



UNIVERSIDADE CATÓLICA PORTUGUESA

**Children's Vulnerability and Trafficking
During Armed Conflict:
Insights from the War in Ukraine**

Margarida Rodrigues de Magalhães

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Foremost, I would like to express my deep gratitude towards my supervisor, Professor Maria Isabel Tavares, whose guidance, support, and encouragement have been fundamental throughout this research.

I must also thank my family and friends for their unconditional love and for always believing in me.

Abstract

This research examines the heightened vulnerability of children to human trafficking in situations of armed conflict. Its main objective is to analyze how conflict exacerbates the risks of exploitation of children, while highlighting the existing international and regional legal frameworks that exist to protect these victims. Furthermore, this work studies the particular situation of vulnerability of Ukrainian children following Russia's invasion in February 2022, and the primary instruments and mechanisms that were activated in order to shield them from trafficking in the middle of widespread devastation and mass displacement. Findings demonstrate that, despite the existence of important legal instruments and considerable legal developments, significant gaps remain in implementation, prosecution, and victim protection. Moreover, significant limitations were found in the availability and accuracy of data on reported cases, as well as limited access to information in conflict settings, which directly undermines the overall ability to respond to this pressing issue.

Keywords: Child trafficking; Vulnerability; Armed conflict; International Protection; Ukraine.

Resumo

Esta investigação analisa a vulnerabilidade acrescida das crianças ao tráfico humano em situações de conflito armado. O principal objetivo deste trabalho passa por analisar a forma como o conflito exacerba os riscos de exploração das crianças, enquanto examina os quadros legais internacionais e regionais existentes para proteger estas vítimas. Além disso, a presente análise estuda a situação de vulnerabilidade das crianças ucranianas em resultado da invasão russa em fevereiro de 2022, e os instrumentos e mecanismos que foram ativados para as proteger do tráfico neste cenário de devastação e deslocação em massa. As conclusões demonstram que, apesar da existência de instrumentos jurídicos fundamentais e de desenvolvimentos consideráveis, continuam a existir lacunas significativas na sua aplicação, na penalização dos responsáveis e na proteção das vítimas. Além disso, foram encontradas limitações significativas na disponibilidade e precisão dos dados sobre os casos reportados, bem como um acesso limitado à informação em contextos de conflito, que prejudica diretamente a capacidade de resposta a esta questão.

Palavras-Chave: Tráfico de crianças; Vulnerabilidade; Conflito armado; Proteção internacional; Ucrânia.

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List of Acronyms and Abbreviations

EU	European Union
ICC	International Criminal Court
ILO	International Labour Organization
IOM	International Organization for Migration
OSRSG CAAC	Office of the Special Representative of the Secretary-General for Children and Armed Conflict
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council

Introduction

Russia's war in Ukraine has caused boundless devastation, both inside and outside the country. According to the United Nations High Commissioner for Refugees (UNHCR) (UNHCR, 2025), since the beginning of the full-scale war, approximately "6.9 million Ukrainians have registered as refugees", while an additional "3.7 million are internally displaced", meaning that "nearly a quarter of Ukraine's pre-war population has been forced to flee their homes", with women and children constituting 76 percent of all refugees from Ukraine. This mass displacement and chaotic scenario provide ideal grounds for traffickers to operate, as "conflict fuels the impunity, the breakdown of law and order, the destruction of institutions and communities" (Gallagher, A., 2015, p.4), leaving the affected population, particularly children, at a heightened state of vulnerability, as they often "turn to negative coping strategies in order to survive" (United Nations Office on Drugs and Crime [UNODC], 2018a, p.7).

As highlighted by Machel G., (1996, para. 25; 316), children "have become the targets and even the perpetrators of violence and atrocities" and are frequently "caught up in warfare as a result of conscious and deliberate decisions made by adults". These dynamics are particularly visible in the context of child trafficking during armed conflict, where the vulnerability of children is exploited through practices that severely undermine their "rights and [inflict] profound, long-lasting harm on both the victims and society" (Council of Europe Consultation Group on the Children of Ukraine (CGU), 2024, p.10; Gallagher, A., 2015, p.28). Given the persistence and complexity of this phenomenon, research into its legal and social dimensions is not only timely but extremely necessary.

It is important to note that, even though human trafficking is more and more a common reality in modern armed conflicts (Gallagher, A., 2015, p.4), "there is only limited academic literature addressing the risks of trafficking and exploitation in this context", and the existing are mainly focused on sexual violence as a form of trafficking, usually neglecting other forms exploitation (Cockbain, E., & Sidebottom, A., 2022, p.2) and typically relate on adult trafficking cases. In this sense, this research was elaborated based on available literature, including academic articles, reports, and news sources, many of which were published by international specialized agencies such as UNODC, as well as other reliable institutional and governmental sources.

The aim of this investigation is to analyze the impact of armed conflict on child vulnerability, while examining existing international and regional legal frameworks for protection. For instance, the War in Ukraine stands out as a concerning reality in the international scenario, where trafficking emerging from the conflict is not as widely addressed as one would expect, despite the high propensity for such exploitation to occur. For this reason, I intended to succinctly explore the issue of child trafficking deriving from the Ukrainian War and point out the tailored international and national responses that have been assembled to reverse this trend.

Chapter 1: Armed Conflict and Child Vulnerability

1.1. Children in Conflict Zones: A Vulnerable Population

According to Save the Children International, approximately 473 million children- representing “more than 1 in 6 children worldwide”- were living in areas affected by armed conflict in 2023 (Save the Children, 2024, p.13). The catastrophic consequences of war are no longer exclusively felt by the soldiers on the battlefield; instead, they predominantly affect those on its margins, including vulnerable populations such as children (Council on Foreign Relations, 2024a). This transformation in the nature of warfare has resulted in children bearing a disproportionate and unimaginable burden.

In fact, the deteriorating conditions that typically prevail during armed conflicts render children into “one of the most vulnerable segments of the civilian population”, and the “main victims of organized violence” (Gussing, A., 2011, p.4). Armed conflicts create widespread insecurity, disrupt critical social services such as housing, sanitation, and healthcare, cause economic devastation, and weaken state institutions and the rule of law (Žarković et al., 2019, p.44). In addition, the breakdown of family structures and obstruction of education- vital for a child’s development- compounded with forced displacement, further intensifies their vulnerability, leaving children without the support necessary to protect them from outside threats (UNODC, 2018b, p.17). As a result, children in such environments are highly exposed to multiple risks, namely trafficking and exploitation (UNODC, 2018b, p.17).

Before going further into the research, it should be noted that “collecting data on human trafficking is difficult due to its invisible nature”, being only a small percentage of cases identified, estimating that “the real number of victims could be 5 to 10 (or even

20) times higher than the number of those detected” (Prpić, M., 2023, pp.2-3). Moreover, it is important to acknowledge that, for this analysis, using the model applied in IOM (2024, p.4), the terms “human trafficking”, “trafficking in human beings”, and “trafficking in persons” are used interchangeably, following the definition provided by the 2002 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol). Moreover, it is crucial to distinguish between human trafficking and migrant smuggling, as these crimes are commonly mistaken for one another. Even though both crimes share common aspects, such as the involvement of organized crime and overlapping routes, they diverge significantly in others, as “trafficking often involves ongoing exploitation and can occur within national borders”, while “smuggling requires irregular border crossing and is primarily a commercial transaction that ends upon arrival”, and, unlike trafficking, does not need to “include any form of force, coercion, deception, or abuse of power” (The Inter-Agency Coordination Group against Trafficking in Persons [ICAT], 2016, pp.1-2).

Article 3(a) of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children defines trafficking of persons as:

[T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, 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 labour¹ or services, slavery or practices similar to slavery, servitude or the removal of organs (UN General Assembly, 2000)

Therefore, for an act to be considered trafficking, it must involve, mandatorily, three elements, such as “an act, a means and a purpose of exploitation” (UNODC, 2018a, p.7). However, in what concerns child trafficking², “unlike with adult trafficking victims, there is no requirement to show the ‘means’ (e.g., force or deception) by which this [trafficking]

¹ In this thesis, the British English spelling “labour” is used consistently for the sake of academic coherence. This may include minor adaptations in quotations where the original used an alternative spelling (e.g., “labor”), without altering the intended meaning.

² A “child” is defined as “any person under eighteen years of age.” See Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, art. 3(d), Nov. 15, 2000.

occurred” (Office of the Special Representative of the Secretary-General for Children and Armed Conflict [OSRSG CAAC], 2024, p.10).

Additionally, as the latest Global Estimates of Modern Slavery (2022, p.1) estimates, approximately “50 million people [are] in situations of modern slavery on any given day”, with no indication of the situation improving in the following years. Modern slavery, although not defined in law, is commonly used as an “umbrella term” that incorporates other legal concepts, including “forced labour, debt bondage, forced marriage, other slavery and slavery like practices, and human trafficking”, and generally regards “situations of exploitation” where “a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power” (International Labour Organization [ILO], 2017, p.7).

Having these notions outlined, one should also note that, when analyzing general trends of human trafficking, although the crime affects several male victims, it disproportionately impacts females, once “[f]or every 10 victims detected globally, five are adult women and two are girls” (UNODC, 2020, p.4). In addition, children and migrants represent a significant share of detected victims, with “one in every three victims [being] a child”, a trend that is dominant in low-income countries, where “children account for half of the victims detected” (UNODC, 2020, p.4). Notably, “[g]irls and women are three times more likely to suffer explicit or extreme violence compared to boys and men, while for children this risk is about two times higher than adults” (UNODC, 2022b, p.18). Although these statistics primarily reflect the global human trafficking panorama during times of peace, similar patterns are observed in situations of armed conflict (UNODC, 2018b, p.15).

