



# Thematic Meeting on Trafficking and Smuggling of People, focusing on Unaccompanied Minors

Luxor, Egypt

8<sup>th</sup> - 9<sup>th</sup> November 2017

## Luxor Conclusions

Egypt hosted a “Thematic Meeting on Trafficking and Smuggling of People, focusing on Unaccompanied Minors” in Luxor on 8<sup>th</sup> – 9<sup>th</sup> November 2017. The meeting was jointly chaired by the respective Chairs of the AU-Horn of Africa Initiative, the Khartoum Process, and the Rabat Process and addressed the matters of smuggling of migrants (hereinafter referred as SoM) and trafficking in human beings (hereinafter referred as THB), focusing particularly on unaccompanied children.

### Technical Conclusions Relevant to all Thematic Elements

- **The best interests of the child** should be taken into account when protecting children in the context of THB and SoM, in line with the African Charter on the Rights and Welfare of the Child, the EU Charter of Fundamental Rights, and with the UN Convention on the Rights of the Child.
- Importance should be given to the **most vulnerable migrants**, such as unaccompanied children, and this should be done by bringing practical results and finding practical synergies among all stakeholders.

### Session I. Child Trafficking Prevention: knowledge and information sharing

UNODC and Europol contributed to this session with presentations on anti-trafficking data and information; representatives from Nigeria and Spain presented national case studies:

- **The UNODC Knowledge Portals on THB and SoM** are useful tools, which grant public access to court decisions, summaries and THB/SoM cases from around the world. The Portals facilitate the dissemination of information regarding the implementation of the UNTOC and its 2 Protocols (on THB and SoM). Their main components are the Case Law and Legislation databases, available in 6 UN languages. **SHERLOC is also a knowledge portal** developed and launched by UNODC in 2012 with the aim to facilitate information gathering and dissemination on the articles of the Convention and the Protocols thereto, as well as 14 crime types, including THB and SoM.
- During the first 3 quarters of 2017, **Europol** conducted 814 new investigations involving 4.258 victims and 5.722 suspects. While THB within the EU remains a key threat, **traditional trafficking flow** from Eastern to Western Europe has been **replaced** by multiple and diverse flows from all over the EU and beyond. The migration crisis has resulted in an increase in the number of potential victims of trafficking.
- **A growing number of vulnerable migrants** in the EU are likely to be targeted by traffickers. The number of **unaccompanied children** present in the EU has also increased significantly in recent years as a result of the migration crisis. This group is **very vulnerable to all types of exploitation**, but the actual number of unaccompanied children who may be at risk of THB in the EU remains a big intelligence gap.



- **Children are not easily identifiable as THB victims**, but even when they are, they can be easily coerced and manipulated in many different ways. Furthermore, **they are afraid to report themselves as victims** because they fear deportation or may have been forced into criminality by traffickers and will try to avoid detection by law enforcement; this prevents them from receiving protection and support and enables traffickers to remain anonymous and unpunished.
- **Nigeria is a source, transit and destination country** for trafficked children. Victims are often conscripted into becoming child soldiers for insurgent groups, used for forced labour or involuntary domestic servitude, street vending and begging. **The country has made progress in the prevention of child trafficking** through agencies such as the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), Nigeria Immigration Service, and National Commission for Refugees Migrants and Internally Displaced Persons, with over 1000 convictions of traffickers since the establishment of NAPTIP in 2003. Furthermore, Nigeria has continued **to call on the EU MS to promote legal migration** through circular migration, reverse migration, scholarship awards and capacity building of border management agencies as well as measures towards addressing the root causes of migration.
- **Immigrants are now arriving in Spain on pateras** (fishing boats), with a 130% increase in 2017 that saw 14.000 new arrivals, 10.000 of which from the Moroccan coast, with a majority of Moroccan nationality. Almeria, Granada, and Cadiz are the main cities where these migrants arrive. **In 2016, a total of 3.997 children** were registered in the Unaccompanied Foreign Minors Registry under protection of the Autonomous Communities, **while in 2017 the number increased to a total of 5.785 children**. Out of these, **64 children were identified as actual victims of trafficking** in 2016 and 2017.

## Session II. Smuggling of Unaccompanied Minors: international and national counter responses and strategies

During this session, **FRONTEX** presented risk factors faced by unaccompanied children and related mitigation strategies; representatives from **Italy** and **Egypt** presented national case studies:

