Dear Ms. Mama Fatima Singhateh:

Congratulations on your appointment as Special Rapporteur on the Sale and Sexual Exploitation of Children. I am pleased to submit input for your forthcoming thematic reports to the United Nations Human Rights Council on how the COVID-19 pandemic threatens to further erode the situation of children most vulnerable to sale and sexual exploitation, and exacerbates the impact of the ongoing denial of their enjoyment of human rights.

As Covid-19 spreads across the globe, scarce resources in low-income countries suggest that enhanced implementation of prevention strategies is urgently needed in order to ensure the fulfillment of human rights. I note, however, that there is also a plethora of international and regional mandates and guidelines currently in existence (cf. Rafferty, 2019), and I sincerely hope that you will take meaningful measures to ensure the implementation and enforcement of existing mandates, and the sharing of promising international and regional guidelines.

My recommendations presented here are based on my long history of research and policy advocacy pertaining to the identification, recovery and reintegration of victims of child trafficking. I am attaching my recent article from the Journal of Human Trafficking (*The Identification, Recovery and Reintegration of Victims of Child Trafficking within ASEAN: An Exploratory Study of Knowledge Gaps and Emerging Challenges*).[[1]](#footnote-1) In addition, specific citations for my other recent publications are presented below and I would be delighted to forward them to you upon request.[[2]](#footnote-2) I sincerely hope that my research findings and the recommendations presented here are helpful to you as you work to develop and implement effective strategies to protect this vulnerable population, ensure their human rights, and stop this crime against children. I highlight below my recommendations for essential strategies and protection measures to address the ongoing challenges to: (1) the identification of victims; and (2) the successful recovery and reintegration of victims.

1. **ONGOING CHALLENGES TO IDENTIFICATION OF VICTIMS**

The UN-OHCHR *“Recommended Principles and Guidelines on Human Rights and Human Trafficking”* (Robinson, 2002[[3]](#footnote-3)), identify a range of steps, including the use of guidelines and procedures, to facilitate timely and appropriate identification; they also highlight the importance of providing relevant personnel with suitable training to ensure that identification takes place. Additional guidance pertaining to the identification of children is provided by UNICEF (2006[[4]](#footnote-4)), including the participation of multidisciplinary teams, interviewers with effective communication skills, and the use of appropriate interview techniques. Research on the identification of victims of child trafficking for commercial sexual exploitation (and other areas), however, indicates that the majority of victims are not formally identified and that the process of victim identification is sorely in need of improvement (Rafferty, 2019).

Some of the situational challenges that have been identified in the research literature include:

1. The clandestine nature of the crime;
2. The fact that it is a criminal activity and lawmakers and public officials find it difficult to acknowledge the magnitude of the problem;
3. Noncompliance with human-rights mandates;
4. Uncoordinated data collection and statistics ridden with methodological problems, making it hard to evaluate the validity and reliability of available data;
5. The lack of a precise, consistent, unambiguous and standard operating definitions as to what constitutes the act of trafficking, trafficker, trafficked person and child;
6. Little recognition that boys can be victims of commercial sexual exploitation and other areas of child trafficking; and
7. Psychological challenges including, trauma bond and its impact on children’s ability to seek help, fear of retaliation/lack of trust, linguistic and other barriers confronting migrants, and inhibition by shame/stigma (cf. Rafferty, 2013a; 2013b; 2016; 2018; 2019).

My most recent investigation, conducted as a Fulbright Scholar in Southeast Asia (Cambodia, Laos, Thailand) under the ASEAN Studies Research Program, involved qualitative interviews with 248 key informants from United Nations and government agencies, and international and domestic non-governmental organizations (NGOs*).* I highlight some of the key issues and recommendations provided by my key informants (cf. Rafferty, 2019).

(1) There is limited focus on those who are trafficked for reasons other than commercial sexual exploitation (e.g., labour exploitation in unregulated factories, casinos, restaurants, hotels, private households; unregulated commercial surrogacy; forced marriage).