1.2. Trafficking Dynamics in Armed Conflicts

Bigio, J., and Vogelstein, R., (2019, p.3) indicate certain forms of trafficking that become particularly frequent during war times, namely “sexual exploitation, enslavement, and forced marriage; forced labour to support military operations; recruitment and exploitation of child soldiers; and removal of organs to treat injured fighters or finance operations”. In this sense, as suggested by Žarković et al., (2019, p.46), it is useful to differentiate between two types of trafficking in the context of armed conflict, “based on the criteria of the type of activity to which the victims of human trafficking were executed”; the first type involves victims participating in “armed

activities”, either through “direct or indirect participation in combat activities”, while the second type involves trafficking victims in “non-armed activities”, such as “sexual exploitation, forced labour, [or] trafficking in human organs and body parts” (Žarković et al., 2019, p.46).

Regarding the direct participation of children in armed activities, the most apparent form in which trafficking can manifest is child soldiering (Gallagher, A., 2015, p.7). Even though there is no universally accepted definition of child soldiers, they can be described as:

“[A]ny person under eighteen years of age who is part of any kind of regular or irregular force or armed group in any capacity including, but not limited to cook porters, messengers and anyone accompanying such groups, other than family members” (Francis, D. J., 2007, p.210).

The recruitment and use of children to take part in armed conflict constitutes one of the six grave violations against children according to the UN and is widely forbidden in international law³ (OSRSG CAAC, 2013, p.11). Considering this framework, conducts taken by armed forces or groups that involve the “abduction, recruitment or sale aimed at compelling or inducing a child to take part in hostilities- whether in an active or ‘support’ role - is a form of trafficking in persons” (Gallagher, A., 2015, p.7).

A child’s recruitment during or post-armed conflicts⁴, although often perceived as integrating “explicit physical force or coercion”, or abduction from armed forces or groups, may also originate from the initiative of the victim’s own family and friends (OSRSG CAAC, 2024, p.15). In fact, this initiative can arise from the obligation a relative might feel towards a determined group, especially if they are understood as guarantors of security or if they “share ethnic, religious or territorial ties” (UNODC, 2018b, p.12). Additionally, it is relevant to consider that children may alternatively voluntarily seek to

² It is important to note that international treaties conceptualize child recruitment differently, and states are only bound by the treaties they choose to ratify. For instance, the African Charter on the Rights and Welfare of the Child (Art. 22) prohibits all recruitment of children under 18, whether forced or voluntary, by both armed forces and armed groups. In contrast, Additional Protocols I and II to the Geneva Conventions and the Convention on the Rights of the Child set the minimum age for child recruitment at 15. This inconsistency in legal standards weakens an effective global framework for child protection (Alliance for Child Protection in Humanitarian Action, 2020, p.6).

⁴ The risk of children being trafficked extends beyond their recruitment by armed forces or groups. Even after leaving such groups, they often face prolonged challenges, such as the loss of “pre-war societal connections”, which makes them vulnerable once again to deceptive offers that further entrench their exploitation (Kidd, A., 2020, p.49).

join the military, driven by socio-economic disadvantages and lack of education, where war can present an “opportunity”, namely as a means of “employment”, a way to “escape from an oppressive family situation”, “serve the cause”, either “religious, ethnic, or political”, or even as a way “to protect themselves or other members of their family” (Brett, R., 2003, p.859-860).

Trafficking of children for recruitment and use by armed groups, either to serve as fighters, human shields, or suicide bombers⁵ or used in support roles, such as cooking, portering, looting, or guarding usually entails the presence of other crimes, such as sexual abuse and forced drug administration (Wolte, S., 2004 *cit. per* Gallagher, A., 2015, p.8). Children are, undoubtedly, the most appealing group to traffickers to perform these types of work, once they represent the largest share of the population in poor countries, are easier to manipulate, cost fewer resources than adult soldiers, and have limited capacity to distinguish what is right or wrong, following leaders without question (Schauer, M., & Elbert, T., 2010 *cit. per* Žarković, et. al., 2019, p.49). As exemplified by Tiefenbrun, S., (2007, p.423-424), “[c]hild soldiers are brainwashed thoroughly and brutally until their ethics and moral values become so distorted that they believe doing evil is good” and any refusal to follow orders or attempts to escape is often to be met with severe punishment. In some extreme instances, children were reportedly “boiled alive”, while the remaining group was subsequently “forced to eat the human flesh” as both a lesson and a method of training. (Tiefenbrun, 2007, p.424).

The physical and psychological repercussions that children face after being trafficked into recruitment, either forcible or by being deceived into joining armed forces or groups, are substantial. Whether placed in the first lining of combat or having operated in supportive roles, children face “risk[s] of grave physical injuries (possibly incurred while fighting or at the hands of their captors) as well as non-violent health consequences, such as sickness due to malnutrition or disease” (Gallagher, A., 2015, p.9). Moreover, children who manage to survive and return to their communities often face discrimination and reprimands, most frequently ending up in isolation; in particular, girls experience a larger burden, facing higher levels of “depression, anxiety, and post-traumatic stress disorder”, and many times carrying babies born out of “unwanted pregnancies during

⁵ Suicide bombings involving children were a frequent tactic employed by Boko Haram in the Lake Chad region, often involving girls as young as eight years old who were drugged and forced to carry explosives strapped to their bodies, creating widespread fear and terror (BBC News, 2016)

their times with rebel groups”, ultimately resulting in further segregation by the community (Harvard T.H. Chan School of Public Health, 2011).

Recalling the distinction afore presented by Žarković, et. al. (2019, p.46), armed conflicts can also induce exploitation in non-armed activities, which includes forms of exploitation typically noticeable during peacetime but also present in the context of war, such as sex trafficking, trafficking for “forced labour and trafficking in human organs and body parts”, each acquiring specific characteristics within the course of hostilities (Žarković, et. al., 2019, p.50).

According to the U.S. Department of Justice (2023), “[c]hild sex trafficking refers to the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a minor for the purpose of a commercial sex act”. It is important to note that this form of trafficking is considered to be a broad category, manifesting in multiple forms, namely “sexual exploitation, sexual slavery, and forced marriage” (Bigio, J., & Vogelstein, R., 2019, p.4). In relation to trafficking of children for sexual exploitation, it has been “reported as part of the generalized sexual and gender-based violence that characterizes conflict areas”, being girls at “increased risk of sexual exploitation including through trafficking” compared to boys (United Nations Human Rights Council, 2016, *cit. per* UNODC, 2018b, p.9). In fact, as indicated by the United Nations Regional Information Centre (UNRIC) (2024), from the total number of “3,622 UN-verified cases” from the UN Secretary-General report on Conflict-Related Sexual Violence in 2024, 1,186 involved children, with girls constituting 98% of these victims. Even though not all of the reported cases necessarily amount to trafficking (once there are strict criteria to meet its legal threshold- act, means, and purpose), the statistics appear to be relevant to understanding the broad and complex scenario.

Sexual slavery, on the other hand, designates “the systematic enslavement of individuals for sexual purposes, forcing them to perform sexual acts against their will [...] involv[ing] [the control of] a person through force, fraud, or coercion for the purpose of sexual exploitation” (Legal Information Institute, 2024). This crime has been recently under scrutiny by the International Criminal Court (ICC), with the ICC Office of the Prosecutor releasing its Policy on Slavery Crimes in December 2024, in order to improve the identification, investigation, and prosecution of slavery-related offenses, including sexual slavery, within the framework of international law (ICC, 2024). While it is true that the crime of sexual slavery, under rigid conditions, can be considered a crime against

humanity or a war crime, as developed in Chapter 2, this recent development demonstrates an international will to advance new strategies in order to combat the enduring impacts of sexual slavery.

Robertson, G., (2012, p.2) explains that in some contexts, families may sell their daughters into sex slavery, or traffickers may exploit economically vulnerable girls with deceptive promises of employment abroad. However, what commonly happens is that, upon arrival, these girls are instead sold to “pimps”⁶ rather than being offered the previously agreed jobs⁷, subjecting them to an extensive process of “emotional, psychological, and physical abuse” (Robertson, G., 2012, p.2). Children likely experience similar harms being trafficked into forced marriages, which the Office of the High Commissioner for Human Rights (OHCHR, s.d.) defines as “a marriage in which one and/or both parties have not personally expressed their full and free consent to the union”. It is crucial to acknowledge, that “legally children cannot give consent” and “are incapable of understanding the implications of such a long-term decision to marry”, lacking “autonomy, independence, and maturity”, further highlighting their vulnerability to falling in such situations (Warria, A., 2017, p.275).

As reported by UNODC (2018b, p.10), trafficking linked to forced marriages primarily targets women and girls, exploiting stereotypical gender roles where “the wife carries out household duties while experiencing severe forms of violence, abuse and coercion including rape and non-consensual sexual intercourse”. As with most forms of trafficking, this practice can be initiated by families as “[p]overty may lead some parents to give or trade their daughters for marriage”, in exchange for economic incentives (UN Women, 2013; ICMPD, 2015, *cit. per* UNODC 2018b, p.11). Warria A., (2017, p.276) explains that consent given by caregivers is not the only way children become trafficked into forced marriages, with abduction playing a significant role in conflict-affected states, namely in the “Democratic Republic of Congo (DRC), Sudan and Chad and [...] in Nigeria”, where children had been abducted by rebels and later subjected to sexual violence under the guise of “temporary marriages” or as so-called “wives”.

