implementation of Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting its victims.](#)



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ANNEX: Panellists at Lumos' Panel Discussion on 27 October 2021

Parosha Chandran (Professor Modern Slavery Law)



Parosha Chandran is a Professor of Practice in Modern Slavery Law in The Dickson Poon School of Law, King's College London. She is a human rights barrister (One Pump Court), a specialist in modern slavery law and a world-leading expert on the law relating to human trafficking for the United Nations, the Council of Europe and the OSCE). She represents adult and child victims of modern slavery and human trafficking. Parosha has contributed to core international legal guidance on trafficking, provides judicial and legal training and has advised on domestic and international legislation including the Modern Slavery Act 2015. She has received many honours for her work including the Trafficking in Persons Hero Award 2015. She is also Senior Legal Advisor to the UK Parliament's Modern Slavery Project.

Juan Fernando López Aguilar (Member of the European Parliament)



JUAN FERNANDO LOPEZ AGUILAR is a Senior Spanish MEP for the Socialist and Democrats Group. He is the Chair of the Committee on Civil Liberties, Justice and Home Affairs. He is a member of the Spanish Socialist Party and served as Minister of Justice between 2004 and 2007. In addition, Mr López Aguilar is a Professor of Constitutional Law at the University of Las Palmas de Gran Canaria, and an expert in comparative law, federalism, fundamental rights and judicial systems. He has authored 15 books in constitutional law as well as multiple articles, essays and scientific collaborations.

Soraya Rodríguez Ramos (Member of the European Parliament)



Soraya Rodríguez Ramos is a Spanish politician and lawyer, currently a Member of the European Parliament in the Renew Group. She was Director of the Women's Centre in Valladolid city council and a lawyer in the first shelter centre for victims of abuse in her region, Castilla y León. Currently, at the European Parliament as part of the Renew Europe group, she carries out intense work as the Human Rights Spokesperson for the European Liberal Group, as well as defending equality and women's rights as a member of the Committee of Women's Right and Gender Equality. She was the co-rapporteur, together with Juan Fernando López Aguilar, of the European Parliament's report on the implementation of the Anti-Trafficking Directive on preventing and combating trafficking in human beings and protecting its victims.

Ivanka Kotorova (National Member for Bulgaria at Eurojust)



Mrs. Ivanka Kotorova was appointed National Member for Bulgaria at Eurojust for a four-year period in February 2018. Prior to her appointment, Ms. Kotorova was holding the position of Deputy to the National Member for Bulgaria. Mrs. Kotorova has 30 years' direct experience as a public prosecutor at all possible levels of Bulgarian Prosecution Office service, and was the Head of the International Department at the Supreme Cassation Prosecution Office in Sofia, Bulgaria. Mrs. Kotorova holds Masters' Degrees in Law, International Trade Relations and European Law. She was the first Bulgarian prosecutor to be appointed as a Contact Point for the European Judicial Network in criminal matters (EJN). Over the last 15 years, Mrs. Kotorova has also been instrumental in training Bulgarian judges, investigators, police officers and prosecutors on the principles and practice of International Legal Cooperation. Mrs. Kotorova is published author of several law-related books, articles and professional guidelines with the most recent one of them published in 2019.

Gabriëlle op 't Hoog (Consultant, Ecorys)



As a research consultant at Ecorys, Gabriëlle works on policy research- and evaluation in the domain of security and justice. She focuses on topics related to (organised) crime, amongst which the fight against child sexual abuse. She recently researched the size and nature of Dutch 'voluntourism' to residential care facilities for children on behalf of the Dutch Ministry of Foreign Affairs and is currently involved in a study on traveling sex offenders and potential measures to curb those movements. Gabriëlle holds Masters degrees in International Relations and Crisis and Security Management.