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protecting children everywhere

FAO: Julia Kippin  
Unaccompanied Asylum Seeking Children  
Reform Programme  
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2<sup>nd</sup> Floor, Block E  
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Wellesley Road  
Croydon CR9 1AT

Dear Ms Kippin

**RE: PLANNING BETTER OUTCOMES AND SUPPORT FOR UNACCOMPANIED  
ASYLUM SEEKING CHILDREN. CONSULTATION: FEBRUARY – MAY 2007.**

ECPAT UK welcomes this opportunity to contribute to the consultation process and will be available for any further verbal or written input if required. ECPAT UK represents a coalition of eight leading charities in the United Kingdom. They are Anti-Slavery International, Jubilee Campaign, NSPCC, Save the Children UK, The Children's Society, UNICEF UK, World Vision UK, and The Body Shop Foundation. ECPAT UK is a UK registered charity (Charity no. 1104948) and the UK national representative of the global ECPAT movement with partner organisations in over 70 countries around the world campaigning against the commercial sexual exploitation of children, including child trafficking.

ECPAT UK is contributing to this consultation as a result of our expert knowledge on child trafficking. We have framed answers accordingly. I would also like to bring your attention to the recent UK undertakings which have been used throughout this submission to illustrate key principles for safeguarding child victims of trafficking.

- Council of Europe Convention on Action against Trafficking in Human Beings signed by the UK on 23<sup>rd</sup> March 2007.
- The UK National Action Plan on Human Trafficking. Home Office and Scottish Executive. 2007.

Sincerely,

Christine Beddoe  
Director

**HOME OFFICE CONSULTATION PAPER  
PLANNING BETTER OUTCOMES AND SUPPORT FOR UNACCOMPANIED  
ASYLUM SEEKING CHILDREN**

**ECPAT UK RESPONSE**

**CHAPTER 1**

**SCOPE OF THE PAPER**

It is important to note from the outset of the ECPAT UK response to this consultation that our proposals to safeguard trafficked children are broadly in line with those within the *UK National Action Plan on Tackling Human Trafficking*. In fact the UK National Action Plan makes reference to the UASC Reform Programme<sup>1</sup> and states:

*UK National Action Plan on Tackling Human Trafficking*

**No 52. ACTION:** Agree safe arrangements for trafficked children to be accommodated within UASC reform programme

**Timetable:** January 2008

Responsible Party: Home Office/DfES/Scottish Executive/Department of Health/Local Authorities, SHA's and PCTs

**Assessment Tool:** Review process; awareness of these procedures by those who need to know and implement them

ECPAT UK welcomes the recognition in Chapter 2 (paragraph 15) that “there is a clear need to build on existing work to identify and provide appropriate safeguards for the victims of traffickers”. However, the paragraph and the entire Consultation document does not in any way explain how child victims of trafficking who are also asylum seeking children will be provided basic safeguards that are consistent with the Government’s own obligations to special protection under the UK Children Act 1989, 2004; the UN Convention on the Rights of the Child (esp. articles 19, 34, 35) and the Council of Europe Convention on Action Against Trafficking in Human Beings (hereafter Council of Europe Convention), signed by the Home Secretary on 23 March, 2007. The Consultation document does not articulate or provide a timetable for how the proposed reforms will align with the commitments made by Government in the UK National Action Plan on Human Trafficking, or to what extent the Border and Immigration Agency (BIA) has collaborated with the other agencies responsible for safeguarding child victims of trafficking (as noted in the National Action Plan) prior to publishing the consultation document.

We bring your attention to Chapter II, Article 5 of the Council of Europe Convention<sup>2</sup> which states:

(5) Each Party shall take specific measures to reduce children’s vulnerability to trafficking, notably by creating a protective environment for them.