(3) Expand recognition of risk factors to include unsafe migration. Recent research by Rafferty (2019) identified unsafe migration as the major factor for child trafficking within ASEAN: *“Key informants reported that the major risk factor for child trafficking is now within the context of unsafe migration. Potential victims include those of legal working age who are ‘voluntarily’ fleeing social and economic conditions in communities characterized by dire poverty.”*

(4) There is a need for greater recognition that some victims do not wish to be identified for reasons that are related to poverty and the economic needs of their family. These young victims report the lack of viable alternative income-generating activities in their home communities, financial, or other obligations at home, the need to earn money to pay back debts, or that they had not saved sufficient money. **As noted by Rafferty (2019*)*,** some participants expressed apprehension pertaining to the identification of those who neither perceive themselves as being a victim, or to have experienced exploitation**: *“****Discussions with participants regarding concepts such as “exploitation” and “victim” often focused on the lack of alternative options to make an income in areas characterized by extreme poverty, the question of choice when there is no choice, and how these real-life scenarios serve as the main drivers for decisions that are made.”* Compounding the lack of alternative options in high-risk settings, is the concept of Filial Piety affecting many girls. The term “filial piety” is used throughout Asia to refer to a strong cultural value of respect, obedience, and gratitude toward one’s parents, and the expectancy that children are obliged to support and assist their families.

(5) The emerging forms of cyber-based sexual violence are all too often overlooked. **Since much of the buying and selling of victims of child trafficking is now conducted online, greater attention must be paid to the role of technology in the recruitment of victims of child trafficking for commercial sexual exploitation. As noted by Rafferty (2019), for example, *“****Key informants highlighted the need for greater attention to identify those engaged in emerging forms of cyber-based sexual violence, whereby children are involved with pornographic acts that are distributed online, as well as being exploited via live streaming.”* Key informants further noted that although some victims may be trafficked for this purpose *in “sex webcam centers,”* some young people sell themselves performing sexual acts on the dark web via mainstream apps (they make the video live and upload it to the web or make oneself available via live streaming), without the intervention of a trafficker or pimp, and obtain payment via bartering or bitcoin.”

(6) Lack of attention by governments to exploitation of children in Special and Specific Economic Zones. **Some children are** subject to sex trafficking and other forms of forced labor in factories, hotels, and casinos within Special or Specific Economic Zones. As noted by Rafferty (2019), key informants cautioned that these establishments, designed to meet the demand of migrant workers and Asian tourists, and purported to have been launched with assistance from some corrupt government officials, offer restricted access, limited oversight, and are exempt from the jurisdiction of local laws. In northern Laos, for example, the Kings Romans Group (a crime network) holds a 99-year lease on approximately 25,000 acres, where casinos and hotels were established, and has been accused of engaging in a variety of illicit activities, including the trafficking of humans, wildlife, and drugs, as well as commercial sexual exploitation of children, money laundering, and bribery.

(7) Implement prevention activities that focus on the role of community risk factors. **Victims of child trafficking are adversely impacted by the adverse impact of economic and public policies that limit their livelihood options and basic living standards, social structures that limit their access to key resources (e.g., economic, land, political, educational, information and knowledge), as well as pervasiveness of patriarchal gender roles, that limit the sustainable livelihood options and basic living standards for women and girls. Sadly, these community risk factors are often overlooked.** In addition, Rafferty (2013b) describes how the “*Spectrum of Prevention*” provides a viable theoretical framework to guide the development and implementation of preventing human trafficking.

1. **ONGOING CHALLENGES TO SUCCESSFUL RECOVERY AND REINTEGRATION**

Guidance on support for survivors is also available. The UN-OHCHR Principles and Guidelines (Robinson, 2002), for example, requests that victims are *“provided with the assistance and support necessary to ensure their well-being, facilitate their social reintegration and prevent re-trafficking,”* and outlines measures that *“should also be taken to ensure the provision of appropriate physical and psychological health care, housing and educational and employment services for returned trafficking victims”* (Guideline 6.8). Guideline 8 also recognizes the potential for physical, psychological, and psychosocial harm, and outlines special measures for the protection and support of children. Clarification of what is meant by *“appropriate assistance and protection”* is provided by UN-OHCHR (2014[[5]](#footnote-5)).

