**Contribution by OSRSG-CAAC to the report on the non-punishment principle by the UN Special Rapporteur on Trafficking in Persons, especially women and children**

**Trafficking**

*Elements from the Report of the Secretary General on trafficking in persons in armed conflict pursuant to Security Council resolution 2388 (2017)* :

Armed conflict has an impact on the lives of children and makes them vulnerable to trafficking in persons and other forms of exploitation. Trafficking in persons is closely linked to the six grave violations affecting children in situations of armed conflict. In this context, the recruitment and use of children nearly always constitutes trafficking, as the two required elements of the offence of trafficking in persons that affect children, namely the action (recruitment) and purpose (exploitation), are intrinsic elements of this grave violation. Rape and other forms of sexual violence are also clearly linked to trafficking, as armed groups often traffic children for sexual purposes and sometimes to financially sustain their activities. Abduction can also amount to trafficking when it occurs for exploitative purposes, as is often the case in conflict situations. The Security Council, in its resolution 2427 (2018), recognized the links between abductions, recruitment and trafficking in persons and encouraged relevant parts of the United Nations System, within their respective mandates, to work to address this issue.

While these grave violations have a clear and direct link to trafficking in persons, other grave violations are linked in less intuitive ways. For example, attacks on schools and hospitals can be used to abduct children, but these violations can also make children more vulnerable to additional abuses and violations. Destroying schools and hospitals and preventing educational opportunities leaves children more vulnerable to trafficking, as they will be forced to seek education, care or even employment elsewhere. Moreover, the denial of humanitarian access may also leave children more vulnerable to trafficking as they are forced to find ways to leave areas where insufficient aid is getting through.

Unaccompanied children forcibly displaced by armed conflict are particularly vulnerable to traffickers and to being recruited and used.

Given the close link between grave violations against children, such as abduction, recruitment and sexual violence, and trafficking in persons, measures taken to address the six grave violations affecting children in situations of armed conflict often have a preventative effect on trafficking of children. The Special Representative on Children and Armed Conflict plays a key role in the drafting, signing and implementation of action plans for government forces and armed groups aimed at ending and preventing these grave violations. Action plans can also serve as tools to address the trafficking of boys and girls for specific exploitative purposes.

**The deprivation of liberty of children owing to their actual or alleged association with armed groups**

The deprivation of liberty of children owing to their actual or alleged association with armed groups is a concern in nearly all country situations covered by the Special Representative’s mandate. It is particularly worrisome that the number of children arrested and detained in the context of counter-terrorism operations has increased significantly. In such contexts, but also in more traditional conflict settings, children are no longer seen as victims but are treated as security threats. In many cases, they are either held under the authority of military actors or are handed over to national security agencies that deprive them of their liberty for long periods. Children associated with parties to conflict should be treated as victims and handed over to child protection actors. In circumstances in which children are accused of a crime, any legal process should be conducted in compliance with due process and juvenile justice standards. Accordingly, the detention of children should always be a last resort, for the shortest time possible and guided by the best interests of the child. Those principles apply to any form of deprivation of liberty, be it detention under security charges, administrative detention or deprivation of liberty for the child’s own protection or rehabilitation.

In order to ensure the adequate treatment of children separated from armed groups, the Special Representative for Children and Armed conflict together with partners on the ground are regularly advocating with the Member States concerned to sign with the United Nations standard operating procedures for the handover of children to civilian child protection actors.