<sup>1</sup> Page 68. UK National Action Plan on Tackling Human Trafficking , March 2007. Home Office/Scottish Executive

<sup>2</sup> CETS No. 197 – (2005) *Council of Europe Convention on Action against Trafficking in Human Beings*, 16.V.2005. Warsaw: Council of Europe.

and to Chapter III, Article 10:

(2) Each Party shall adopt such legislative or other measures as may be necessary to identify victims as appropriate in collaboration with other Parties and relevant support organisations. Each Party shall ensure that, if the competent authorities have reasonable grounds to believe that a person has been a victim of trafficking in human beings, *that person shall not be removed from its territory until the identification process as victim of an offence provided for in Article 18 of this Convention has been completed by the competent authorities and shall likewise ensure that that person receives the assistance provided for in Article 12, paragraphs 1 and 2.*

(3) When the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age.

(4) As soon as an unaccompanied child is identified as a victim, each Party shall:

- (a) provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child;
- (b) take the necessary steps to establish his/her identity and nationality;
- (c) make every effort to locate his/her family when this is in the best interests of the child.

and to Chapter III, Article 12:

(1) Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery. Such assistance shall include at least:

- (a) standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance;
- (b) access to emergency medical treatment;
- (c) translation and interpretation services, when appropriate;
- (d) counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;
- (e) assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders;
- (f) access to education for children.

(2) Each Party shall take due account of the victim's safety and protection needs.

On 24<sup>th</sup> May, 2007 Anthony Steen MP in a House of Commons Westminster Hall debate on Human Trafficking<sup>3</sup> said:

“The Home Office's current reform proposals for unaccompanied asylum-seeking children in the Minister's consultation paper, which is entitled

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<sup>3</sup> House of Commons, Westminster Hall, 24/05/07 Column 513WH. Human Trafficking .

*Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children*, will make it impossible for the Government to ratify the Council of Europe Convention—the two things are totally at loggerheads and oppose each other. The reason is simple: the reforms proposed in the consultation paper do not provide even the most basic protection measures required by the convention, such as the provision of representation by a guardian ad litem or child protection until the child is 18. If implemented, the consultation paper would not allow the Government to sign the Council of Europe Convention, because the consultation proposals do not provide for the basic requirements that the Convention insists on for children under 18.

Does the Minister agree, for example, that by enacting the enforced returns programme set out in the consultation paper, under which we would send failed unaccompanied child asylum seekers back to war-torn countries such as the Democratic Republic of the Congo and Angola, we are removing safeguards for trafficked children, rather than protecting them, as we agreed to do when we signed the Council of Europe Convention and adopted the National Action Plan?"

ECPAT UK agrees with the proposition as stated by Mr. Steen, that it would be impossible for the Government to ratify the Council of Europe Convention if it pursues the current proposals. ECPAT UK is not convinced that the BIA has cognizance of the percentage of children that are in the asylum system who have been victims of human trafficking or how the current proposals will impact on them.

ECPAT UK finds it of great interest to see that the BIA has plans for 'special security measures' (paragraph 15) to be adopted to ensure that young people do not fall into the hands of traffickers again but, unfortunately, these are not explained in the consultation paper.

### **Trafficked children are children in the asylum system**

In contrast to the numerous media reports of the trafficking of Eastern European women into sexual exploitation, ECPAT UK's research in London (2002<sup>4</sup>, 2004<sup>5</sup>) and Manchester, Newcastle and West Midlands (2007)<sup>6</sup>, the vast majority of child victims of trafficking that have been identified by Social Services are not European nationals. This has been supported by the experience of UK police. In Operation Pentameter, launched in 2006 to identify and rescue trafficked women in saunas and brothels around the UK, 84 foreign females were identified as victims of trafficking, 12 of these were under 18: 9 were of African origin and 3 were European. It is worth noting that no conviction for a trafficking related offence has taken place in the UK related to an African child victim and yet African children figure prominently in the statistics of known or suspected trafficking victims in ECPAT UK research with local authorities. This indicates a worrying trend that African children are not getting access to expert legal advice or specialist support because of their uncertain immigration status. In ECPAT UK's training workshops on *safeguarding child victims of trafficking* social service practitioners often assert that they are confused on how to provide a proper pathway plan for trafficked children because of pressure placed on them by BIA restrictions related to Discretionary Leave.

