In need of targeted support

The role of Barnahus in identification and investigation of child trafficking and the support and assistance provided to victims

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Executive Summary

This report focuses on whether Barnahus, or Barnahus like services, currently do or might play a role both in enhancing the identification, support and assistance provided to children who may have been trafficked and in supporting criminal investigations into cases of child trafficking. The orientations and recommendations for future action arise out of findings from a short study and consultations with key experts in six countries in the region. In particular, the study notes:

- Identification of trafficked children is challenging, currently limited and requires further action across the region. Significant difficulties arise in criminal investigations in such cases, including in terms of achieving disclosures by children and ensuring procedural safeguards are in place during the criminal proceedings.

- Trafficked children’s access to services and assistance may also be hampered by the difficulties experienced in coordinating child protection and criminal justice proceedings, as well as migration-related proceedings in cases involving children from other countries.

- Recent conferences have explored how digital technology appears to be playing a role in an increasing number of cases of sexual and other exploitation, including through on-line recruitment by traffickers posing as individuals or potential employers. However, digital technology also holds the potential to play a significant role in combating trafficking.

- While currently experience in Barnahus in relation to trafficking cases is generally limited, it appears that children who have been sexually exploited through trafficking are likely to fall into the target group of many Barnahus, with the potential for other forms of exploitation of children through trafficking also to be covered in some Barnahus.

- The inter-agency, child-centred Barnahus model has features which would likely significantly assist in such cases, including the use of digital technology to fulfil the procedural safeguards required by EU law. This includes reducing secondary traumatisation and re-victimisation, through limiting the number of interviews for a child and avoiding contact with the offenders. Barnahus practice also has important potential to strengthen the child’s access to support and assistance.

- Barnahus procedures may require adaptations to ensure they have both the specialist knowledge and tools, such as adapted interview protocols, to be used effectively in cases of child trafficking. In any event, Barnahus staff should be equipped better to recognise indicators of child trafficking and to ensure that children in their current caseload who have been trafficked - or at risk of being trafficked - can be identified.

- Within the Barnahus, existing inter-agency cooperation should extend to the actors involved with trafficked children, including specialised trafficking law enforcement teams or organisations working with trafficked children,

- Moreover, to operate effectively in such cases, Barnahus should be integrated into a broader system of inter-agency cooperation, including any national referral mechanisms for trafficking, whether they are already established or remain to be established.

- Improving the coordination of criminal proceedings and child protection proceedings may require further exploration of improvements to procedures for identifying durable solutions for trafficked children. In some cases this may involve the provision of residence permits. The role and/or timing of steps to be taken in Barnahus proceedings in cases where this arises should be carefully explored in light of relevant national policies.

- There are different opportunities for progress in different countries and a wide range of measures that could be taken incrementally to build capacity in the system. Concerted efforts across the Baltic Sea State region, including through exchange of experience and the development of regional resources, could support individual states to take targeted action, in line with their specific situations, and in line with emerging trends.
1. Introduction

This study was commissioned by the CBSS Children at Risk Unit. The purpose of the study was to explore the role of Barnahus, or practice inspired by the model, in identifying, hearing, and assisting children who may have been trafficked.

The study took into account that children who may have been trafficked were potentially part of the target groups for assistance within Barnahus in several countries and that a number of previous reports1 had recommended that the use of Barnahus be explored in cases of children who may have been trafficked and/or subjected to sexual exploitation.

The study did not intend to carry out an in-depth review of the extent of child trafficking in the Baltic Sea States and the individual state responses to it. Nor was it intended fully to identify all relevant experience on trafficking in different Barnahus in these States. Its findings also mirrored many of the views expressed in the Council of Europe’s conference on Ending Trafficking in Children and Young People: Together towards a future without child trafficking in Europe2 as well as the conference on Child Trafficking in the Digital Era organized by the Council of Baltic Sea States3. In particular, the conferences recognised the need to use digital technology to protect children from their traffickers through enhancing their access to justice, providing prosecutors with additional information and promoting wider awareness of child trafficking. They also commended Barnahus as a safe space which encouraged children in criminal proceedings to have the confidence to disclose details on their abuse and exploitation and enhanced their security by using audio-visual technology and prevented direct contact with their exploiters.

Based on a preliminary analysis of key issues identified by Child Circle and CBSS, the study engaged a variety of professionals from six states with some direct experience of child trafficking and Barnahus services in focus group discussions, individual interviews and surveys. Professionals were invited to reflect on recent experiences and challenges in identifying and responding to the situation of trafficked children in the six states and on the ways in which Barnahus themselves do - or could - include these children in their target group, or how they could provide inspiration for better practices.

As a result, this report sets out reflections on the current state of play, opportunities and obstacles to the use of Barnahus, or Barnahus like practices, for children who may have been trafficked. Where possible, it refers to illustrative examples of experience and good practice. The fact that a practice in one of the six states is mentioned in the report does not mean that similar practices or services were not available in the five other states. Moreover, the report also identifies areas that merit in-depth exploration and, in particular, the need and potential ways in which the migration status of a trafficked child in some cases might be addressed in a Barnahus process (or might affect processes in a Barnahus), in coordination with migration agencies. The report also offers recommendations for future action to explore extending the use of Barnahus, or practice inspired by Barnahus, to improve responses to children who may have been trafficked.

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2 Held on 4 and 5 May 2021
3 Held on 6 May 2021
2. International and European legal framework relating to trafficked children in the criminal justice system in Europe

At the outset, it is helpful to underline the international and European legal framework that establishes obligations for responding to the situation of trafficked children, as well as recent policies which recognise challenges and commit to promote progress in the field.