Forced child labour is defined by the ILO’s Forced Labour Convention (No. 29, 1930, Article 2) as “all work or service which is exacted from any person under the

⁶ “A man who controls prostitutes, especially by finding customers for them, and takes some of the money that they earn” (Cambridge Dictionary, *s.d.*)

⁷ See Samira’s story, a victim of sex trafficking initiated by a family member, in India (World Vision, 2021).

menace of any penalty and for which the said person has not offered himself voluntarily”. This definition was expanded, in the Worst Forms of Child Labour Convention (No. 182, 1999, Article 3) to include “all forms of slavery or practices similar to slavery”, as well as the use of children for prostitution, pornography, or other illicit activities. In contrast to other types of trafficking, victims of forced labour exploitation are predominantly male (UNODC, 2022b, p.36). In general terms, “women and girls make up one third of victims trafficked for forced labour”, and the industries where victims are exploited often correlate with gender (UNODC, 2022b, p.36). In the specific context of armed conflict, it is important to note that trafficking for forced labour often occurs so that armed groups can “generate illicit income or sustain military operations”, exploiting children “in various non-combat or ‘support roles’, such as cooking”, performing “household chores”, or participating in “heavy construction work” (United Nations, 2018; MONUSCO, 2018 *cit. per* UNODC, 2018b, p.13).

Finally, the last form of trafficking to be addressed in this research is the trafficking of organs and body parts. While this form affects fewer children compared to other types of trafficking- children accounted for 12% of victims detected between 2017 and 2023, according to UNODC-reported cases (UNODC, 2024, p.54)- these numbers are not to be overlooked. Organ trafficking is among the most lucrative forms of trafficking, generating an estimated “\$840 million to \$1.7 billion annually in proceeds”, with “[u]p to 10 percent of all transplants” being “conducted using illicitly acquired organs” (May, C., 2017, *cit. per* Bigio & Vogelstein, 2019, p.8). This practice is often linked to armed conflicts, either as a means to treat wounded soldiers or as a revenue-generating mechanism to finance the war (UNODC, 2018a, p.7).

For example, Israel has long faced accusations of involvement in the black market for organs. In 2009, one of Sweden's most recognized daily newspapers reported allegations blaming the Israeli army for the abduction and killing of Palestinians to collect their organs (The Cradle, 2024). These claims resurfaced following the attacks on October 7th, particularly after a report issued by the Euro-Med Human Rights Monitor (2023), raising concerns about missing organs from Palestinian corpses, including “cochleas and corneas, as well as other vital organs like livers, kidneys, and hearts”. Although proving allegations of this kind is difficult during times of conflict, particularly in this context of constraints imposed by the Israeli occupation, some argue that “thorough investigation[s]” could not only enhance accountability and justice in conflict-affected

areas but also deliver justice to victims and “prevent further violations of international humanitarian law” (Yuksel, C., 2024).

Having analyzed the primary forms of child trafficking during armed conflict, it is essential to outline the profiles of traffickers operating in conflict zones, which UNODC (2018b, p.19) divides into two main groups. The first group involves members of armed groups who leverage their military power and coercive capacities to “exploit civilians and opponents for different purposes”; the second group consists of opportunistic individuals or groups who are “motivated by profits” and exploit the criminal opportunities created by the instability of conflict zones, engaging in human trafficking to collect money (UNODC, 2018b, p.19). In fact, as Tiefenbrun, S., (2007, p.429) highlights, “the three most serious and lucrative international crimes today are the trafficking of weapons, drugs, and humans, in that order”. Tiefenbrun further indicates that these activities are deeply interconnected, particularly in the context of armed conflicts, noting that “[t]hese crimes are very profitable, and money earned from one form of trafficking (e.g. weapons) helps finance the trafficking of the other (child soldiering)”, generating a cycle of mutual reinforcement that incites the abduction and exploitation of children in conflict zones (Tiefenbrun, S. 2007, p.429).

Generating an approximate global annual revenue of \$39 billion dollars along with child forced labour, trafficking of children persists due to a combination of minimal risks and significant profits for traffickers (Peled, E., 2018). As indicated by the National Human Trafficking Hotline (s.d.), weak legal frameworks, limited law enforcement resources, “low community awareness”, and poor recovery systems contribute to the perception of low risk for traffickers, while consumer demand for goods, services, and commercial sex suggest high profitability. In this regard, states must, among other efforts, prioritize measures to strengthen “[i]nternational monitoring and compliance mechanisms”, adopt victim-centered approaches that recognize “children associated with parties to conflict” as victims instead of “combatants or security threats”, and ensure that children affected by armed conflict receive “appropriate services for protection and assistance” (Gallagher, A., 2015, p.49).

Chapter 2: International and Regional Legal Frameworks of Protection

2.1. International Legal Framework

The internationally agreed upon and internationally recognized definition of human trafficking was built on the grounds of “anti-slavery movements” and “anti-sexual exploitation movements” that had been taking place for “the last two centuries” (Quireck, J., 2011, *cit. per* Gaspari, L., 2019, p.51). In fact, the matter of human trafficking, although always a reality, was only for the first time formally addressed in the United Nations by the entrance into force of the “Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (General Assembly Resolution 317 (IV) of 2 December 1949)”, in 1951 (UNODC, 2010a). Accordingly, “this Convention was a legal turning point, as it was the first international instrument on trafficking and related issues that was legally binding” (UNODC, 2010a). Nevertheless, the provisions enshrined in the document presupposed that trafficking could exclusively manifest in the form of prostitution, leaving people- including children- who were trafficked for other purposes, unprotected (Scarpa, S., 2008, *cit. per* Morcom, C., & Schloenhardt, A., 2011, p.15). Such constraint encouraged negotiations for the development of a new instrument, adopted in 2000- the UN Convention against Transnational Organized Crime (UNTOC), by consensus and with extensive levels of ratification, along with its “protocols on trafficking in persons [the Palermo Protocol], smuggling of migrants and trafficking in firearms” (Shaw, M., et al., 2024, p.3).

It is important to note that, even though the UNTOC and the ensuing Protocols were fundamentally crafted to respond to transnational crime- involving two or more states- “the definition of human trafficking also applies to cases of internal (or ‘domestic’) trafficking, in which a child or adult is trafficked without being taken across a border (e.g., within their own country)” (OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, [OSR/CTHB] 2018, p.18).

When analyzing Article 3, of the Palermo Protocol, it is possible to identify three elements that qualify the crime as human trafficking, namely, the action, the means, and the purpose, as previously stated. The OSRSG CAAC (2024, p.10) explains that a person under 18 years is considered a victim of child trafficking if they “ha[ve] been subjected to an ‘act’ (such as recruitment, transportation, or transfer) for the ‘purpose of exploitation’” which “includes ‘sexual exploitation’ and ‘forced labour’”, as outlined in

the UN Trafficking Protocol. Contrary to adult trafficking cases, “there is no requirement to show the ‘means’” employed, such as “force or deception”, as “a child can never legally consent to their own exploitation” (OSRSG CAAC, 2024, p.10). Concerning exploitation types, it is important to acknowledge that their classification is left to the discretion of each country, enabling states to decide which forms of exploitation they prioritize to eliminate (Allain, J., 2014, *cit. per* Horzum, E. D., 2017, p.62).

On this note, among criticisms of this Protocol, the one denouncing “[t]he lack of clarity around terms related to human trafficking, especially exploitation”, is predominant (Horzum, E. D., 2017, p.63). Moreover, another limitation concerns the “repressive nature” of the Protocol, arising from the fact that it is an “additional agreement supplementing a Convention regarding international crime” and, therefore, was primarily set to be focused on punishing instances of trafficking and their perpetrators, rather than adopting a human rights-centered approach prioritizing victims (Gaspari, L., 2019, pp.53-54). Nevertheless, the adoption of the Palermo Protocol was a significant milestone, laying the foundation for legal responses to human trafficking through “mutual cooperation and the consolidation of a global anti-trafficking legal framework”, which has incited worldwide engagement of multiple actors to “[work] together towards the building of a more complete and wider picture of [human trafficking]” (Wilson, L. 2020, p.171-172).

In specific relation to child trafficking, additional legal documents complement the international framework established to combat human trafficking and to protect children’s rights (CGU, 2024, p.9). The 1989 Convention on the Rights of the Child (CRC) “[was] the first major instrument to consider child trafficking as a separate phenomenon, requiring specific preventative and victim rehabilitation measures” (Morcom, C., & Schloenhardt, A., 2011, p.20). In particular, Article 35 of the CRC urges states to “take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form” (UN General Assembly, 1989, Article 35), therefore amplifying the concept of child trafficking to multiple forms of exploitation, not restricted to forced prostitution (Morcom, C., & Schloenhardt, A., 2011, p.20). Moreover, the Optional Protocol to the CRC on the Sale of Children, Child Prostitution, and Child Pornography, (adopted in 2000 and entered into force in 2002, although not explicitly designating trafficking in its title, addresses the issue in its preamble and Article 3 (Dottridge, M., 2006, p.15). More specifically, the Protocol

reveals preoccupation towards “the significant and increasing international traffic in children for the purpose of the sale of children, child prostitution and child pornography”, urging state parties to forbid related forms of abuse, “whether such offences are committed domestically or transnationally or on an individual or organized basis” (UN General Assembly, 2000, Preamble; Article 3).

It is also important to outline the relevance of the Optional Protocol to the CRC on the Involvement of Children in Armed Conflicts (adopted in 2000 and entered into force in 2002), which broadened the definition of child trafficking to include the recruitment and movement of child soldiers for exploitation, even though this form of exploitation is not explicitly listed in the Palermo Protocol (Morcom, C., & Schloenhardt, A., 2011, p.20-21). Additionally, although International Humanitarian Law “does not specifically prohibit child trafficking”, it contains “numerous relevant provisions in treaty and custom that can also be used to identify and protect trafficked persons, and to prevent and punish trafficking”, namely “prohibitions on enforced disappearances, recruitment or participation of children in hostilities, slavery and the slave trade in all its forms, and rape and other forms of sexual violence” (OSRSG CAAC, 2024, p.28).

