

**“PREVENTING AND PROTECTING REFUGEE CHILDREN FROM
TRAFFICKING: A PARADIGM SHIFT UNDER R2P PRINCIPLE?”**

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RISK OF TRAFFICKING FOR REFUGEE CHILDREN

- ❖ 2016, UNICEF -28 million of children displaced due to conflict and violence.
- ❖ 2017 UNHCR - app. 13 million refugee children in the world
- ❖ 2018 ???
- ❖ **High probability that refugee children could be exposed to the danger of a form of human trafficking**

Trafficking may amount to a crime against humanity

❖ Article 7, para 1 (c) & (g) + para 2 (c) , ICC Statute proscribes crimes against humanity of

a) enslavement, b) sexual slavery, and c) forced prostitution

"Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in... children

CRIMES AGAINST HUMANITY

- ❖ Committed as part of a wide spread or a systematic attack
- ❖ Can occur even during times of peace (serious levels of political instability, threats to the security of the country or even volatility in economic or social affairs)
- ❖ Crimes against humanity can be committed also by non-state actors in pursuance of a policy
- ❖ Civilian population

Definition of trafficking in person

❖ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children

Elements of crime when children are victims of trafficking

1. The **acts** - the recruitment, transportation, transfer, harbouring or receipt of persons.
2. The **purpose** - the exploitation, shall include at minimum, of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

R2P and crimes against humanity

- ❖ Crimes against humanity trigger state and collective responsibility under the R2P principle
- ❖ Acts when refugee children are recruited, transported, harboured, transferred or received with the aim to be exploited (e.g., sexual slavery, child soldiers, forced marriages/prostitution) and when these acts are part of a policy or a wide-spread attack even of actors who are not internationally recognized **can amount to crimes against humanity**

Can R2P be invoked to prevent trafficking in refugee children?

❖ A responsibility for the States and the international community to prevent trafficking in refugee children:

1. on their own territories

2. in a State in whose territory trafficking in refugee children occurs, or there is a risk of occurring when this State fails to execute its obligations

Caveat: R2P principle must work in synergy with the enforcement of other anti-trafficking obligations

Advantages of R2P principle

- ❖ **A potential to mobilize States to individually and collectively engage in efforts to protect refugee children who are identified as being at risk of trafficking**
- ❖ **Its early warning tool could be used to alert the UN Member States about the risk of human trafficking in refugee children, and thus provide the necessary support to individual States, or undertake collective measures to prevent trafficking in refugee children, should the State in question fall short of its commitments, despite the support of the IC**

THANK YOU FOR YOUR ATTENTION!

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