The legal definition of child trafficking derives from the UN Palermo Protocol[^4] and the requirements to provide appropriate procedures to assist children who may have been trafficked are contained in EU Directive 2011/36/EU[^5] and the 2005 Council of Europe Convention on action against trafficking in human beings. In particular, under EU law, in criminal investigations and proceedings, any interview of a child victim should take place in premises designed or adapted for that purpose[^6] by professionals trained for that purpose[^7] and the number of interviews should be limited.[^8] In addition, any interview may be video recorded and used as evidence in the criminal court proceedings.[^9] States are also required to undertake an individual assessment of each child victim to provide trafficked children with support and assistance and should take necessary action to find a durable solution for them.[^10] Child victims of crime are also entitled to special safeguards under Directive 2012/29/EU.[^11] The 2005 Council of Europe Convention on action against trafficking in human beings provides similar safeguards[^12] and also provides a methodology for the identification of victims of human trafficking.[^13] States who have ratified the United Nations Convention on the Rights of the Child also undertook to protect children from all forms of sexual exploitation and abuse,[^14] child trafficking[^15] and all forms of exploitation.[^16]

From a policy perspective, there are a series of recent EU Strategies that place a firm spotlight on strengthening responses to child victims. The recently published EU Strategy on Combatting Trafficking in Human Beings (2021-2025) notes that cases involving child victims of trafficking require trained officials who are aware of the particular vulnerabilities of child victims and who are well trained on children rights and protection needs during criminal proceedings.[^17] Early identification of victims is recognised as crucial to promptly assist, support and protect victims of trafficking in human beings and enables police and prosecution authorities to better investigate and punish traffickers. Frontline officers, such as border guards,

[^5]: On preventing and combating trafficking in human beings and protecting its victims
[^6]: EU 2011/36/EU Article 15.3(b)
[^7]: EU 2011/36/ED Article 15.3(c)
[^8]: EU 2011/36/EU Article 15.3(e)
[^9]: EU 2011/36/EU Article 15.4
[^10]: EU 2011/36/EU Article 14.1
[^11]: Establishing minimum standards on the rights, support and protection of victims of crime
[^12]: The Convention requires Member States to provide victims with assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders and to provide the necessary translation and interpretation services. It also requires Member States to provide competent authorities to identify victims of human trafficking taking into account the special situation of children.
[^13]: Article 10
[^14]: Article 34, see also the Optional Protocol on the sale of children, child prostitution and child pornography
[^15]: Article 35
[^16]: Article 36
[^17]: See paragraph 4.2
police officers, social workers and inspector services are crucial in this respect and the Commission commits to promoting activities such as gender-sensitive and child-rights based training for professionals likely to come into contact with victims, developing guidelines, toolkits and exchanging best practices among practitioners to improve national structures and cooperation for the identification, assistance and support of victims, including national referral mechanisms.

In a recent study, the European Commission noted that only a few Member States had national referral mechanisms that were specific for child victims of human trafficking but suggested that this may be useful practice.

The EU Strategy on Victims’ Rights (2020-2025) notes that “When it comes to victims who require targeted and integrated support and protection, it is crucial to mention child victims. The Commission will continue to enforce EU rules under the Victims’ Rights Directive specifically aimed at children in line with the general principle that if a victim is a child, the child’s best interests shall be the primary concern.” In addition, the EU Strategy on the rights of the child, published in March 2021, noted that “it will complement, and reinforce where necessary, the actions envisaged under the new EU strategy on combatting trafficking in human beings. The promotion of integrated child protection systems is intrinsically linked to the prevention and protection from violence. With the child at the centre, all relevant authorities and services should work together to protect and support the child, in their best interests. The Commission will further support the establishment of Children’s Houses (Barnahus) in the EU.”

18 See paragraph 5
19 See paragraph 5
20 Study on reviewing the functions of Member States’ National and Transnational Referral Mechanisms (HOME/2018/ISFP/PR/THB/0000 DR0119961ENN.en.pdf)
3. Child trafficking - types and purposes

Child trafficking is defined by the UN Palermo Protocol\(^{21}\) as the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation 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.

According to 2011/36 EU directive if the exploitation involves a child, it is human trafficking even if none of the above mentioned means (recruitment, transportation, transfer, etc.) have been used, means are irrelevant when children are trafficked. (Article 2 of 2011/36 EU directive)

Throughout Europe children are presently being trafficked for the purposes of sexual exploitation and abuse, child or forced marriage and labour and criminal exploitation.\(^{22}\) Only small part of trafficking cases are identified officially. Within these wider categories there may be a variety of forms of abuse and exploitation. Forced marriages may be for the purposes of domestic servitude or to avoid legislation prohibiting marriage below the age of 18. Labour exploitation may also be hidden within what appear to be family-run restaurants or small businesses or by the involvement of job agencies, but according to another study, it can also mean construction works and debt bondage.\(^{23}\)

Children involved in street crime and begging may in fact be controlled by criminal gangs and have been moved from country to country for the purposes of criminal exploitation. It could also be the case that one individual child was being exploited for more than one purpose, for example, both as a beggar and in sexual exploitation.

The fact that some unaccompanied children have travelled into and across Europe to escape persecution, civil war or destitution, masks the fact that organised criminal gangs may have used migration flows to the benefit of their child trafficking operations and that children who may have paid people smugglers to escape from their country of origin may then be trafficked once they run out of money. “Crime opportunities in the context of the migration routes are in many cases intertwined with the need for migrant smuggling services among people on the move, and with the range of illicit activities of people engaged in migrant smuggling, the increasingly restrictive policy context and the fluidity between the categories of smuggled migrant, smuggler, trafficked person and trafficker”.\(^{24}\)

Unaccompanied children, who are refused asylum and disappear, are also very vulnerable to being trafficked within Europe, as are children from vulnerable ethnic groups within Europe, such as the Roma. In the latter group some of the children may also be accompanied and/or exploited by a family member. Age, gender, immigration status, access to appropriate services in transit and destination states and trauma experienced during migration also render unaccompanied children to more vulnerable to trafficking.\(^{25}\)

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\(^{22}\) See useful review in *They will always find me: A study of trafficking and the living conditions of vulnerable children, County Administrative Board of Stockholm*, 2019, pages 12 - 35 - R2019-18-They will always find me.pdf (lansstyrelsen.se)

\(^{23}\) Healy, Claire (2019). The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe. Vienna: ICMPD. Page 74

\(^{24}\) Healy, Claire (2019). The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe. Vienna: ICMPD.