With a similar purpose of protecting vulnerable people from trafficking, other UN initiatives and mechanisms were developed and applied over the years. In fact, it was no longer after the adoption of the Palermo Protocol that, in 2004, the former UN Commission on Human Rights “adopted decision 2004/110, by which it decided to appoint [...] a Special Rapporteur on trafficking in persons, especially women and children, to focus on the human rights aspects of the victims of trafficking in persons” (OHCHR s.d.). According to the International Justice Resource Center (s.d.), SRTIP’s main tasks consist in “communicat[ing] with governments about alleged violations, conduct[ing] country visits to more fully understand the trafficking situation and submit[ting] reports to the Human Rights Council and UN General Assembly annually”. Another instrument worth highlighting is the Global Initiative to Fight Human Trafficking (UN.GIFT), launched in 2007 (UNODC, 2010b, para.2). As “a multistakeholder initiative that provides global access to expertise, knowledge and innovative partnerships”, it contributed to the realization of the magnitude of the crime and the necessity of employing “coordinated efforts and cooperation” between all actors (UNODC, 2010b, para.1; 57).

Crucially, the inclusion of human trafficking in the UN 2030 Agenda for Sustainable Development, particularly within its Sustainable Development Goals (SDGs) and Targets in 2015, was of significant importance. These initiatives put forward that “[s]tates have a collective interest and responsibility to ensure that the most vulnerable people and populations, including migrants and refugees, are not left behind by economic, social and environmental progress” (UN General Assembly, 2017, para. 10) and, in this sense, the mentioning of trafficking in “three targets under three goals: 5 (Gender Equality), 8 (Decent Work and Economic Growth) and 16 (Peace Justice and Strong Institutions)” represents a unison will and compromise from states to combat this problem (ICAT, 2018, p.1).

The UN protection agenda for children affected by armed conflict is also worth exposing, especially considering the recent launching of a report that, for the first time, established a connection between this agenda and child trafficking. The mandate of the Special Representative for Children and Armed Conflict was established by the UN General Assembly in December 1996, following the publication of Graça Machel’s “seminal report”, which brought to attention the disproportionate impact of armed conflict on children (Chikuhwa, T. W., 2007, p.3). This mandate was intended “to strengthen the protection of children affected by armed conflict, raise awareness, promote the collection of information about the plight of children affected by war and foster international cooperation to improve their protection”, and has received “[s]trong engagement from the international community and the United Nations’ highest bodies”, such as the Security Council (UNSC) (OSRSG CAAC, s.d.). Moreover, the establishment of its “Monitoring and Reporting Mechanism” was fundamental to enhance child protection, providing timely and accurate information on the six grave violations committed against children in situations of armed conflict, namely “[k]illing or maiming of children; [r]ecruiting or using child soldiers; [a]ttacks against schools or hospitals; [r]ape or other grave sexual violence against children; [a]bduction of children; [d]enial of humanitarian access for children” (Chikuhwa, T. W., 2007, p.22-23).

The UNSC, “the premier global body for maintaining international peace and security” (Council on Foreign Relations, 2024b), has also played a key role in addressing the crime of child trafficking, especially from a security perspective. As revealed in research conducted by Free the Slaves and the University of Nottingham Rights Lab (2024, p.14-15), the UNSC was able to distinguish itself through historical “thematic

debates” in 2015 and 2017, the issuance of the first “Presidential Statement on Human Trafficking” in 2015, which emphasized the “the link between human trafficking and armed conflict”, and, most notably, through the adoption of Resolutions addressing the issue.

The privileged position occupied by the UNSC in the field of international law and its power to directly shape the development of international law, particularly through its responses to human rights violations in conflict settings, is explored in *The Charter of the United Nations: A Commentary* (Simma et al., 2024). Accordingly, the special authority of the UNSC derives from the Charter itself, which assigns the Council “primary responsibility for the maintenance of international peace and security” in Article 24 (von Arnould, A., 2024, p.1017). This capacity is exercised through Chapter VII, specifically in Articles 39 to 42, which allow the UNSC to “make recommendations, order provisional measures, or take non-military or military enforcement measures”, depending on the nature of the situation (De Wet, E., p.1586). In this context, Article 25 acts as a fundamental provision, “oblig[ing] the Member States to ‘accept and carry out’” the binding decisions of the UNSC (von Arnould, A., 2024, p.1017).

However, as put forward by Peters A., (2024, p.1064) while the Charter distinguishes many times between “decisions” and “recommendations,” the binding character of a given resolution must be assessed “specifically for each concrete case”, as the term “resolution” alone is quite ambiguous. Relying on the ICJ’s *Namibia* Advisory Opinion, Peters, A (2024, p.1064) highlights that the binding effect of a resolution depends mainly on its “language”, considering “the terms” employed, “the discussions” that lead to its adoption, the “Charter Provisions invoked” and the broader context surrounding the resolution. Ultimately, the legal consequence of a binding decision is that Member States are under the obligation to “comply”, whereas a recommendation allows “discretion whether or not to act”, even though non-binding measures may also acquire “quasi-binding” force “if non-compliance” is considered by the UNSC “as a threat to the peace” (Peters, A., 1065).

Peters A (2024, p.1065-1066) further develops on the open-ended debate over whether UNSC resolutions adopted outside the scope of Chapter VII can be considered binding or not. The author, referencing once again the ICJ’s *Namibia* Advisory Opinion, explains that the requirement for states to comply with Article 25 is not restricted to

resolutions passed under Chapter VII, but extends to “all decisions [...] adopted in accordance with the Charter”.

Building on this framework, Article 39, inserted in Chapter VII of the Charter, defines “the main prerequisite for the application of Arts 40 to 42”, creating the conditions for “the adoption of enforcement measures in cases of threats to the peace, breaches of the peace, or acts of aggression” (De Wet, E., 2024, p.1623). This background is particularly relevant when analyzing “[t]he two thematic resolutions on trafficking in persons in situations of armed conflict”, UNSC Resolutions 2331 and 2388, which were both “not passed under Chapter VII” (Free the Slaves & University of Nottingham Rights Lab, 2024, p.16). According to de Wet, E., (2024, p.1652), while Chapter VII enforcement may, in rare cases, proceed without an explicit acknowledgment of Article 39, “[t]he absence of an explicit reference is usually an indication of disagreement within the [UN]SC about the causes or extent of the threat to the peace,” and, in such cases, “resolutions should be interpreted narrowly and should not be regarded as providing for enforcement action”. Moreover, the language employed in both resolutions, using terms such as “[c]alls upon”, “[c]ondemns”, “[u]rges”, or “[e]ncourages” (UNSC 2016; UNSC 2017), which are ambiguous as to whether they constitute binding provisions (Peters, A., 2024, p.1065) sets the preconditions for limited implementation by states.

Firstly, Resolution 2331 (2016) was the first ever UNSC resolution formally recognizing the link between human trafficking and armed conflicts, giving this issue worldwide recognition (De Liévana, G., & Chinkin, C., 2020, pp.189-190). The resolution explicitly condemns acts committed by terrorist and extremist groups, including the Islamic State of Iraq and the Levant (ISIL), Boko Haram, Al-Shabaab, and the Lord’s Resistance Army, such as “acts of trafficking, particularly the sale or trade in persons” and “violations and other abuses”, carried out “for the purpose of sexual slavery, sexual exploitation, and forced labour” (UNSC, 2016, para. 11). In addition, the resolution urges states to strengthen their legal frameworks to “prevent, criminalize, investigate, prosecute” trafficking cases, to collect and preserve “evidence of such crimes”, and to ensure “protection and assistance for identified victims”, while also recognizing the recurrence of “gender-based violence in conflict” that can be used as a strategy by terrorist groups (UNSC, 2016, para. 2 (b), (d), 8).

Moreover, considering that human trafficking can serve as a source of funding for terrorist activities, the resolution tasks the Financial Action Task Force (FATF) and other

relevant bodies to investigate these financial flows (UNSC, 2016, p.4), revealing also an “intention to consider targeted sanctions for individuals and entities involved in trafficking in persons in areas affected by armed conflict and in sexual violence in conflict” (UNSC, 2016, para. 12).

Throughout Resolution 2331 (2016), some references are made to children in situations of armed conflict, primarily done so to underscore their heightened vulnerability. The resolution highlights the risks faced by children, namely those who “are forcibly displaced by armed conflict” or “separated from their families or caregivers”, emphasizing their susceptibility to trafficking, exploitation, and abuse- while vehemently condemning these actions (UNSC, 2016, preamble). Additionally, the resolution urges states to provide comprehensive support to children affected by trafficking and sexual violence in armed conflict, including healthcare, psychosocial assistance, shelter, and legal aid, while also making efforts to prevent undocumented refugee children from ending up stateless, by “clarifying and securing the[ir] legal status” (UNSC, 2016, para. 3(b); 10).

One year later, the UNSC adopted Resolution 2388 (2017), which reiterates and expands upon the commitments of Resolution 2331 (Free the Slaves, University of Nottingham Rights Lab, 2024, p.17). Similarly, this resolution condemns acts of trafficking and other violations perpetrated by terrorist groups, underscoring the need for states to strengthen legal frameworks, protect victims, integrate gender-sensitive approaches, and ensure accountability, particularly by “collect[ing], preserv[ing] and stor[ing] evidence of human trafficking” (UNSC, 2017, preamble; para. 5). In addition, it expresses the Council’s intention to continue “financial investigations to track and disrupt human trafficking and identify potential linkages with terrorism financing”, urging states to “increase efforts to collect, analyse and share [...] data” on these issues (UNSC 2017, para. 7; 9).