ECPAT UK's research on child trafficking and training workshops with Social Service teams across the UK clearly indicate children known or suspected of being trafficked are often already in the asylum system when their experiences of trafficking and

<sup>4</sup> Somerset, C (2002) 'What the Professionals Know'. ECPAT UK.

<sup>5</sup> Somerset, C (2004) 'Cause for Concern'. ECPAT UK.

<sup>6</sup> Beddoe, C (2007) 'Missing Out'. ECPAT UK.

exploitation come to light. On the basis of past research and interviews across local authorities around the UK, ECPAT UK estimates that at any given time a minimum of 600 children, known or suspected of being trafficked, will be in the asylum system or will have been in the asylum system before going missing from local authority care. This represents 10% of the Home Office quoted figure of 6,000 total number of unaccompanied asylum seeking children supported by Local Authorities (p6 of the consultation document). This figure of 600 is a very conservative estimate based on limited data.

Although the Government has signed the Council of Europe Convention that provides for renewable residency permits for victims of trafficking there is currently no structure in place within the UK for residency permits, and as such no alternative option for temporary or permanent residency exists other than referring children through the asylum route. Although some trafficked children do claim asylum upon arrival due to the tactics of traffickers many more end up in local authority care after what can be long periods of abuse or exploitation being advised by non-specialist immigration solicitors to claim asylum. While some trafficked children do go on to obtain protection under Article 3 of the ECHR, many do not. It is worth noting that this group of children who are victims of crime and human rights abuses are referred into the asylum system by default by UK professionals and are a long way from the picture of systemic abuse painted by the consultation paper as 'those who are not in genuine need of asylum' (paragraph 23).

Although it will be appropriate for some trafficked children to be voluntarily returned to family or guardians in their country of origin, many trafficked children will be living in fear of violence, stigma, sexual abuse and re-trafficking if they are forced to return to their own community.

The asylum claims of trafficked children are routinely rejected due to the limitations of the 1951 Refugee Convention. Appeals on the ground of human rights violations are often met with a culture of disbelief from inside the BIA and we have regularly seen trafficked children's appeal statements being rejected and claims refused because of a basic lack of awareness and concern about human trafficking from both BIA staff and immigration solicitors.

Therefore, any Home Office proposals related to 'failed unaccompanied asylum seeking children' will have a direct impact upon trafficked children and risk increasing the harm to children unless robust child protection measures are embedded in BIA policy and practice.

As recently as the 3<sup>rd</sup> reading of the Borders Bill<sup>7</sup> on the 9<sup>th</sup> May 2007 the Immigration Minister Liam Byrne strongly resisted the inclusion of specific protection measures for trafficked children as per the Council of Europe Convention and the inclusion of the Borders and Immigration Agency within the statutory duty to safeguard children under s.11 of The Children Act, 2004 fearing that such a duty would provide yet further obstacles to removal. His assertion that it would also open government to a flood of judicial reviews illustrated the disingenuous approach to safeguarding victims of trafficking from within a border control perspective. The Minister went on to say that *"This summer the agency [BIA] will publish its safeguarding strategy, which has been drawn up in close consultation with children's organisations. If the Bill is enacted, we will commission advice from the new inspectorate about how it can examine specifically the way in which the safeguarding strategy is implemented, so that we can ensure two things. The first is that the strategy is actually working, with*

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<sup>7</sup> House of Commons Hansard 09.05.07

*policy being translated into practice.*<sup>8</sup>

It is difficult to understand why the BIA did not publish its safeguarding strategy before developing and publishing the consultation document. It is clear that the key message from the Government in the consultation document is that of deterrence and speedier removal rather than safeguarding vulnerable children. ECPAT UK has continuously recommended the need to make the BIA subject to statutory safeguarding duties<sup>9</sup>. This now has greater urgency with the prospect of children being removed before they are 18 years of age.