\(^{25}\) See, for example, Healy, Claire (2019). The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe. Vienna: ICMPD.
There is also increasing concern about on-line exploitation of children, which may in some cases involve trafficking, as well as on-line recruitment of children into trafficked situations. There is also a risk that this tendency may have been accelerated in recent times by the Covid-19 pandemic.
4. Snapshot of child trafficking in states surveyed in the study

The number of children who have been formally identified as trafficked into and within each state is small but contributors to the study agreed that identification was a serious issue and that they suspected that more children may have been trafficked into and within their states. Brief snapshots of the types of child trafficking that have been identified have been included below.

The six states selected for this study include countries which are, exclusively or partly, states of origin, transit or destination for trafficked children. Participants from Estonia suspected that girls from its state were being trafficked to Central Europe for sexual and labour exploitation. Participants from Lithuania reported that it was believed that it was a transit country for children being trafficked from Vietnam to other parts of Europe, but that they disappeared before they could be properly identified and protected.

Most states recognised that girls and some boys were being trafficked for the purposes of sexual exploitation. Norway and Sweden were destination states for boys from North Africa, who were involved with street crime and begging. In Norway, they were recognised as potential victims of child trafficking for the purposes of criminal exploitation. Finland, Norway and Sweden also reported girls being trafficked into their states for forced or under-age marriage.

National children also experienced trafficking within their own state. For example, the children identified by the Ministry of the Interior in Lithuania were all Lithuanian. Estonia reported internal trafficking for the purposes of sexual exploitation. In addition, on-line sexual exploitation both within the Baltic Sea States and in relation to children abroad was a growing phenomenon and there appeared to be some connection between on and off-line exploitation.

There was also concern in Estonia, Finland and Sweden and elsewhere that children living in residential or transit accommodation for asylum seekers were not being properly identified as potential victims of child trafficking.

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26 See Annex D
5. Particular challenges in addressing the situation of trafficked children

There are a wide range of difficulties relating to identification of trafficked children and investigating cases where they are victims of crimes relating to trafficking, including their ability and willingness to disclose the facts.

The situation of being trafficked may not be obvious; sometimes the situations of trafficking recognized under the law, or pursued in practice, may be quite narrow. As a consequence, prosecutors may bring charges for non-trafficking offences or may bring such charges as they are easier to prove than child trafficking.

Trafficked children are in precarious situations, often disconnected from the community in which they live. They may be without parents, or with parent but in conflict with that parent, if the parent was involved in their trafficking. Parents may be themselves in a vulnerable position. There may be a lack of information on the children’s situation if they come from a different country.

Indeed, child trafficking of migrant children is a complex form of child abuse and exploitation, which often involves children who have been separated from their parents or legal guardians. They are likely to be unfamiliar with the culture and language of those trying to assist them and disclosure is likely to be a lengthy process, not a one-off event. In cases of children without documentation, age assessment may prove a challenge to identification of individuals as having been trafficked, and an obstacle to them accessing assistance and support. Equally, where the child’s immigration status is uncertain, and where they may be subject to third country return procedures or transfers between EU States, this may prove a complicating feature in terms both of the criminal investigation and their access to proper assistance and services.

Trafficked children who are not migrants are likely to come from disadvantaged groups within society, be in care or be in conflict with or being exploited by their own parents or legal guardians. In addition, even when a child has been separated from their trafficker, the latter may continue to exercise emotional, financial or coercive control over the child, which will have an adverse effect on the child being able to trust other adults, recover from past trauma or disclose their history of trafficking and exploitation.
6. The Barnahus model - key features

Providing assistance and support to trafficked children during criminal proceedings and finding a durable solution for them are complicated processes, the success of which typically requires effective cooperation between the different State agencies, and between other actors involved, as well as timely interventions and child centred processes. These are very challenging conditions to achieve. The Barnahus provide a model for how this may be organised. This may be within the broader setting of violence against children and sometimes with a focus on sexual violence.

There are a growing number of Barnahus across Europe, originating from the first Barnahus in Iceland over twenty years ago, spreading across Scandinavian countries and now increasingly present across Europe.

The Barnahus model embraces a multidisciplinary and interagency approach to responding to child victims of violence. It ensures collaboration between different agencies (judicial, social, medical) in one child-friendly non-residential premise and offers comprehensive services for the child under one roof.

Typically, a forensic interview and the medical examination of the child will take place in the Barnahus, and the need for short-term and long-term therapeutic and family support will also be assessed there. In some countries, a prosecutor will decide if it is a likely that a criminal offence has taken place before the child is admitted to Barnahus. In other countries, children are directly referred to Barnahus by social services or the police for an exploratory interview. If, when assessing the situation of the child, it becomes clear that the child primarily needs support from social services, then the case will be referred to be followed up by services in the municipalities or by specialised services connected to Barnahus.

The core of the Barnahus model is the assumption that the child’s disclosure is key both to identify and investigate child abuse for criminal and for protective and therapeutic purposes. These characteristics suggest that it is, or would be, a model of particular advantage where a child may have been trafficked and is in criminal proceedings. As trafficked children have generally been brought to a foreign country for the purposes of exploitation, as unaccompanied children, by criminal gangs who are expert at covering their tracks, their own testimony may be the only or major basis upon which a prosecution may succeed. The fact that they are likely to be foreign nationals and in need of child protection services also means that there will be a number of different agencies already involved in their case and who need to work together to protect the child. In addition, the trauma previously suffered by such children, over a number of years and in a number of different locations, means that building the necessary trust for disclosure is a significant challenge.