Resolution 2388 also strengthens the provisions of Resolution 2331 by introducing more targeted measures to protect children in armed conflict. It reiterates its “grave concern over the abduction of children in situations of armed conflict”, adding that such acts can “occur in a variety of settings, including schools”, often preceding or following other serious violations, including recruitment, sexual violence, and forced displacement, “which may amount to war crimes or crimes against humanity” (UNSC, 2017, preamble). It also underscores the need for timely reintegration and rehabilitation support for children

affected by armed conflict, ensuring special assistance for girls, boys, and children with disabilities, providing them “access to health care, psychosocial support, and education programmes” (UNSC, 2017, para. 20) . Lastly, the resolution also urges States to avoid the “administrative detention” of child trafficking victims for “immigration laws and regulations” violations, except as a last resort under the least restrictive conditions and for the shortest duration possible (UNSC, 2017, para. 21).

Even though both resolutions are regarded as crucial tools for identifying and recognizing the problem of human trafficking in situations of armed conflict, especially considering that “more attention is paid to an issue once it is on the agenda of the UNSC”, they face considerable criticism (Free the Slaves, University of Nottingham Rights Lab, 2024, pp.17-18). De Liévana, G., & Chinkin, C. (2020, p.193) underline how resolution 2331 establishes a “hierarchy of victims”, wherein only individuals/children trafficked or subjected to sexual violence by terrorist groups qualify for recognition and support, excluding victims trafficked by other actors from getting adequate protection. Additionally, the authors underline how these resolutions address trafficking “as a security issue rather than as one of development and human rights, including economic, social and cultural rights, unequal access to which is linked to the structural causes that heighten the vulnerability of women and girls to being trafficked” (De Liévana, G. & Chinkin, C., 2020, p.192)

In this sense, one can agree that, while the inclusion of trafficking issues in the agenda of the UNSC is “a positive step forward”, it is, however, “insufficient in the absence of implementation in practice”, deriving primarily from the language employed in the resolutions which do not entail any truly binding obligation for states, overall representing “a missed opportunity to address the root causes of human trafficking, which create the vulnerability of people to be trafficked in conflict-related contexts and beyond” (Free the Slaves, University of Nottingham Rights Lab, 2024, pp.17-19)

On another note, “[m]odern slavery practices committed by armed groups in situations of conflict may also amount to war crimes, crimes against humanity, or genocide”, crimes which fall into the jurisdiction of the ICC (Free the Slaves, University of Nottingham Rights Lab, 2024, p.20). Given the seriousness of human trafficking crimes, the Rome Statute found it imperative to “expressly state that trafficking can amount an international crime, in the form of enslavement as a crime against humanity, and/or sexual slavery as a war crime” (Bradfield, P., 2020), although the discussion is

primarily focused on the crime against humanity of enslavement, specified in Art. 7(1)(c) of the Rome Statute (Vojta, F., 2024, p.395).

Human trafficking focusing on the crime against humanity of enslavement is enshrined in Article 7(2)(c) of the Statute, which “define[s] ‘enslavement’ as the ‘exercise of any or all of the powers attaching to the right of ownership over a person... include[ing] the exercise of such power in the course of trafficking in persons, particularly women and children’”, and further reinforced on footnote 11 of the ICC Elements of the Crime⁸ (Alhadi, N., 2020, p.555; UN, 1998).

However, it is worth highlighting that not all human trafficking crimes can amount to crimes against humanity and therefore be prosecuted by the ICC; to do so, they must meet the “*chapeau*” elements of Article 7 (Wilson, L., 2020, p.247). Specifically, “[t]he *chapeau* requires any article 7 *actus reus* to be committed by an individual associated with the state or other organization with state-like control ‘as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.’” (UN, 1998; Alhadi, N., 2020, p.555).

Similarly, sexual slavery as a crime against humanity is observed in article 7(1)(g)-2) of the Rome Statute and is considered “a specific form of enslavement characterized by an additional material element”, that is “the perpetrator, in addition to violating personal liberty (enslavement), also restricted sexual autonomy by forcing the victim to perform at least one act of a sexual nature (sexual slavery)” (Vojta, F., 2024, p.397). Additionally, trafficking may also be prosecuted by the ICC as a war crime of sexual slavery, provided that the conduct is “committed ‘in the context of and ‘associated with’ an armed conflict, whether international (Art. 8(2)(b)(xxii)-2) or non-international (Art. 8(2)(e)(vi)-2)” in nature, and that the perpetrator is “aware of the factual circumstances that established the existence such a conflict⁹” (Vojta, F., 2024, p.398). Lastly, it is important to notice that trafficking may “also meet the elements of other war crimes” such

⁸ Note that, in the same way that trafficking in persons is included within the material elements of enslavement as a crime against humanity, “other international crimes in the ICC Statute, such as sexual slavery as both a crime against humanity and a war crime, also include human trafficking in their material elements, yet they remain somewhat neglected in the discussion” (Vojta, F., 2024, p. 395)

⁹ Vojta, F., 2024, p.398) explains that the ICC can also prosecute war crimes committed outside the conflict zone, namely in bordering countries, “as long as the jurisdictional requirements are met and the nexus to an armed conflict is established”. For instance, the trafficking of Ukrainian refugees in European countries could possibly amount to war crimes of sexual slavery if the “perpetrators are nationals of an ICC State Party” and if “there is a sufficiently close connection to the armed conflict in Ukraine” (Vojta, F., 2024, p.398).

as “unlawful deportation, transfer or confinement, conscription and enlistment of child soldiers, or enforced prostitution” (Vojta, F., 2024, p.399).

Wilson, L., (2020, pp.262-263) resumes the significant limitations faced by the ICC in prosecuting human trafficking cases. Firstly, the lengthy judicial process is often hindered by “[s]tates’ poor cooperation, difficulties to ensure witness and staff protection, [and the] availability and reliability of sources of evidence” (Wilson, L., 2020, p.262). Secondly, the ICC acts under the principle of complementarity, meaning that “priority [is given] to investigations and prosecutions at a domestic level” (Wilson, L., 2020, p.262). Another critical challenge indicated by Wilson is the gravity criterion that needs to be met, as only crimes of sufficient scale and severity can justify ICC’s intervention (Wilson, L., 2020, p.262). Additionally, the Court’s territorial jurisdiction is limited to state parties where the crime occurred, which Wilson notes as a “further legal constraint to prosecute [human trafficking] before the international court” (Wilson, L., 2020, p.263). While this restriction can, at certain times and under certain conditions, be surpassed through “the referral of any [s]tate’s party to the ICC or by referrals from the [UNSC] to the ICC under Chapter VII of the UN Charter”, Wilson underscores that the jurisdictional obstacles continue to be a significant restriction to the effective prosecution of human trafficking at the international level (Wilson, L., 2020, p.263).

To address these problems, a report issued by Parliamentarians for Global Action (2022, p.49) concludes that an amendment to the Rome Statute in order to “include human trafficking as a new core crime or as an underlying act of crimes against humanity” is necessary, although this process comprises significant “budgetary, logistical, and political challenges”. Considering “the gravity of the crime and the absence of other criminal jurisdictions capable of stepping in in the face of voluntary or involuntary inaction of States and regional bodies”, (Parliamentarians for Global Action, 2022, p.50) the report views that the ICC should assume a more inclusive role in addressing human trafficking, in contrast to arguments defending the Court’s effective capacity to handle trafficking cases within its current framework (Vojta, F., p.339).

2.2. Regional Legal Framework

Over the years, the Palermo Protocol's shortcomings were partly overcome with the introduction of supplementary legal frameworks, notably the 2005 Council of Europe Convention on Action Against Trafficking in Human Beings, which clearly affirmed that

trafficking in persons is a violation of human rights (Mattar, M., 2006 *cit. per* Wilson, L. 2020, p.173). On this note, it is important to underline that, in 2021, Russia was the only Council of Europe (CoE) Member-State that had neither signed nor ratified the Convention (Group of Experts on Action against Trafficking in Human Beings, [GRETA] 2022, p.63) and, in 2022 saw the cessation of its membership from the Council following the invasion of Ukraine (Council of Europe, 2022).

The CoE Convention prioritizes victim protection, ensuring that appropriate assistance measures are provided “without discrimination, respecting gender equality and the rights of children”, “through a multidisciplinary and comprehensive approach” (Gaspari, L. 2019, p.56). It urges States to take measures “to assist victims in their physical, psychological and social recovery, taking into account their safety and protection needs”, “including appropriate and secure accommodation, [...] access to emergency medical treatment, translation and interpretation services, counselling and information, assistance to represent the victims’ rights during criminal proceedings against offenders, and access to education for children” (GRETA, 2019, p.9).

Among other relevant provisions, this Convention expanded victim identification obligations, particularly for children, by “encouraging countries to train officials and enhance measures to better identify and protect a trafficked victim”, while also ensuring that, once identified, victims can have their privacy and identity safeguarded, especially if they choose to report their traffickers (Gaspari, L. 2019, p.57). Moreover, the CoE established GRETA, a “treaty monitoring body” to oversee “the implementation of the Convention in individual States and [publish] annual reports” on related themes (OSR/CTHB, 2018, p.26).