### **Specific concerns not addressed within the consultation document that ECPAT UK considers a priority for the improved delivery of services for separated children (Q2)**

- The UK Government should remove its Reservation on immigration matters to the UN Convention on the Rights of the Child (1989).
- All BIA personnel should be included under Section 11 of the Children Act, 2004 (in England and Wales) to have a statutory duty to make arrangements to safeguard and promote the welfare of separated children.
- The UK Government in signing the Optional Protocol to United Nations Convention on the Rights of the Child (1989) on the Sale of Children, Child Prostitution and Child Pornography on 7/9/2000 committed itself to enacting comprehensive protection measures for child victims of trafficking but has not yet ratified. ECPAT UK urges the Government to ratify the Optional Protocol without further delay.

#### **Definition of an 'unaccompanied asylum seeking child'**

ECPAT UK welcomes the adoption of a definition of an unaccompanied child that includes children who arrived in the UK or joined with an adult who is not their usual carer. However, ECPAT UK prefers to use the phrase Separated Children.

*A significant number of trafficked children do come into the UK with an adult purporting to be a relative.*

## **CHAPTER 2**

### **WHY IMPROVEMENTS NEED TO BE MADE**

ECPAT UK strongly questions the assumptions on which this consultation exercise is based, namely that asylum seeking children should not be provided for, other than on the presumption that they are in the UK temporarily and that by virtue of their immigration status they should receive different treatment to settled children.

The need for improvement is undeniable; service provision varies widely in quality and consistency for all looked after children, including unaccompanied children. ECPAT UK supports the Refugee Children's Consortium view that it is long-term, systematic under-funding and a lack of adherence to existing law, regulation, statutory guidance and policy standards regarding looked after children which is the underlying cause of the failures felt by asylum seeking children.

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<sup>8</sup> *ibid*

<sup>9</sup> ECPAT UK submission to Joint Committee on Human Rights Inquiry into Human Trafficking (2006) and Home Office Consultation for a UK National Action Plan on Human Trafficking (2006).

Children who have been trafficked and who are in the asylum system must be assessed on the basis of individual need which can only be fully realised if the BIA is fully compliant with UK and international child protection standards and practice standards for the treatment of victims of human trafficking. The consultation document fails to show how it is compliant with these standards.

It is disappointing that this paper repeats the myth that these children can easily be separated into pre and post 16 groups, and that a child over 16 is less vulnerable, more removable and in need of less care. There is no evidence to support those assertions. ECPAT UK research shows that the majority of trafficked children in local authority care are between 16-18 years.

Child victims of trafficking, whether they are aged under or over 16 years, are highly vulnerable victims of crime and human rights abuses and should be assessed on need, not on age.

### **Guardianship**

The Council of Europe Convention, the UNCRC General Comment # 6, paragraph 33, the UNHCR Handbook for Determining Refugee Status (paragraph 182 (2))<sup>10</sup>, The EU Reception Directive (Article 19)<sup>11</sup> all call for the appointment of a guardian to effectively represent the interests of separated children.

The consultation document is silent about guardianship. This is a sadly missed opportunity.

It is ECPAT UK's experience that many trafficked children have been too scared or traumatised to ask for help; or unaware that they have rights to specialist support.

ECPAT UK strongly believes that a system of Guardianship will not only represent the best interest of the child for key decision making but that the role of Guardian to assist trafficked children to navigate numerous complex services, including safe accommodation, specialist legal, linguistic and health care and will help to prevent the large numbers of known or suspected trafficked children that go missing each year.

## **CHAPTER 3**

### **THE JOURNEY THROUGH THE ASYLUM AND SUPPORT SYSTEM**

#### **Sponsoring key messages in countries of origin**

Trafficked children largely have no control over their travel or arrival plans, so the suggestion that they would be 'dissuaded' (paragraph 23) from travel with increased awareness of trafficking does not equate to the experience of trafficked children in the UK, most who have been victims of deception or coercion. Most children do not know they have been trafficked at the point of travel and arrival into the UK. It is morally reprehensible and misguided that the government could suggest sending separated children who are not in genuine need of asylum back to their country of origin in order to 'safeguard the system from abuse' (paragraph 23) whilst there is

<sup>10</sup> UNHCR (1992) *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, Geneva, UNHCR. Available from: <http://www.unhcr.org/home/PUBL/3d58e13b4.pdf>.