The Promise Network promotes Promise Quality Barnahus Standards, which guide the establishment and operation of Barnahus. Although the term “Barnahus” is used for models that strive to meet these quality standards, the Barnahus’ paths of coming into being and their organisational form differ between countries, and sometimes even within countries. There are variations between target groups, the juxtaposition of roles and responsibilities as well as the framework for collaboration between partners in implementing the core functions. This includes for example which professions carry out forensic interviews, which forensic protocol is applied or how therapeutic and medical services are delivered. These differences in operational set-up underline the flexibility of the model and how ingeniously it has been adapted to diverse legal systems, social

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structures, cultural traditions and professional practices in the different countries. This suggests that the Barnahus is a model which could be adapted to meet the particular needs and characteristics of children who may have been trafficked. It also suggests that the nature of any adaptations needed to extend the use of Barnahus models to trafficked children may vary from State to State; as might the opportunity and timeframe to undertake these adaptations.
7. Current involvement of Barnahus in the six States with trafficked children

Barnahus, or practices close to Barnahus, exist in all the six states in the current study in slightly different forms. In the Mapping Results for the Promise Barnahus Network,30 four31 of the six states in the study reported investigating violence, which arose from trafficking and exploitation in the past, even though it did not appear from this study’s consultations that many such cases could be identified. In any event, the fact that most Barnahus target children who have experienced sexual abuse or exploitation, and in some cases physical abuse, potentially brings children who have been trafficked within the target groups of all Barnahus, due to the violence endemic in child trafficking and exploitation.

But, as is common practice for all Barnahus, those models surveyed in the Study are shaped by their own national legislation, national guidelines, mission statement or formal foundation statements, which define their particular target groups. For example, Sweden does include children exposed to human trafficking within its target groups and, since 2015, Iceland has included unaccompanied and asylum-seeking children, in addition to children under 15 who have been victims of crime, which potentially includes children who may have been trafficked. The collaboration agreement in Estonia would also permit it to accept cases of child trafficking. In addition, participants in Finland stated that children who may have been trafficked were potentially within their target group.

Nevertheless, very few children who may have been trafficked had been referred to or received services from Barnahus, even when they were victims or witnesses in on-going criminal proceedings. The focus groups and interviews explored the barriers that might arise to access to the Barnahus in these cases.

A lack of identification of children who may have been trafficked was a major difficulty in all six states and this had an obvious impact on whether any such children were referred to Barnahus and the child friendly procedures available for other children involved in criminal proceeding relating to violence and child abuse and exploitation.

A lack of referrals might also arise if there was a lack of co-ordination between the migration services or NGOs identifying children who may have been trafficked, and the child protection and criminal justice services working with Barnahus and other children in criminal proceedings. Several Barnahus had no systemic links with residential institutions for children who had been trafficked, reception centres for migrants or NGOs providing counselling and other services to victims of human trafficking.

30 Mapping results 2020 - Barnahus
31 Estonia, Iceland, Lithuania and Sweden
In some cases, it also appeared that children were more likely to be referred to Barnahus where the child protection service had commenced an investigation into a parent or legal guardian and that the service was not identifying children who had been subject to commercial sexual exploitation or human trafficking. Some participants were also aware that, with the benefit of hindsight, child protection services may have failed to identify children who may have been trafficked. One example mentioned by professionals was in a case where a child was removed from the care of adults with whom they had entered the country and who were not believed to be their parents or legal guardians, and yet no investigation was undertaken into the motives of the adults involved and the risk of the situation involving child trafficking.

In some cases, the Barnahus may largely focus on offences involving sexual or physical violence, which can mean that cases of trafficked children exploited for the purposes of labour, begging or criminal activities are not referred to Barnahus. This might also stem from a lack of knowledge about the wider characteristics of child trafficking and, in particular, about the varying methods of operation of the trafficking gangs and also the emotional, financial and coercive control they may exert over their victims. In addition, children with a precarious migration status were not screened to ascertain whether they may also have been trafficked. There were also indications that in some states groups of children, such as boys from North Africa, were not being viewed as potential victims of child trafficking but merely as juvenile criminals.

There was at times very little available information and understanding of the nature of criminal exploitation and the fact that children may be moved around and exploited in a number of different countries over a long period of time. Their lack of agency meant that their movement around Europe had not been an attempt to obtain a more advantageous migration status, but had been a consequence of their exploitation by traffickers.

It would appear that sometimes cases involving trafficked children were not recognised by the wider child protection network as suitable for referral to Barnahus for a number of reasons. It may have been that it was believed that there was insufficient evidence to instigate criminal proceedings against the child’s traffickers. It may also have indicated the low level of awareness or resources specifically to address child trafficking within child protection circles, including Barnahus, in some States.

In addition, in models where referrals to Barnahus were prompted by criminal justice proceedings, rather than child protection proceedings, it appeared that cases of trafficked children may not be referred to the Barnahus because different law enforcement units were responsible for child sexual abuse, as opposed to child and adult human trafficking.

There did not appear to be a barrier arising out of the fact that trafficked children usually came from a minority community. Some Barnahus already provided services to children from migrant communities and even undertook outreach into such communities. One example was work being undertaken in relation to the identification of victims of female genital mutilation.

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8. Exploring the extent to which Barnahus models might be used more extensively in cases involving trafficked children

The majority of those who participated in the study had a good general understanding that child trafficking was happening across Europe and classified it as child abuse and exploitation. Some were also involved in taking practical steps, which could lead to a multi-disciplinary response to child trafficking and the potential involvement of Barnahus in this response.

The procedural safeguards required by Directives 2011/36/EU and 2012/29/EU in relation to children who may have been trafficked already exist in Barnahus, in so far as there are child-friendly spaces, personnel trained to interview children who have been abused and exploited and video-recorded interviews with the children that are limited in number. These could form the basis for an expansion of their services, if it was possible to put in place certain adaptations. Participants in the study displayed a good level of understanding of some of the changes which would be necessary to ensure that children who may have been trafficked would benefit from being referred to Barnahus. The examples below are the ones most usually mentioned:

**Multidisciplinary cooperation**

Barnahus have considerable experience of multi-agency co-operation, as advocated in the EU Strategy on Combatting Trafficking in Human Beings. However, the configuration of the co-operation needed to meet the needs and provide assistance to children, who may have been trafficked, would need be more extensive and include migration services, reception centres for migrants and victims of trafficking and organisations providing counselling and other services to victims of trafficking of any age.