*Appropriate assistance and protection would include the provision of immediate support, such as security, food and safe shelter. It would also include healthcare, counseling and social services delivered by trained professionals. The services should be appropriate for the child’s age and any special needs, as well as for the child’s sex, ethnic or cultural identity.* (p. 21)

The UN-OHCHR (2014) also states that children should never be criminalized, placed in a law enforcement detention facility, or coerced into receiving care and protection, unless it can be demonstrated that this is in their best interests. Further, it states that children should be provided with information about their situation and entitlements, that their views should be respected, that care and support should be made available as a right, and that it should be ensured that the child’s best interests remain the paramount consideration in all actions. Various provisions of the CRC (UN, 1989) also recognize the need to protect child victims of trafficking, although the range of services to be provided to children who are in need of psychosocial recovery is not specifically described. Despite years of promises, however, child survivors rarely receive the psychosocial services that are outlined in international and regional guidelines. Safe and sustainable reintegration efforts often insufficiently address issues related to social inclusion, economic empowerment, and access to viable job opportunities to enable victims to reestablish their lives and prevent re-trafficking. The following section outlines three of the major findings from my research on these topics.

(1) Psychosocial services are rarely available and the quality of those that are available is often poor. Children who have been trafficked for commercial sexual exploitation are in need of vital support services due to their risk of both adverse health outcomes, including pregnancy and reproductive health issues, and contracting sexually transmitted diseases, including HIV, as well as mental health outcomes (e.g., depression, PTSD, etc.). However, as noted by Rafferty (2018), there is a dire need to expand availability as well as to enhance the overall quality of services that are available, including (a) promote competence and resilience through education and life skills, (b) implement strategies to ensure safe migration (cf. Rafferty, 2013a).

(2) Children’s mental health needs are often overlooked. Although access to physical health care is often problematic, access to mental health care is particularly in need of improvement (and particularly for those with “severe” mental health problems, or those requiring long-term care). Rafferty (2018), for example, reports that access to mental health services for victims of trafficking was often described by key informants as being scarce, inferior in quality, and inadequate to address prevailing needs and repair the psychological damage caused by trafficking. Two of the key challenges to the provision of timely and appropriate mental health care included: (a) inadequate financial resources provided by governments for psychosocial recovery of victims; and (b) inadequate human resources, such as training in both counseling and psychological support for providers of mental health services. In addition to access barriers, Rafferty (2019) also recommends enhanced implementation of the essential components of promising program practices to address mental health needs: (a) trauma informed care, (b) culturally relevant mental health services, (c) incorporate alternatives to traditional therapy, (d) offer comprehensive services and collaborative care, (e) ensure comprehensive case management, (f) individualized care that recognizes a hierarchy of needs, and (g) include mental health assessments to guide the delivery of services.

(3) Address the need for community-based care. In some cases, victims obtain psychosocial recovery services in shelters. Rafferty (2019 and 2018), however, describes some concerns raised by key informants pertaining to shelter-based care (e.g., restrictive shelter policies, detention against one’s will, inadequate quality and services, abuse by staff and outside others). Participants often reported that community-based care may be superior to shelter-based care in many cases, although they cautioned that structural vulnerabilities within high-risk settings often posed a serious threat to safe and sustainable reintegration (e.g., dire poverty, paucity of resources, a lack of viable job and economic opportunities, complicity and corruption among government officials, and gender inequities).

If you have any questions or comments, or require additional information on my research, please do not hesitate to contact me.

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1. \*Rafferty, Y. (2019).The identification, recovery and reintegration of victims of child trafficking within ASEAN: An Exploratory Study of Knowledge Gaps and Emerging Challenges*.* *Journal of Human Trafficking*. DOI: [10.1080/23322705.2019.1689476](https://doi.org/10.1080/23322705.2019.1689476) [↑](#footnote-ref-1)
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5. UN-OHCHR: United Nations Office of the High Commission for Human Rights. (2014). Human rights and human trafficking: Fact sheet 36. New York and Geneva, Author. [↑](#footnote-ref-5)