<sup>11</sup> Official Journal of the European Union (2003) *Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers*, Brussels, Council of the European Union.

such a lack of knowledge about the true numbers of trafficked children who have been refused asylum and are in limbo.

### **Initial assessment**

The consultation document assumes that an initial assessment will be undertaken and completed at the same time as the child makes his or her initial articulation of his or her application for asylum. However, in the case of a trafficked child they may be so traumatized that no such assessment can be undertaken. His or her welfare needs may require a period of recovery before being asked any questions. The Home Office proposal to have a substantive interview, from the age of 12, at the time of application is inconsistent with the Council of Europe Convention, that stipulates a minimum of 30 days reflection and recovery period and the UK's own Joint Committee on Human Rights whose report recommended that UK authorities provide for a three month period of reflection.

#### *Council of Europe Convention on Action Against Human Trafficking*

##### Article 13 – Recovery and reflection period

(1) Each Party shall provide in its internal law a recovery and reflection period of at least 30 days, when there are reasonable grounds to believe that the person concerned is a victim. Such a period shall be sufficient for the person concerned to recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities. During this period it shall not be possible to enforce any expulsion order against him or her. This provision is without prejudice to the activities carried out by the competent authorities in all phases of the relevant national proceedings, and in particular when investigating and prosecuting the offences concerned. During this period, the Parties shall authorise the persons concerned to stay in their territory.

(2) During this period, the persons referred to in paragraph 1 of this Article shall be entitled to the measures contained in Article 12, paragraphs 1 and 2.

#### *JCHR Report – Human Trafficking*

Given the depth of trauma and suffering that many victims of trafficking will have experienced, we share the view of those who consider that this period [30 days] will not be long enough in a significant proportion of cases for victims to recover and decide whether to co-operate with the authorities. We understand the point made by the Government that delays in co-operation with the authorities by victims may reduce the likelihood of successful apprehension and conviction of traffickers, but the welfare of the victim must be the paramount consideration. **We consider that three months would be an appropriate standard length of time for reflection periods.**<sup>12</sup>

### **Age determination**

We have very grave concerns about x-ray based age assessments, and do not agree with them being used in the way described, so we cannot answer the two specific questions. ECPAT UK strongly disagrees with the proposal that unreasonable refusal to undergo an x-ray examination should strongly inform the final decision on age. Trafficked children are often victims of grooming, coercion, threat and deception. A trafficked child may well have been told what to say by the criminals who traffic them. If for whatever reason a child refuses an invasive medical or dental procedure it should never be used against them at a later stage.

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<sup>12</sup> HoL, HoC, Joint Committee on Human Rights – Human Trafficking – Twenty Sixth report of Session 2005-2006. page 66

### **Accommodation and support services**

ECPAT UK strongly disagrees with the statement (paragraph 36) that the circumstances of unaccompanied asylum seeking children demand a different approach (to accommodation and support) to indigenous children. It is unequivocal that every individual child should receive accommodation and support based on individual assessment of need. This is especially so in the case of trafficked children who, even at age 16 and 17 may require a higher level of support and security in relation to accommodation, including the provision of specialist foster care. Low cost, low priority accommodation such as bed and breakfast or shared housing increases the vulnerability of trafficked children and places them at risk of being targeted by traffickers. ECPAT UK's research indicates that many trafficked children, aged 16 and 17, go missing while in lower cost or semi-independent accommodation<sup>13</sup>

### **Discretionary leave to remain**

ECPAT UK strongly disagrees with the Home Office policy shift to reduce Discretionary Leave to 17 ½ years. ECPAT UK's mandate stems from the UN Convention on the Rights of the Child and is of the view that children must be treated equally as children, irrespective of age, according to their individual needs and experiences until the age of 18 years. It is clear that the shift of DL to 17 ½ years is one based upon expediency rather than the protection and welfare needs of a child. This position introduced through the New Asylum Model (NAM) reinforces the mindset that it is acceptable to ad-hoc remove the rights of children based on immigration policy priorities. This is further emphasized by the on-going proposals for enforced returns (see separate section).