The European Court of Human Rights (ECtHR) has been another central player in the international fight against human and child trafficking, particularly by emphasizing the positive obligations of states to address and prevent trafficking cases (Kara, S., 2011, p.124). Although the European Convention on Human Rights (ECHR) does not include a provision expressly mentioning trafficking, Article 4 condemns practices of “slavery”, “servitude” and “forced and compulsory labour” (*Rantsev v. Cyprus and Russia*, 2010, para. 272). This article has been, on occasion, addressed by the Court, namely in the cases of *Siliadin v. France* (2005) and *Rantsev v. Cyprus and Russia* (2010) in which the “legal concept of slavery involving acts of trafficking” was analyzed under article 4 (Wilson, L., 2020, p.157). Firstly, the *Siliadin* case involved a young girl from Togo who was brought

to France by a relative of her father under false promises and subsequently was exploited for several years, being kept as a domestic worker under harsh and forced conditions (Siliadin v. France, 2005, para. 9-45). The Court found that France failed to uphold its positive obligations “under Article 4 of the Convention”, subjecting the applicant, who was a minor at the time, to “servitude” and “forced or compulsory labour” (Siliadin v. France, 2005, para. 120; 129; 149). However, the Court did not recognize the applicant’s situation as slavery and was deeply “criticized for its narrow construal of the definition of slavery under Article 4” (Kara, S., 2011, p.125). The Court noted, according to the 1927 Slavery Convention, that “slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”, and argued that, while the applicant was “clearly deprived of her personal autonomy”, the evidence did not demonstrate that she was held in “slavery in the proper sense”, once there was no “genuine right of legal ownership” exercised over her (Siliadin v. France, 2005, para. 122).

Rantsev v. Cyprus and Russia (2010) “is considered the real landmark case for human trafficking provisions under the ECtHR” (Gaspari, L. 2019, p.59), determining that human trafficking falls within the scope of Article 4, and interpreting the Convention as “a living instrument which must be interpreted in the light of present-day conditions” (Rantsev v. Cyprus and Russia, 2010, para. 277; 282). This case was initiated by the father of Oxana Rantsev, a young Russian woman “who was trafficked from Russia to Cyprus under the false pretense of working as a dancer in a cabaret club”, who was “forced into prostitution, and found dead on the street a few weeks later” (Kara, S. 2011, p.124).

The Court held both Cyprus and Russia responsible for failing to fulfill their positive obligations under Article 4 of the Convention (Gaspari, 2019, p.60). On the one hand, Cyprus was accountable for failing to afford the victim “practical and effective protection against trafficking and exploitation”, to “take preventive measures”, and to properly conduct an “investigation into her death” (Rantsev v. Cyprus and Russia, 2010, para. 290-300). Russia, on the other hand, was responsible for violating its “procedural obligation under Article 4 to investigate alleged trafficking”. Moreover, both countries were criticized for failing to “cooperate effectively”, hindering the victim’s protection ((Rantsev v. Cyprus and Russia, 2010, para. 289).

In summary, this case was considered outbreaking to the legal sphere of human trafficking, denouncing its instances as a threat to “human dignity and fundamental

freedoms of its victims” that “cannot be considered compatible with a democratic society and the values expounded in the [CoE Anti-Trafficking] Convention” (Rantsev v. Cyprus and Russia, 2010, para. 282). Overall, the Rantsev case signified an improvement in the legal sphere of human trafficking, recognizing that “human dignity and fundamental freedoms of its victims” “cannot be considered compatible with a democratic society” (Rantsev v. Cyprus and Russia, 2010, para. 282), while also establishing a progressive approach in international and European law, acknowledging “that laws can be interpreted” according to contemporary times, instead of being “crystallized and fixed” (Gaspari, L., 2019, p.60).

In this context, one can understand the complex implications of the exclusion of Russia from the Council of Europe and the European human rights system. As argued by Kowalski, J. (2024, p.122), from one perspective, Russia’s absence from the ECtHR is likely to “improve its operation” and develop its “effectiveness and efficiency”, once it can allow a “reform and improvement of the control mechanism, as Russia was a major opponent of changes in the past”. From another perspective, Russian citizens and persons under its jurisdiction became, since 16 September 2022, “deprived of the international protection of their rights within the framework of the ECHR and the European human rights system”, a matter of great concern given Russia’s “history of repeatedly violating human rights, even without withdrawing from international agreements to which it is or was a party” (Kowalski, J., 2024, p.122). This scenario, coupled with “current and planned changes in Russia”, will accentuate its “isolation on the international stage” (Kowalski, J., 2024, p.122), raising the alarm about child trafficking cases, as the lack of international oversight and accountability is likely going to increase the vulnerability of victims and constrain efforts to combat exploitation.

To conclude the analysis of child victim protection in Europe, it is essential to briefly examine the most relevant instruments operating within the European Union (EU). Human trafficking is prohibited by the 2000 EU Charter of Fundamental Rights in Article 5, along with “slavery”, “servitude” and “compulsory labour”, and is regarded “as a serious form of organized crime by the Treaty on the Functioning of the European Union” in Article 83 (European Commission, 2024).

Moreover, the Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims (Directive 2011/36/EU) introduced a “new and broader definition of trafficking in human

beings” (UNHCR, 2021, p.19), and, importantly, integrated, in Article 2(2), a definition for the position of vulnerability, “a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved” (Directive 2011/36/EU, 2011). Overall, this Directive signified a shift towards “a comprehensive approach”, integrating “criminal justice provisions and human rights protection”, while acknowledging the “gender-specific dimension” and the “push and pull factors” that contribute to trafficking¹⁰ (Gaspari, L., 2019, p.62)

In relation to children, Directive 2011/36/EU requires that child trafficking victims, including those unaccompanied or of uncertain age, receive “immediate access to assistance, support and protection”, including “physical and psycho-social recovery”, education, and a “durable solution based on an individual assessment of the best interests of the child” while also demanding states to ensure child-sensitive protections during “criminal investigations and proceedings” (Directive 2011/36/EU, 2011, Articles 13-16). Finally, the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, along with subsequent strategies, namely the current 2021-2025 Strategy, have been supplementary to the European framework, “provid[ing] for a comprehensive response to the crime” (European Commission, 2024).

Chapter 3: Case Study- The War in Ukraine

3.1. The Impact of the Conflict in Ukraine on Children

The Russian invasion of Ukraine and the subsequent war constitute what is considered “the most disruptive conflict” that the EU has witnessed since World War II (Nye, J., 2022). With the initiation of the full-scale hostilities in February 2022, the effects have been significantly devastating- from a concerning number of civilian casualties to the destruction of homes and civilian infrastructure, to the social fragmentation and disruption of the most basic services, as indicated by the UNHCR (s.d.). The number of Ukrainian refugees and internally displaced people (IDPs) is continually increasing, being recorded in January 2025, respectively, at “6.8 million” and “3.6 million people”¹¹;

¹⁰ In June 2024 Directive 2011/36/EU was revised to introduce new rules to “reinforce the fight against trafficking in human beings” namely by strengthening law enforcement tools, expanding the definition of exploitation to include forced marriage, surrogacy, and illegal adoption, and improving victim support and coordination mechanisms (European Commission, 2024).

¹¹ Of those fleeing the conflict, approximately 90 percent are women and children, reflecting the group of men between 18 and 65 years old who were demanded by the Ukrainian Government to serve in the military and therefore impeded from moving outside the country (IOM, 2023, p.8).

additionally, those who decided not to abandon their houses (approximately “12.7 million”), “face severe hardships due to infrastructure destruction and lack of services, especially in front-line regions and areas near the Russian Federation” (Office for the Coordination of Humanitarian Affairs & UNHCR, 2025, p.4).

Furthermore, other consequences arising from the conflict, namely “severe socioeconomic stress”, propelled by high unemployment rates, family separations, and the overall considerable dimension of the war transcending the Ukrainian national borders, create favorable conditions for instances of human trafficking to occur (IOM, 2024, p.8). As argued by Cockbain, E., & Sidebottom, A. (2022, p.7), some particular characteristics leave people or groups more vulnerable to exploitation and trafficking in the context of the war in Ukraine, namely “being elderly, belonging to a minority ethnicity group (e.g., Ukraine has a large Roma population), having a disability, being LGBTQ+, and lacking access to safe routes and settlement”.

Additionally, as highlighted by the UN- Secretary-General, the situation of separated and unaccompanied children, and children under institutional care is also concerning (UN General Assembly, 2022, para. 22). According to the IOM (2023, p.22), there have been cases of children abandoned by their families at the borders, who returned to retrieve other family members, leaving the children in the care of “neighbours and acquaintances”. Consequently, these children face a “heightened risk of trafficking, particularly if they were not identified by national child protection systems in the countries of transit and destination, or if the ability of caretakers to maintain their support wanes over time” (IOM, 2023, p.22).

Moreover, regarding children in government-run institutions, they were considered to be inadequately protected even before the invasion, with multiple human rights organizations and media outlets reporting “unsafe conditions in institutions”, and allegations claiming their working officials were “complicit or willfully negligent in the sex and labour trafficking of girls and boys under their care”; understandably, the protection provided by institutions only deteriorated as the war progressed, resulting in multiple evacuations, including the relocation of children- some with disabilities- in refugee host countries (U.S. Department of State, 2024a).

As a result of this vulnerability, according to the U.S. Department of State (2023), Russia has been exploiting these children by forcibly transferring and deporting them to

serve war propaganda purposes and to grant them Russian citizenship, even though such actions constitute a “grave breach of the Fourth Geneva Convention” under Articles 49 and 147 and a war crime, under article 8 of the Rome Statute. In light of these violations, in March 2023, the ICC judges issued arrest warrants against Vladimir Putin and Maria Lvova-Belova- Russia’s Commissioner for Children’s Rights- finding them responsible “for the war crime of unlawful deportation of population (children) and that of unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation (under articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute)” (ICC, 2023).

Turning to another point, Russia has not only been accused of unlawfully transferring and deporting Ukrainian children but also of other broader violations related to child trafficking, as outlined in “The Kremlin’s War Against Ukraine’s Children” (U.S. Department of State, 2023). These include the forcible relocation of over 19,500 children, their indoctrination in re-education camps, and further separation from families during “filtration” operations. The use of children as soldiers by Russian-led forces has also been reported, with Ukrainian children being trained “for conscripted service in Russia’s armed forces in military camps in Russia and occupied eastern Ukraine” particularly in areas where Ukraine is “unable to enforce national prohibitions against the recruitment or use of children in armed conflict” (U.S. Department of State, 2024a).