**Specialised & trained professionals**

Child trafficking is also a very complex form of child abuse and exploitation and would require specialist child protection and criminal justice staff, psychologists and other medical staff, guardians, lawyers and interpreters, who had been provided with detailed training about child trafficking. The delivery of this training to multi-disciplinary groups may be a good use of limited resources and also enable professionals to share existing skills and knowledge. Enhancing the quality of lawyers and guardians and ensuring that they had a thorough understanding of legal aspects of child trafficking may be particularly important given the fact that they may encounter and support children, who may have been trafficked, in a number of legal settings.

The existence of trained professionals at all stages of the wider child protection system, including Barnahus, is likely to enhance the possibility of children who may have been trafficked being identified, given the necessary protection as children and being able to provide the cogent evidence necessary to successfully prosecute their traffickers.
Introducing better training

There was general agreement that the level of knowledge and experience of child trafficking was very low, which had impacted on the ability of professionals to identify children who may have been trafficked and provide them with the protection and services they required. Examples of specific training plans and provision were provided by some states. For example, in Norway, legal guardians, immigration officers and child protection professionals are provided with specialist training about child trafficking, KOM\textsuperscript{33} also organises two-day annual conferences which address cross-cutting issues relating to human trafficking and these conferences are attended by professionals employed by central government, the municipalities and representatives of civil society. But it was acknowledged that training must be an on-going process and not merely a one-off event and that, until a professional was involved in a child trafficking case, knowledge obtained at a training course may remain abstract.

In Finland, there was also a perceived need to train child protection professionals, prosecutors and judges about child trafficking. Specialist training was already in place for interpreters and this included information about child trafficking. There is also a one-year course for all police officers and legal psychologists undertaking forensic interview with children in Barnahus and it was recognised that information on child trafficking should be added to this training. Study visits for police and border officials to the Finnish Barnahus had also occurred.

Professionals from the Barnahus and the Ministry of Justice in Iceland were clear that all professionals, who may come into contact with trafficked children, required training about child trafficking in all its manifestations. They stressed that would have a positive impact on their ability to carrying out forensic interviews, assist in the successful prosecution of human traffickers and ensure that the child had the necessary physical and psychological support and services.

Lithuania had recently established an on-line course for all professionals and, in particular, child protection staff, on child trafficking in recognition of the very low numbers of children being identified and the low level of knowledge amongst professionals about child trafficking for the purposes of criminal and labour exploitation.

Introduction of mandatory screening for trafficking to enhance identification

Mandatory screening for indicators of child trafficking as soon as a child is referred into Barnahus or other parts of the wider child protection, criminal justice and migration processes would also ensure that children, who may have been trafficked, are protected and do not return to the control of former child trafficking gangs or be at risk from other such gangs. General questions about experiences of violence in the past were not sufficient substitutes for targeted questions which could point to a history of child trafficking and exploitation.

\textsuperscript{33} Co-ordination Unit for Victims of Human Trafficking, Norway
Case management and individual assessments

Barnahus have case management processes which allow for the circumstances of the case to be reviewed by relevant agencies and to prepare for steps undertaken in the Barnahus. Such processes, and the individual assessments of the child’s circumstances on which they rely, would be beneficial in cases involving trafficked children. They may require adaptations, including additional procedures for establishing information about the child's circumstances, where possible. In other countries an enhanced model for mapping the adults that the child has had contact with and the breadth of their former experiences has proven to be very useful.34

Engagement with the child - child participation

Building trust, providing information to the child and ensuring that they can participate properly in the process will likely take additional time and potentially different processes when trafficked children are in Barnahus. This is an issue that would need to be considered carefully, particularly given the safety risks that might exist for these children, or potentially their families, in countries of origin. It is also the case that many trafficked children will have been given a narrative by their traffickers to provide, if encountered by the authorities in a state of transit or destination, and that trust will need to be built before they will depart from it. The fact that the transfer of these children to other countries might be considered under the Dublin Regulation or the Return Directive also poses a further challenge to their willingness to engage with criminal or child protection proceedings.

Role of legal guardians in Barnahus

The child’s legal guardian35 may also have an important role in order to link Barnahus to existing and additional networks. Depending on the national guardianship system in place, they may be experienced in working with a wide range of child protection and criminal justice professionals, assessing the child’s best interests and advocating on their behalf in a number of different settings. Therefore, they would be well placed to act as a bridge between Barnahus and authorities with which it has not previously had a connection.

34 See, for example, Free to Move, Invisible to Care: Coordination and Accountability towards Romanian Unaccompanied Minors’ Safety, ICARUS & NSPCC, co-funded by the European Commission, October 2015 Free to Move, Invisible to Care: coordination and accountability towards Romanian unaccompanied minors’ safety (basw.co.uk)
35 Such guardians are already in place for trafficked children in Norway and other states
Forensic interviews - adapting protocols

It would appear that Barnahus, or Barnahus like facilities, could build on their expertise and experience to provide very high-quality forensic interviews and that there was an awareness of the need to adapt standard interview protocols for use with additional target groups and some experience of doing so. Participants from Iceland and Finland discussed the need for adaptions to recognise that trafficked children had different histories and faced additional risks, over and above their precarious migration status. In particular, they mentioned the need to obtain evidence about events which may have taken place over a protracted period of time and in a number of different countries and recognised that the child may be the only available witness to the events on which they relied. They also recognised that in domestic child sexual abuse cases, the interviewer may be assisted by evidence from and about the child’s wider family and the child’s interaction with a number of different agencies in the past, but that this was likely to be lacking when a child had been trafficked.

When reflecting on their past experiences, professionals from Iceland stated that they were aware that they had the necessary knowledge and expertise to ask children about their experiences of violence in the past without encouraging the child to provide a false narrative. However, they were equally clear that they would have insufficient knowledge and experience about child trafficking to obtain cogent evidence from a child who may have been trafficked and to avoid re-traumatising or leading them. In Finland, its protocol had already been adapted for use in cases of on-line sexual abuse and it was thought that a similar process could be used to adapt it for children who may have been trafficked.