- **The number of vulnerable people arriving by boat is increasing, mostly women and children**. Most children are in the age group 15-17 years old. There are no Standard Operating Procedures, however the EU border guards are aware of situations of risks for children.
- **FRONTEX** makes use of the **VEGA Handbook** to improve the detection and disruption of criminal organisations involved in THB and SoM at air borders.
- Child smuggling is also addressed by a **FRONTEX Trainer's Manual for border guards**; the topic is incorporated as a separate section into the training modules of 'awareness', 'identification' and 'interviewing'.
- In **Italy**, the central government reached an agreement with Italian regions to share responsibilities and to agree on a coordinated approach on child protection. The main principle of child protection in Italy is that all **protection measures granted to Italian children are also extended to foreign children**. Another important principle applied is the **non-refoulement**. Children cannot be returned and authorities have the obligation to take unaccompanied children in charge.
- **Last year there was a peak of over 25.000 unaccompanied children arriving in Italy**, with Egypt being one of the main countries of origin. It has to be noted that children seeking asylum in Italy are just a small percentage of those children under protection. The **protection granted to children is indeed wide and comprehensive** and therefore they don't feel the need to apply for asylum. Protection granted includes: the right to be heard and legally assisted, to have a guardian appointed, to be accommodated in a safe place, to be issued a residence permit, not to be discriminated, to have

access to health care and education and to work in compliance with child labour rules.

- In **Egypt**, a comprehensive **legal framework** to address the issues related to smuggling and trafficking is in place, with the relevant articles of the Constitution, the Egyptian Child Law 12/1996 and its amendment (Law 126/2008), the Law Combating Human Trafficking (Law No. 64/2010), the Law Combating Irregular Migration (Law No.82/2016) referring specifically to children. A National Strategy for Combatting Illegal Migration 2016-2026, with an Action plan for 2016-2018, adopted in October 2016, allots special attention to the unaccompanied migrant children (UMCs).
- The **implementation** of the relevant legal provisions involves a collective work of 18 **Egyptian** Ministries and national entities, in collaboration with the NGOs, under the umbrella of the National Coordination Committee for Combatting Illegal Migration and Trafficking in Persons (NCCPIM&TIP), established in January 2017. Furthermore, a cooperation mechanism between the National Council for Childhood and Motherhood (NCCM) and the Egyptian Ministry of Foreign Affairs is in place, which assists in managing voluntary and safe return of the UMCs, the monitoring of the reintegration process, and the evaluation of the impact of the return program.
- A **study** conducted in 2016 in 11 Egyptian governorates under the auspices of the NCCPIM&TIP and executed by the National Centre for social and criminological research identified some key characteristics of the UMC group, namely: the majority comes from the northern part of the country, is between the age of 16 and 18, is predominantly male, and has received some form of education. The drivers of the movements represent a combination of push and pull factors, including economic necessity, legal considerations, expectations of the family members/peers, and personal motivation to seek access to better and wider range of services, amongst others.
- To make sure that immediate protection is granted to children, **early identification is crucial, as well as the age assessment**, which, in case no certainty can be reached, should **accord the individual the benefit of the doubt** such that if there is a possibility that the individual is a child, s/he should be treated as such.

### **Session III. Child protection in the Context of Trafficking and Smuggling**

During this session representatives of the **UNHCR** and the **UNICEF** presented the key challenges and priorities for action in protecting unaccompanied children:

- **The number of children on the move is unprecedented** and the protection issues that they face require urgent action. UNICEF's 2016 Report "Uprooted" estimates that **65 million children around the world are on the move** and UNHCR's own data shows that children constituted **more than half (51%) of the total refugee population in 2016** (31% of the global population is children), with the number of unaccompanied and separated children also at record levels.
- Women and children face additional **risks** of becoming victims of trafficking and sexual exploitation and abuse during the transit and while on the move.
- Policies and Programmes for Children on the Move should be guided by the overarching principle that **children on the move are "children first"**. As children, they are entitled to specific rights, protection and assistance under the Convention on the Rights of the Child, and **their best interests should be a primary consideration**.
- **The lack of child protection systems along migration routes** calls for a comprehensive response to ensure their safety and protection. States are primarily responsible for the protection of children: they need to establish and implement child protection systems in accordance with their international obligations, regardless of nationality and legal status or lack thereof in the case of stateless children.

- **The challenging journeys of children on the move include the following patterns:**
  - Violence, abuse, exploitation, trafficking, and discrimination;
  - Risk of harm, injury and death, especially on the central Mediterranean route;
  - Atrocious conditions in Libya;
  - Children from sub-Saharan Africa are at even greater risk of abuse and exploitation due to widespread xenophobia and racism.
- **Key UNHCR recommendations to States:**
  - Ending childhood statelessness and ensuring documentation for all children;
  - Facilitating family reunification in a timely manner for today's refugee children;
  - Ensuring access to education and learning opportunities for children on the move;
  - Ensuring that national child protection systems are inclusive of all children on the territory of a State regardless of status or nationality;
  - Recognizing the value of the participation of children in decision-making;
  - Best interests' assessments should take place immediately upon identification;
  - Guardians should be appointed at the point of arrival/identification without delay or precondition.