Adding to these accusations, Russia’s President Vladimir Putin and other senior Kremlin officials, have been blamed for authorizing, “intentionally and directly”, a “program of coerced fostering and adoption of Ukrainian children during the war in Ukraine, according to a Yale University report” (Gall, C., 2024). Vakulina, S., (2024) pointed out that this operation was conducted to “Russify” Ukrainian children, having Yale Humanitarian Research Lab documented “314 Ukrainian children who have been adopted by Russian families and placed into institutions across 21 regions in Russia”. Additionally, a process was highlighted in which children were taken to “midpoints”, where they were held for six months before being listed in Russian child placement databases; during this period, multiple children were found to be subjected to “forced re-education”, including “indoctrination” into Russian narratives and, for older boys, “military training” (Vakulina, S., 2024).

Building on what was previously mentioned, Ukraine had long faced significant challenges regarding human trafficking, having been “categorized as a source, transit, and

increasingly a destination country for human trafficking of men, women, and children”, counting multiple instances of minor trafficking, “along with sex trafficking, forced begging, forced labour, and organ removal” (U.S. Department of State, 2013; Gerasymenko, G., 2011 *cit. per* Dean, L., 2024, p.56). According to the U.S. Department of State Report (2024a), since 2019, and despite limited available research, children have been mainly exploited in sex trafficking and forced labour both within Ukraine and abroad, particularly in “Russia, Poland, Germany, and other parts of Europe, the PRC, Kazakhstan, and the Middle East”. Furthermore, in Russian-occupied areas, children have also been reported to be subjected to forced conscription, forced labour, and forced criminality including “for drug trafficking and as couriers”, sex trafficking, and illegal adoption, often resorting to methods such as “kidnapping, torture, and extortion” (U.S. Department of State, 2024a).

When making an analysis of current trends of child trafficking in Ukraine, one finds that child labour typically involves some form of physical work across various sectors, being children primarily exploited in agriculture, through participating in “farming and raising livestock”, in the industry sector, working in “construction and mining, including extracting and transporting coal and amber”, and in services, engaging in “street trade, washing cars and begging” (U.S. Department of Labor, 2023). Secondly, when considering sex trafficking, is important to acknowledge that, since the beginning of the war, a large percentage of cases have occurred through the medium of technology (IOM, 2023, p.23). Research indicates that “many Ukrainians used or are using social media to look for help and support”, often sharing personal information about their situation and location, which exposes them to traffickers who may approach “under a pretext of assistance” (IOM, 2023, p.23). These traffickers may solicit “sexual favours” or make “proposals to work in the sex industry as well as offers of surrogacy [or] proposals to produce pornographic materials” (OSCE Office for Democratic Institutions and Human Rights [ODIHR], 2023)

Additionally, it was reported, “according to data from Thomas Reuters”, that with the outbreak of the invasion, there were “huge spikes in online searches - across multiple languages and countries- for explicit content and sexual services from Ukrainian women and girls”, including a 600% increase in searches for “Ukrainian porn” and 200% for “Ukrainian escorts,” creating strong incentives for traffickers to exploit them (Organization for Security and Co-operation in Europe, 2022, p.1). Nevertheless, given

the turbulent situation in Ukraine, the actual number of instances of sexual exploitation involving specifically children remains largely unknown even though there have been multiple warnings about the very real risks of its existence (ECPAT International, 2023).

On this note, the UNODC Report on the Conflict in Ukraine (2022, p.6) presents a case reported in July 2022, where Ukrainian authorities investigated the suspected sex trafficking of at least ten women to Turkey, among them a 21-year-old, allegedly being trafficked for sexual exploitation via Hungary and Austria. According to a Ukrainian Prosecutor: “[h]er vulnerable condition was clear: absence of money, a child to support, overall financial difficulties because of the war”. The investigation resulted in the arrest of a suspected trafficking organizer in Kyiv, who allegedly used “Telegram channels to recruit victims”. This case shines a light on another problem for women and their children: the need to balance childcare against unemployment (Tondo L., 2022 *cit. per* UNODC, 2022a, p.6).

In this regard, the UN’s labour agency estimated that with only two months into the war, approximately 4.8 million jobs had already been lost (UN News, 2022). According to the ILO (2024), “[t]he effect was not as much a hike in unemployment but a record shrinking of the labour force”, with many individuals being either unable to seek new opportunities due to disruptions- such as the cessation of public transportation- or unwilling to do so, sensing a lack of security. Moreover, the agricultural sector, a key pillar of Ukraine's economy, had also been severely impacted, with “30 per cent of agricultural land [...] lost or seriously affected by the conflict” (Equal Times, 2022). Production and exports were also affected by the fighting, displacement, and increased logistical costs, resulting in significant income losses for farmers and the broader economy (Equal Times, 2022). Given this scenario, parents, especially women, are left with few options to provide adequate care for their children, creating risks for both, as it makes mothers highly susceptible to “accept poorer or riskier working conditions to generate more income”, and children become exposed to “poor-quality, unsafe and/or unregulated childcare settings” (IOM, 2023, p.26).

3.2. Responses to Protecting Children in the Context of the War

3.2.1. National Response

The “Report to Congress on 2024 Trafficking in Persons Interim Assessment Pursuant to the Trafficking Victims Protection Act” (U.S. State Department, 2024b)

presents a ranking of countries included in the 2023 Trafficking in Persons (TIP) Report on one of four tiers, as mandated by the Trafficking Victims Protection Act of 2000 (TVPA). This placement in Tiers “reflects an evaluation of a government’s actions to combat trafficking assessed against specific criteria outlined in the TVPA”, including, in Tier 1, countries that fully comply with the minimum standards for eliminating trafficking, in Tier 2, countries making significant efforts to meet these standards but falling short in some areas, and, in Tier 3, countries that neither comply with the minimum standards nor are making significant efforts to do so (U.S. Department of State, 2024b). In the 2024 TIP Report, Ukraine was considered a Tier 2 country having “[t]he government demonstrated overall increasing efforts compared with the previous reporting period” (U.S. Department of State, 2024a).

In fact, Ukraine has shown determination to eliminate human trafficking regardless of the ongoing war, through different policies and programs, that were only able to exist because of the capacity of the Ukrainian State to keep its institutions functional (IOM, 2023, p.16). In the first place, it is important to recall that the government had been addressing the issue of human trafficking even before the Russian invasion (European Parliament, 2022, p.1), therefore, it is not surprising that some programs and initiatives were already operating before the beginning of hostilities. Indeed, IOM (2023, p.20) stated that “prevention response following the invasion was quick and intense”, making use of pre-existing projects with some alterations, namely “awareness-raising campaigns and information provided online and at border crossing points and transportation hubs”. On this matter, the government also managed to develop a hotline “dedicated to trafficking, GBV [Gender-based violence], and violence against children”¹², and create a public awareness event transmitted across the country “via television, news outlets, social media, phone applications, text message, print media, video, chat bots”, highlighting “the risks of trafficking during the war for displaced persons, refugees, and Ukrainians abroad, particularly at train stations and border crossings” (U.S. Department of State, 2024a).

Furthermore, Ukraine also adopted, in June 2023, a National Action Plan for Countering Human Trafficking (2023-2025), aimed to guide the activities of the National Coordinator on Countering Human Trafficking, and to improve the existing mechanisms

¹² In 2023, government and other NGO hotlines received over 60,000 calls, identifying and referring at least 150 potential victims of trafficking and other forms of abuse to protection services (U.S. Department of State, 2024a).

for the prevention of human trafficking (U.S. Department of Labor, 2023). This plan focuses on “building institutional capacities” and cooperating with the “National Referral Mechanism¹³ stakeholders, strengthening the identification of individuals involved in trafficking-related crimes, and ensuring comprehensive protection and assistance to all human trafficking victims, including children” (U.S. Department of Labor, 2023). Additionally, it is also worth highlighting an increase in government overall anti-trafficking law enforcement, with Article 149 of the criminal code attributing “penalties of three to eight years’ imprisonment” for sex and labour trafficking (U.S. Department of State, 2024a). These penalties were “sufficiently stringent” and comparable to those for other grave crimes, including rape, with the law broadly defining trafficking, to include offenses such as “illegal adoption without the purpose of exploitation” (U.S. Department of State, 2024a).

Lastly, among other relevant strategies, Ukraine managed to establish rehabilitation services for child victims of trafficking, to ensure that they have access to vital support such as “medical, psychological, and legal assistance”, “temporary accommodation”, financial aid, and “educational” or “vocational” opportunities (Human Rights Guide, s.d.).

Nevertheless, the government of Ukraine encounters challenges in fully reversing the existence of child trafficking trends. The first problem has to do with a “lack of human and material resources of law enforcement agencies” which hinders investigations and victim identification, often culminating in impunity (CGU, 2024, p.13). Also contributing to impunity is the reported corruption, particularly among the police and judiciary, as well as official collaboration in trafficking crimes and the consequent inaction by the government, marking, in 2023, the “seventh consecutive year” without any accountability attributed to complicit officials (U.S. Department of State, 2024a). Moreover, despite having law enforcement investigated “142 new trafficking cases” in 2023, the government only prosecuted “126 suspected traffickers”; of the “35 traffickers” convicted, “only eight (23 percent) received prison sentences”, while the others were given suspended sentences, fines, or had not yet been sentenced (U.S. Department of State, 2024a). This scenario reflects how, regardless of increasing efforts, the Ukrainian

¹³Adopted by Ukraine in 2012, the National Referral Mechanism (NRM) for Victims of Trafficking provides a “legal background for medical, social, and legal assistance to victims of human trafficking,” and grants foreign national victims the “right for a temporary stay in Ukraine” (Melnyk, A., 2014, p. 16).

government still encounters significant challenges in holding traffickers accountable and ensuring their rightful punishment.