In some states, such as Iceland, national law requires all children under the age of 15, who are involved in criminal proceedings, to be referred to Barnahus for any forensic interview and this was acknowledged to be good practice. There is no comparable legislation in Estonia but there is a collaborative agreement between the police, the prosecutor’s office, the Estonian Forensic Science Institute and Barnahus, when a child has been sexually abused, and this would extend to children, who may have been trafficked. In Finland there is no specific legislation which defines whether, when there is a suspicion that a child in a criminal investigation has been abused, they should be interviewed by medical professionals instead of police officers. This is at the discretion of law enforcement officials, but children under school age or suffering from any challenges to their development are usually referred to be interviewed in the "so-called" Barnahus units in university hospitals. There is legislation which defines how these interviews should be conducted. 36

Once protocols had been adapted, there would also be an opportunity for all children, who have been referred to Barnahus for any reason, to be screened for indicators of child trafficking. This may form a useful part of any wider National Referral Mechanism.

36 Laki lapseen kohdistuneen seksuaali- ja pahoinpitelyrikoksen selvittämisestä” (19.12.2008/1009)
Access to therapeutic services

Barnahus could also assist by improving access to therapeutic services for trafficked children. It would appear that counselling and other services specifically developed for victims of trafficking in some states target adult, and not child, victims and that existing child protection services have not filled the gap when a trafficked child has been involved in criminal proceedings. Barnahus would be well placed to use its expertise and contacts to assist in creating access to suitable services for trafficked children.

Data protection issues

Due to data protection laws and practices, sharing of information about a child who may have been trafficked is problematic in many states. Data and other information about these children is likely to have been collected by migration, child protection and criminal justice professionals, as well as by NGOs offering support services.

Most States limit data sharing between the various ministries or services involved with migrant children who may have been trafficked. This may be, as in Estonia, because organised crime units wish to protect intelligence about organised crime. Or it may be because of the sensitive nature of information held about a child, as in Sweden. However, a failure to share relevant information and data may well lead to a failure to identify a child who may have been trafficked or offer them protection before they disappear or are re-trafficked. Therefore, mechanisms to ensure that data and information can be shared in a manner which maintains confidentiality and protects the child is needed.

This could be based, as in Finland, on legislation to define what data must be shared with the police in relation to certain crimes and extended to apply to all relevant services. Or it could be based, as in Lithuania, on a mechanism by which other organisations can request information from the police and other services in a case where human trafficking is suspected.

Building knowledge on trafficking

No state had a comprehensive database about the source countries for trafficked children. But Iceland, where asylum seeking and unaccompanied children were automatically referred to its Barnahus, reported that it had been able to create an appropriate knowledge base about these children’s cultures and communities and could, therefore, interview them in a manner which enabled the children to build trust with them and avoided encouraging the children to create a false narrative. This could act as a model for a database for trafficked children.
Need for quality interpreters

All states acknowledged the need for appropriate interpreters and that this was a common challenge in states with few or limited migrant communities\(^\text{37}\). There were also difficulties in relation to obtaining sufficiently skilled and professional interpreters. To combat the latter, Norway has established a national system for the registration of accredited interpreters and the Migration Service has undertaken significant steps to improve the quality of interpreters. There have also been reports into the quality of interpretation within the child protection system. Professionals are also aware that, as the term “interpreter” can be used by people who are not accredited, it is necessary to check an interpreter’s qualifications.

Outreach practices

Some Barnahus already undertake outreach into the wider community in relation to children they perceive as victims of less typical forms of child abuse, such as female genital mutilation. This model could be extended to visits to reception centres for migrants or child protection professionals working with street children in cities. The Barnahus unit in Finland also co-operates with experts and academics at the University Hospital to provide specialist expert reports in criminal cases and this practice could be extended to other states for trafficking cases, once Barnahus have built up knowledge and expertise of working with children, who may have been trafficked\(^\text{38}\).

Sharing experience

Barnahus could also share their expertise of child-centred and multidisciplinary practices. As noted above, in many countries joint working in relation to children who may have been trafficked is limited to certain groups of professionals and excludes others. This is not appropriate in relation to these children as their situation is likely to be complex and include precarity of migration status, psychological trauma, involvement in criminal proceedings, the involvement of child protection services and the need to access to a range of support services. Barnahus could play a pivotal role in this wider group of professionals and services, as it has experience of being part of multidisciplinary teams lead by both child protection and criminal justice authorities.

Additional issues

There are a number of other issues which may need further exploration, if child trafficking cases were referred to Barnahus on a regular basis. These include enhanced security at the Barnahus locations, when traffickers are seeking to find children who have been trafficked, and specialist supervision for those working with these children, when their circumstances may be particularly traumatic.

\(^{37}\) For example, this was reported as a general problem in Estonia and a difficulty in relation to certain languages in Sweden

\(^{38}\) In the United Kingdom, expert reports about the length of time taken by trafficked children to disclose past abuse and exploitation and their tendency to maintain false narratives about their past when first encountered in a country of destination have been found to be very useful in court proceedings.
9. Orientations for achieving progress

In conclusion, this report recognises that there are acute challenges to responding properly to the situation of trafficked children, from the initial barriers to identification to the complex legal and procedural issues in proceedings involving them.

For Barnahus models to play an effective role, they should be embedded in a broader system of coordinated child protection, criminal justice and migration responses to address the difficult and precarious situation many trafficked children are in. Without this in place, there is a considerable risk that Barnahus will not be able to stay true to one of its central purposes, which is avoiding re-victimisation and secondary traumatisation of children and contributing to their long-term recovery.

Moreover, it is clear that Barnahus models would need to be properly resourced and equipped to be able to address the specific features of child trafficking, through training and adapted procedures or tools.