As stated throughout this document, by signing the Council of Europe Convention the UK has made a commitment to provide protection to and uphold the rights of trafficked children using the internationally accepted definition of a child up to the age of 18. Any deviation from this is counter to the signing of the Convention by the Home Secretary on 23 March 2007 witnessed by the Secretary General of the Council of Europe.

There is no basis evidentially to suggest that a child of 16 or over (paragraph 41 Planning Better Outcomes) is easier to return to their home country. In fact, in regard to trafficked children it may present the opposite and that children in fear of their traffickers will go underground or become targets of traffickers and pimps who use the threat of removal and instability of DL to coerce them away from care.

The presumption within the consultation document that it is easier to return a child of 16 years or over undermines any notion that "best interests" is a fundamental aspect of planning for the child's future. All children remain so until 18 and the present DL policy based on the adequacy of care and reception arrangements must apply to all children on a case by case basis consistent with The Children Act and the five principles of the Every Child Matters strategy for safeguarding all children. There is no justification for any further reduction of DL based on suppositions about the child's ability to cope.

In terms of children's DL generally, ECPAT UK endorses the concern of the Refugee Children's Consortium that any policy which is on the surface rational and based on a child's welfare protection needs should not be changed by a Minister unilaterally without parliamentary scrutiny, as the political climate dictates.

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<sup>13</sup> Beddoe, C.(2007) *Missing Out* ECPAT UK

### **Enforced returns to the country of origin**

ECPAT UK is extremely concerned by the re-emergence of the Enforced Returns proposals (paragraph 49), first explored several years ago, debated robustly by the NGO community and put 'in review' by the Home Office in 2006. ECPAT UK does not support the enforced returns of separated children because of the risk of re-trafficking, abuse and exploitation to trafficked children. ECPAT UK is especially concerned by the lack of detail about safeguarding victims of trafficking or protecting children from trafficking within any discussion of enforced returns.

## **RESPONSES TO QUESTIONS**

ECPAT UK considers the bulk of the consultation document to be driven by expediency for removals of children to their country of origin and cost cutting. ECPAT UK will not respond to the vast majority of questions as they do not sit within the 'best interests' principle of the UN Convention on the Rights of the Child..

### **Question 2**

#### **What other factors need to be put into place to achieve improved delivery of services for unaccompanied asylum seeking children?**

On the basis of above information relating to the negative impact of these proposals upon trafficked children seeking asylum ECPAT UK recommends that a robust review and re-alignment of all BIA policies for separated children take place against the framework/s of:

- (a) The UK National Action Plan on Tackling Human Trafficking (2007);
- (b) The DfES/Home Office supplementary guidance to Working Together to Safeguard Children (to be released in summer 2007) on safeguarding child victims of trafficking;
- (c) The UN Convention on the Rights of the Child [UNCRC](1989);
- (d) The Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child Pornography (UK signed in 2000);
- (e) The Council of Europe Convention on Action against Trafficking in Human Beings (UK signed in 2007);
- (f) UNICEF Global Guidelines for the protection of child victims of trafficking;
- (g) The 1996 Stockholm Declaration and Agenda against the Commercial Sexual Exploitation of Children (UK adopted in 1996);
- (h) The 2001 Yokohama review to the Stockholm Agenda for Action (UK adopted in 2001).

#### **In addition ECPAT UK once again recommends that:**

- (a) The UK Government withdraws its Reservation on immigration matters to the UN Convention on the Rights of the Child.
- (b) That the BIA becomes subject to Section 11 of the Children Act, 2004.

## **DEFINITION OF HUMAN TRAFFICKING**

### **Council of Europe Convention on Action against Trafficking in Human Beings**

For the purposes of this Convention:

(a) "Trafficking in human beings" shall mean the 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of "trafficking in human beings" to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age;

(e) "Victim" shall mean any natural person who is subject to trafficking in human beings as defined in this article.

*CETS No. 197 – Council of Europe Convention on Action against Trafficking in Human Beings, 16.V.2005 9*