Another problem arises when considering the effectiveness of the Ukrainian judicial system during the time of war. According to Peleschuk, D., (2023), “Ukraine is desperately short of judges”, being reported over 2,000 judicial vacancies in October 2023, resulting in a “delayed justice for many Ukrainians”, whose cases have been piling up in courtrooms, namely those referring to child trafficking. Adding to this issue, there has been highlighted ample mistrust in the judicial system, “long eroded by corruption”, with only a low percentage of Ukrainians still believing in its credibility (Peleschuk, D., 2023). Furthermore, the Ukrainian criminal code mandates that “all victims of crime, including trafficking victims, to be present in court for preliminary court hearings”, leading yet to another setback, as many of these cases involve displaced persons as a consequence of the war (U.S. Department of State, 2024a).

Finally, “practical obstacles” that the current armed hostilities “[pose] to the operations of law enforcement”, from “gathering evidence” to “accessing certain areas of a region physically”, and “technical difficulties”, such as “power cuts and disturbances in electronic communications and information technology systems” complicate collaboration between other law enforcement agencies across borders, being Ukraine left with few options to properly address the crisis (IOM, 2023, p.24).

3.2.2. International Response

From the moment that Russia invaded Ukraine, multiple international actors promptly mobilized to provide the country with assistance, offering various forms of support to the government and those in need (CGU, 2024, p.7). For instance, the role of international organizations has proven to be crucial, providing, among other elements, valuable recommendations and guidelines that set a “unified framework for State and non-State actors in preventing human trafficking”; accordingly, they underline “the importance of registering all unaccompanied children, providing them with protection and care, and creating child-friendly materials to help them identify and prevent the risks of human trafficking” (CGU, 2024, p.20).

Regarding international organizations, the UN Global Compact Network Georgia (*s.d.*), argues that the war has created the grounds for the initiation of controversial, yet necessary conversations about the role and reform of international bodies, particularly the

UN. As further indicated, “the mere fact that the aggressor country is a Permanent Member of the [UNSC], with the power to block actions in favor of Ukraine” (UN Global Compact Network Georgia. *s.d.*) highlights that the UN is failing to fulfill the main purpose for which it was created- “[t]o maintain international peace and security” (UN Charter, Article 1 (1)).

In relation to CoE strategies, the Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” (2023-2026) constitutes a comprehensive plan mostly aimed at promoting the “reconstruction process and economic recovery” of Ukraine, reinforcing its public institutions, “enhance[ing] democratic governance and the rule of law” and “protect[ing] citizens’ fundamental rights” (Council of Europe, 2023, p.2). It includes a section exclusively dedicated to “combating trafficking in human beings”, highlighting, among other aspects, the need to prevent and address instances of trafficking, while underlining the urgency to “strengthen capacities of the national authorities to identify child victims of trafficking”, particularly those in vulnerable situations, and to enhance the investigation of trafficking cases “committed with the use of social media/Internet” (Council of Europe, 2023, p.12).

The EU has been another central ally of Ukraine during the war, providing the country with major “political, humanitarian, military and financial” assistance (EU, *s.d.*). As pointed out by Archick, K (2025, p.1), the EU “has imposed 15 packages of sanctions- or *restrictive measures*- intended to reduce Russia’s ability to finance the war against Ukraine, to enact costs on Russia’s elites, and to diminish Russia’s economic base”. Additionally, Archick, K (2025, p.2) estimated, considering EU data, that the support to Ukraine provided by the Union and its member-states “as of early January 2025 totaled nearly €134 billion”. In addition, as of July 2024, over 6 million Ukrainian refugees had been registered across Europe. (UNHCR, 2024, p.1). In response to this significant displacement, the EU “has put forward numerous initiatives to reduce the vulnerability of people fleeing Ukraine and to prevent them from being exploited by traffickers” (European Commission, 2022, p.2).

In fact, the EU had already in place a legal and policy framework to combat human trafficking before the outbreak of the war in Ukraine, including Directive 2011/36/EU (European Commission, 2024). Additionally, the EU Strategy on Combatting Trafficking in Human Beings (2021-2025), launched in April 2021, provided a comprehensive response focused on prevention, victim protection, and prosecution, while also fostering

international cooperation, thereby establishing a solid foundation for addressing trafficking challenges emerging from the war (European Commission, 2024). Nevertheless, with the Russian invasion, the EU proceeded to take additional measures to aid people fleeing Ukraine.

In March 2022, the 2001 European Union Temporary Protection Directive was activated for the first time since its creation, in response to “a mass influx of displaced persons from Ukraine” following the Russian invasion (Council of the European Union, 2022). This document “provides immediate and collective protection to a large group of displaced persons who arrive in the EU and who are not in a position to return to their country of origin” and it is meant to guarantee “the same rights across the EU” for beneficiaries, namely residence, access to the labour market, housing, medical assistance, and access to education for children (Council of the European Union, 2024). Furthermore, when considered alongside the EU’s visa-free responses that allow Ukrainians to enter nearly all European countries, these mechanisms become a crucial tool to combat trafficking and exploitation, once they provide refugees with relatively rapid means to find a source of income and “reduc[e] the need to travel by irregular routes (e.g., using smugglers)”, which can expose them, especially children, to a higher risk of trafficking and exploitation (Cockbain, E., & Sidebottom, A., 2022, p.9).

Finally, among other efforts to address human trafficking in the context of the war, the EU also adopted the 10 Point-Plan, “for stronger European coordination on welcoming people fleeing the war from Ukraine [...] on 28 March 2022”, as “the development of a Common Anti-Trafficking Plan on preventing human trafficking and helping victims” (European Commission, 2024, p.4). This plan addresses issues such as “registration, transport and information hubs, reception, care and accommodation, contingency plans to address medium to long-term needs, internal security implications of the war in Ukraine, as well as adequate resources and funding” (European Commission, 2024, p.4).

The EU’s protection system, although rather effective in assisting victims of trafficking, also reveals some weaknesses. For instance, according to IOM (2023, p.22), free movement within the EU could have backfire effects on children, as this factor, combined with a lack of monitoring systems, allows children to move across member states without being tracked, presenting, consequently, a risk for trafficking. Moreover, “[t]he visa-free and temporary protection provisions do not apply to non-Ukrainian, non-

EU citizens who were residing in Ukraine at the outbreak of the war, with the exception of recognized refugees and some categories of long-term permanent residents”, leaving this group of people more vulnerable to resort to migrant smuggling routes in order to exit the country and ending up trafficked (UNODC, 2022a, p.4). Lastly, “there is a well-recognized and fundamental tension between states’ anti-trafficking efforts and their immigration control agendas”, which likely accentuates the vulnerability of “precarious migrants”, including children (Anderson & Andrijasevic, 2008; Gadd & Broad, 2018; Smith & Mac, 2018 *cit. per* Cockbain, E., & Sidebottom, A., 2022, p.22).

Hence, to mitigate the limitations of both national and international responses in protecting children from being trafficked during the armed conflict in Ukraine, is crucial to involve them in the decision-making process, taking into account these children’s “lived experience to guide and enhance policies to test whether existing systems work in practice and to learn from them”, at the same time as employing more “child-friendly, multidisciplinary, and multisectoral approaches” (CGU, 2024, p.18). Additionally, all actors, from international organizations to civil society and NGOs, should develop “[a] strong and committed international cooperation” to ensure that financing continues to happen to fight the crisis in Ukraine (UN Global Compact Network Georgia, *s.d.*). Indeed, while a viable and lasting solution to the war is not found, it is mandatory for all partners to implement “concerted and evidence-based measures” to guarantee “that vulnerabilities to trafficking in Ukraine are alleviated, by ensuring access to safety and essential services” (UNODC, 2022a, p.8).

Conclusion

The present research revealed how child trafficking is intrinsically linked to armed conflicts and how the risk of trafficking increases in these contexts, since traffickers take advantage of these chaotic settings to “operate with even less fear of consequences than in peacetime” (IOM, 2023, p12). At the same time, it is demonstrated that the consequences of the breakdown of family structures and obstruction of education, compounded with forced displacement created by the war leave children deprived of the necessary protection against outside threats, therefore, increasing their vulnerability to trafficking (UNHRC, 2016, *cit. per* UNODC, 2018b, p.6).

An overview of the international and European legal framework on human trafficking revealed that, although there has been a shift from a “repressive strategy”,

expressed in the Palermo Protocol, towards a “more human rights-sensitive approach” grounded in soft law instruments and regional frameworks, coordinating and reconciling the diverse interests of states in the international arena remains a highly complex challenge (Gaspari, 2019, p.63).

Through an analysis of the situation surrounding the war in Ukraine, it becomes evident that numerous efforts have been undertaken at various levels to address the trafficking of children resulting from the conflict (UNODC, 2022a, p.8). Notably, the issuance of arrest warrants by the ICC for Russian President Vladimir Putin and Maria Lvova-Belova on charges of war crimes related to the forced deportation of Ukrainian children to Russia (ICC, 2023) marks a significant step toward combating impunity and advancing accountability. Nevertheless, it is safe to argue that, while various measures have been applied, Ukrainian children continue to face significant risks of human trafficking. It is therefore essential to strengthen “awareness of these risks” and to advance a “coordinated and multifaceted approach”, based on “cooperation, innovation, and continuous vigilance”, not only to eliminate trafficking threats and safeguard the well-being of Ukrainian children, but also to protect those affected by armed conflicts around the world (CGU, 2024, p.22).

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