However, within such a proposed enhanced and integrated protection system, Barnahus have the potential to contribute significantly to fulfilling the child-centred safeguards required for criminal proceedings involving trafficked children, including ensuring that they have access to necessary services for support, assistance and recovery; as well as a durable solution. Moreover, in those circumstances, Barnahus could also substantially increase the number of successful prosecutions of child traffickers.

This potential may be achievable only in incremental steps or only to a certain degree. First steps would include establishing or enhancing the necessary connections between Barnahus on one hand and often specialised trafficking actors on the other hand; as well as developing necessary adaptations to Barnahus practice.

As this report’s recommendations will show, there are a wide range of measures that could enhance or build on existing Barnahus practice, and a significant range of situations in which trafficked children could benefit from them. These include children who may already be involved in Barnahus proceedings, but where the trafficking dimension of their situation or that of their families, goes undetected.

Some steps may first be achieved at local level, or in a particular area of trafficking (for example, child victims of sex trafficking), before possibly extending more comprehensively to contribute to improvements for all trafficked children at national level (including for example children trafficked for exploitation in begging or petty crime). Some developments may be achieved at a transnational or regional level, including through the work of the Promise Barnahus network.

There is considerable diversity in the extent and purpose for which Barnahus might be deployed to respond to trafficked children, given the variety of models of Barnahus across the Baltic Sea States, as well as the distinct features of both child trafficking, and responses to child trafficking, in each State. What is evident is that the flexibility of the Barnahus model - and the strength of the Promise Barnahus Network - may provide the means for a concerted effort across Baltic Sea States to work in parallel, and together, to ensure child centred, specialised and multidisciplinary approaches to meet the needs of acutely vulnerable trafficked children.
10. Recommendations for future action

Future actions by CBSS States and stakeholders in the field of trafficking and child protection might include:

1. **Identifying the potential role of Barnahus in each country to enhance assistance and protection of trafficked children and to improve and render more effective criminal proceedings in which they are involved.**

States could undertake activities, such as national workshops and consultations involving the appropriate actors and services, to identify the potential role of Barnahus for trafficked children in criminal and child protection proceedings. Potential Barnahus activities to consider might include:

- Raising awareness within the Barnahus of the risk that certain children in the current case load of Barnahus have been trafficked and that this is going undetected and the need to establish a mandatory screening process.
- In certain states, referring children to Barnahus for exploratory interviews where trafficking is suspected.
- Using Barnahus for forensic interviews of trafficked children, who are involved in criminal investigations or prosecutions or other court proceedings. (Such forensic interview might be adapted to identify needs, as well as capturing the child’s history of abuse and exploitation.).
- Exploring whether and how forensic interviews in Barnahus might feed into:
  - (i) criminal justice proceedings
  - (ii) child protection proceedings
  - (iii) decision making on EU transfers, where a child is from another EU state;
  - (iv) migration status determination proceedings in cases where a child is not an EU citizen and does not legally reside in the state
- Using Barnahus practice to inspire or strengthen any existing inter-agency, multidisciplinary coordination focusing on trafficking cases, with particular expertise being shared on child-centred procedures, including general skills in forensic interviewing for children.
- Extending outreach activities carried out by Barnahus to include awareness raising on indicators and risks of child trafficking.

2. **Where Barnahus are, or will be used, in cases of trafficking, it will be important to make necessary adaptations to extend or enhance Barnahus practice, including through the following:**

- Where necessary, individual Barnahus target groups should be extended to include children who may have been trafficked for any or all forms of child trafficking and exploitation.
- Resources should be made available so that individual Barnahus can build their capacity to provide services for children who may have been trafficked.
- All professionals who have a role in child protection, criminal justice and migration proceedings should be provided with the necessary training to identify a child who may have been trafficked and provide them with the necessary assistance and support.
- All professionals who are tasked with undertaking an initial assessment of a child’s individual needs should be trained to identify the indicators that the child may have been trafficked.
- The inter-agency process within which Barnahus functions should be extended to include child protection, criminal justice and migration authorities, NGO support services and specialist legal guardians and lawyers and links should be established with national anti-trafficking co-ordinators and rapporteurs.
– A system should be established to ensure that all relevant professionals involved in inter-agency co-operation in relation to a child who may have been trafficked can access and share data and information relating to that child, both within and outside inter-agency meetings, to the extent necessary and in appropriate ways.
– Consideration should be given to how to ensure that procedural safeguards, such as individual assessments of the child’s needs, the participation of the child and support and assistance, are adapted to meet the specific needs of trafficked children.
– Existing general interview protocols that are used in Barnahus should be revised for use with children who may have been trafficked.
– Barnahus should be seen as a key link in the chain of protection for trafficked children and a proper response to their situation, so that they have access to the reception and durable solution procedures needed to ensure their pathway into safety and recovery.

Achieving change in practice might be planned with the support of a roadmap for progress, involving targeted action, potentially in an incremental way. This might also be carried out through pilot activities to identify the most effective means of having an impact.

3. **Exploring how the involvement and development of regional resources, by the CBSS Children At Risk and Task Force against Trafficking in Human Beings Units and the Promise Barnahus Network, might help individual states to enhance their own awareness of, expertise in and responses to trafficked children by**

– Connecting Barnahus with relevant EU and international developments, for example, through the EU Victim’s Platform.
– Helping extend collaboration to new actors through awareness raising of Barnahus practice, for example, through the European Guardianship Network.
– Raising awareness within Barnahus of cases involving trafficking that might appear in the Barnahus caseload, for example, through webinars/trafficking case studies, within the Promise Barnahus network.
– Through professional networking exchange within the Promise network, exploring certain issues that are relevant to trafficking cases, such as strengthening case management in trafficking cases, strengthening data exchange and managing confidentiality obligations.
– Obtaining support from the Promise competence centre to adapt interview protocols or devise training courses.
– Exploring the adaption or development of Promise tools and identifying additional resources that could be useful in child trafficking cases.
ANNEX A – METHODOLOGY

The primary objectives and methodology of the study were agreed in a meeting between the CBSS Children at Risk Unit, the Task Force against Trafficking in Human Beings Unit and Child Circle. In particular, Estonia, Finland, Iceland, Lithuania, Norway and Sweden were selected as suitable representative states within the geographic area covered by the Council of Baltic Sea States. Desk research conducted by Child Circle then identified some previous research and recommendations relating to the use of Barnahus for migrant and trafficked children and background data relating to the use of Barnahus and the incidents of child trafficking in the six states.