#### **Session IV. Break-out Sessions and Round Table Discussion**

Three separate working groups had the opportunity to separately discuss different topics for circa one hour:

##### 1. Working group 1: Child trafficking prevention – key points discussed

- Lack of alternatives and opportunities in the countries of origin contribute to the vulnerability of children and act as push factors, to the extent that smugglers and traffickers are not seen negatively, but rather as “the only solution” and, in some cases, are even protected by the victims themselves;
- Due to the continues attacks in Somalia, and the related impact on children, the same families, out of desperation, would put them in the hands of traffickers thinking that this is the only possibility they can give them to live better lives;
- Children are, in some cases, being recruited directly in the schools;
- Long and porous borders, which are difficult to control, also represent challenges to detect THB and SoM;
- In terms of **possible way forward and recommendations, the group highlighted: vocational training as an alternative to migration; working on anti THB in schools; raising awareness with the public on the risks of SoM and THB, especially for children, tailoring efforts according to the cultural context; building the capacity of stakeholders; peer-to-peer campaigning; establishing coordination mechanisms at national level; addressing demand in countries of destination.**

##### 2. Working group 2: Smuggling of Unaccompanied Minors – key points discussed

- The increasing number of unaccompanied children calls for more attention to the specific matters ranging from protection to integration;
- There is a need to acknowledge different challenges between the countries of destination, transit and origin, and to develop targeted responses addressing specific needs of unaccompanied children;
- While legal and institutional frameworks are in place, there is still a need to further implement them and to streamline processes;

- In terms of key priorities and strategies, the group recommended to: **improve cooperation at all level of responsibilities; understand the root causes and drivers; develop integration pathways; develop initiatives addressing poverty and lack of opportunities; call for donors to understand evidence-based responses; capitalise on existing good practice of bilateral/multilateral cooperation; create a transnational mechanism to share information; design tailor-made preventive measures to address basic needs of vulnerable populations.**
3. Working group 3: Child Protection in the Context of Trafficking and Smuggling – key points discussed
- **Lack of reliable data** for unaccompanied and separated children in and out of some countries (such as Somalia and Uganda);
  - It is **important to meet the psycho-social needs** of unaccompanied children;
  - There is a clear need **to improve border management capacity** in the whole region covered by the IGAD, including those officers in charge with mitigating migration risks;
  - Because of the lack of child protection, in the absence of guardians, an **efficient referral system** should be developed, building upon strong community based protection/guardianship;
  - Absence of relevant documentation is a major **obstacle for age determination** and family reunion.

### **Session V. Presentation of the JVAP Database and the Global Compact on Migration**

During this session **ICMPD** introduced the pilot version of the Joint Valletta Action Plan (JVAP) Monitoring and Reporting Database, currently administered by ICMPD, while IOM provided an overview of the Global Compact for Safe, Orderly regular Migration (GCM):

- **The added value of the JVAP Database** for each user is to receive the most updated information available on the on-going JVAP implementation in the form of quantitative reports sorted by geographic, thematic and financial scope, automatically and directly by email.
- **Focal points of the Rabat and the Khartoum Processes are highly encouraged to proactively enter and add information into the JVAP Database** on actions currently funded or implemented by their respective countries. In the long term, this will enhance transparency on political decisions and their implementation, ownership of the Valletta process by its stakeholders, and common understanding due to the availability of a comprehensive, fact-based analysis.
- **The GCM identifies areas of actions to which States will commit to in improving migration governance**, addressing all aspects of migration, from development to enforcement and security. It includes principles, commitments and understandings striking a balance between the perspectives of countries of origin, transit and destination.
- **The GCM represents an historic opportunity for the international community** to move away from reactive approaches to migration governance and identify concrete measures, encouraging beneficial action for both migrants and States (increased regular migration channels, family reunification, cooperation on return together with stronger measures to counter racism, xenophobia, THB and SoM).

## **Final thematic recommendations**

- **Prevention:** a series of preventive measures were proposed and discussed during the meeting. These include: vocational training as an alternative to migration; working on anti-trafficking in schools; raising awareness on the risks of SoM and THB and their connections with criminality, especially for children, tailoring efforts according to the cultural context; peer-to-peer campaigning; improving documentation and ensuring birth registration for all children; addressing 'demand' in countries of destination.
- **Capacity building:** regular and coordinated training should be delivered aimed at specific practitioners and expanded between countries and agencies. These should include training modules to assist border police in identifying and differentiate between trafficked and smuggled people, 'interviewing techniques' during investigations, and the treatment of (potential) victims of trafficking. An overarching component on 'children' should be included in training curricula so that border guards are equipped to address cases involving accompanied and unaccompanied children. It is also important to understand if and who is accompanying children across the borders, especially when there are grounds for suspecting that they may have been unlawfully removed from the custody of the person(s) legally exercising parental care over them.
- **Protection:** ensuring that national child protection systems are inclusive of all children on the territory of a State, regardless of their status or nationality; facilitating family reunification in a timely manner; best interest's assessments should take place immediately upon identification; guardians should be appointed at the point of arrival/identification without delay or precondition.
- **Coordination:** establish coordination mechanisms at national level and developing referral systems building upon existing community-based protection measures; improve cooperation at all level of responsibilities; capitalise on existing good practice of bilateral/multilateral cooperation; further develop transnational mechanisms to share information.