Remote focus groups were organised with relevant professionals in the six states. The attendees included child protection, child trafficking and criminal justice professionals. In some case, where individuals were not able to attend the focus groups, individual Zoom interviews were conducted with them. All of these were recorded solely for the purposes of drafting this report. Polls were conducted with participants at the two larger focus groups in order to focus discussion in these groups. The numbers participating in these polls were insufficient to have any statistical value but did provide useful background information for the study. In addition, a few other individuals agreed to complete surveys about the situation in their particular state. The draft report was shared with the two CBSS units and all of those who had provided information or comment in the study and they were given the opportunity to amend or add to its contents.
ANNEX B – EXPERTS CONSULTED

PARTICIPANTS FROM COUNCIL OF BALTIC SEA STATES

- Olivia Lind Haldorsson, Senior Adviser and Head of Children at Risk Unit
- Shawnna Von Blixen, Programme Co-ordinator for Children at Risk Unit
- Anastasia Edwardson, Project Assistant for the Children at Risk Unit
- Vineta Polatside, Senior Adviser for the Task Force against Trafficking in Human Beings Unit
- Edi Mujaj, Adviser for the Task Force against Trafficking in Human Beings Unit

PARTICIPANTS FROM CHILD CIRCLE

- Rebecca O’Donnell, Director, Child Circle
- Nadine Finch, Associate, Child Circle

PARTICIPANTS FROM MEMBER STATES

FOCUS GROUP ON 16 APRIL 2021

Iceland

- Ólöf Á. Farestveit, Leader of Barnahus, Iceland
- Hildur Sunna Pálmadóttir, Legal Adviser, Ministry of Justice
- Heiða Björg Pálmadóttir – General Director, Government Agency for Child Protection

Sweden

- Petra Tammert Seidefors, County Administrative Board, Stockholm
- Connie Tran Hedberg, independent consultant
- Jenny Selenius, Regional Co-ordinator against trafficking, Stockholm
- Yvonne Karlsson, Swedish Gender Equality Authority
- Catrin Sandman, Swedish Gender Equality Authority
- Gisela Thater, UNHCR Representative for Nordic and Baltic Countries and Senior Policy Officer
FOCUS GROUP ON 18 APRIL 2021

Estonia

• Ann Lind-Liiberg, Project Manager, Child Protection Department, Social Insurance Board

Finland

• Tom Pakkanen, Forensic Psychologist, Forensic Psychology Center for Children and Adolescents, Helsinki University Hospital and Barnahus
• Julia Korkman, Psychologist, Forensic Psychology Center for Children and Adolescents, Helsinki University Hospital and Barnahus
• Marjo Malja, Senior Ministerial Counsellor, Ministry of Social Affairs and Health
• Pirjo Lillsunde, Ministry of Social Affairs and Health
• Dr. Venla Roth, Anti-trafficking Co-ordinator, Ministry of Justice
• Noora Hakulinen, Senior Adviser, National authority for the support of victims of trafficking

Lithuania

• Daina Urbonaitiene, Manager, Ministry of Social Security and Labour (responsible for children’s rights and welfare)
• Gytė Bėkštienė, Director, Barnahus, Vilnius
• Rūta Pabedinskienė, State Service for the Protection of the Rights of the Child and Adoption, Ministry of Social Security and Labour
• Sonata Mickutė, Senior Adviser, Public Security Group, Ministry of Interior – co-ordinator human trafficking issues

FOCUS GROUP ON 6 APRIL 2021

Sweden

• Anna Peterson, Barnahus, Linkoping
• Anna Nelson, Barnhus, Linkoping

FOCUS GROUP ON 12 APRIL 2021

Norway

• Julie Platou Kvammen, Senior Advisor, Co-ordinator, National Police Directorate
• Anne Kristine Ivan, Senior Adviser, Directorate for Children, Youth and Family
• Inger Ruden, Senior Adviser, Directorate for Children, Youth and Family
RESPONDENTS TO SURVEY

Estonia
- Andrea Kink, Social Insurance Board

Finland
- Tafari Terhi, Senior Adviser, National Assistance System for Victims of Trafficking (and also interview)

Lithuania
- Arune Bernatonyte, Missing Persons Family Support Centre

ZOOM INTERVIEWS

Finland
- Tafari Terhi, Senior Adviser, National Assistance System for Victims of Trafficking

Estonia
- Malle Roomeldi, Psychotherapist, Tartu Child Support Centre

Norway
- Julie Crutchley, ECPAT Norway

REVIEW OF FINAL DRAFT
- Viktoria Sebhelyi, Child protection agency in Budapest
ANNEX C – BIBLIOGRAPHY

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ANNEX D – STATISTICS ON CHILD TRAFFICKING IN THE SIX STATES

The statistics below were provided by participants, but it was widely accepted by them that there are likely to be more children who may have been trafficked in their states due to a lack of knowledge of child trafficking which leads to a lack of identification by the criminal justice and child protection and also migration authorities.

### NUMBER OF CHILDREN IDENTIFIED WITHIN THE STATE 2016 – 2018

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**LITHUANIA**

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40 The children identified were Lithuanian
### NORWAY\(^{41}\)

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### SWEDEN\(^{43}\)

#### By Migration Agency

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#### By NGOs

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\(^{41}\) Statistics collected by KOM  
\(^{42}\) Report from Coordinating Unit for Victims of Human Trafficking, (KOM, August 2017) [report-from-the-coordinating-unit-for-victims-of-trafficking-2016--english.pdf](politiet.no)  
\(^{43}\) Figures reported to GRETA