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Child trafficking in the context of statelessness, migration and forced displacement

Report of the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally*

Summary

In the present report, submitted pursuant to Human Rights Council resolutions 26/8 and 53/9, the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally, examines the heightened risks of trafficking faced by migrant, forcibly displaced and stateless children due to structural discrimination, racial injustice, policy failures, including restrictions on effective access to international protection, and the absence of safe, regular migration pathways.

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I. Introduction

1. Globally, one in three trafficked persons is a child. Child trafficking is a serious crime and a serious human rights violation. Impunity is widespread, however, reflecting yet again the relative invisibility of child rights in international law and in anti-trafficking law, policy and practice. For migrant, forcibly displaced and stateless children, the risks of trafficking are significantly increased. The causes are multiple and structural. Child trafficking risks are present at all stages of the migration journey and in situations of forced displacement. For unaccompanied and separated children, the risks are greater, particularly given weaknesses in child protection services and the prevalence of racialized discrimination in the policing of borders and migration governance. The process of transit is perhaps the most dangerous for children. Such risks are not inevitable. Rather, they result from the policy failures and the failures of political will that have limited the implementation of the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees, including, in particular, the commitment to prevent, combat and eradicate trafficking in persons.

2. The failure to ensure safe migration pathways or effective access to international protection pushes children into dangerous, risky journeys, enabling both organized and informal criminal networks to profit from the resulting precarity and vulnerabilities, with devastating consequences for children. Restrictions on access to international protection and limited access to humanitarian visas, resettlement or rights-based family reunification contribute directly to risky, dangerous journeys being undertaken by children. Failure to ensure planned and safe relocation and migration pathways in response to climate change and climate-related disasters further contributes to heightened vulnerability to trafficking in persons, in particular for children who are out of school and displaced from rural to urban centres or across borders, often separated from parents or caregivers and with limited or no access to child protection systems.

3. In all actions concerning children, including migrant and forcibly displaced children, the principle of the best interests of the child must be a primary consideration. The principle of non-discrimination is equally significant, but often overlooked. Although the principle of non-discrimination is a core principle of international human rights law, exceptionalism has become the norm in the context of migration and forced displacement. Such exceptionalism is most keenly felt by children who, despite guarantees of non-discrimination and the protection of best interests, are placed beyond the reach of human rights guarantees in law, policy and practice. Repeated declarations committing to the rights of the child and to the universality of child rights ring hollow for migrant, forcibly displaced and stateless children.

4. The context of migration and forced displacement across borders is too often assumed to be exceptional, allowing for actions by States that would otherwise be considered to be deeply racialized and directly or indirectly discriminatory. Invoking the core obligation of non-discrimination as applied to children reveals the illegality of such actions.

5. International law on trafficking in persons imposes positive obligations on States of prevention, assistance and protection of child victims and children at risk of trafficking, without discrimination. The implementation of anti-trafficking laws, however, is deeply racialized, leading to multiple gaps in the prevention and protection of children at risk in transit, at border crossings and in countries of destination, which are exacerbated by the failure to eradicate statelessness. Intersecting axes of discrimination based on race, migration status and gender lead to presumptions of a lack of vulnerability, particularly for adolescent boys, who are not only left without assistance and protection, but are frequently punished for offences directly related to their situation as trafficked children.

II. Forms and prevalence of child trafficking in the context of forced displacement and statelessness

6. The Special Rapporteur notes that the specific risks of child trafficking are highlighted in joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017). The Special Rapporteur highlights the prevalence of

trafficking risks for children at all stages of displacement. During initial flight, for example in the context of the ongoing conflict in the Sudan, trafficking risks for the purposes of sexual slavery, recruitment and use by armed groups and armed forces, among other purposes, are particularly prevalent.[1] In mixed and onward movements along diverse migration routes, children, alongside adults, are exposed to trafficking for sexual exploitation, forced labour, extortion for ransom, forced criminality and other forms of abuse. Forcibly displaced and stateless children are also trafficked in protracted displacement situations. In camps and urban areas, families in precarious situations of poverty, with limited access to social protection or livelihoods, are targeted and children are at significant risk of trafficking for the purposes of hazardous child labour, domestic servitude, forced begging, forced criminality, child and forced marriage and, in some contexts, for illegal adoption or for organ removal.

7. Submissions received by the Special Rapporteur[2] and consultations have highlighted the grave human rights abuses endured by children. Forcibly displaced and stateless children have been trafficked for forced labour in the areas of agriculture, street vending, rubbish collection, construction and domestic work, while girls have also been trafficked for sexual exploitation and child marriage in a range of regional contexts. Children, adolescents and young adults are targeted by traffickers along dangerous displacement routes and in long-term refugee settings in Africa, the Americas, Asia and Europe. Forcibly displaced girls are more frequently trafficked for sexual exploitation, domestic servitude and child or forced marriage, and boys more often trafficked for forced labour and forced criminality or recruited by armed groups. Gender inequalities, discrimination, lack of education opportunities, and prior experiences of violence increase susceptibility to trafficking, especially for unaccompanied and separated girls. Boys have specific gendered vulnerabilities that can increase trafficking risks. Due to stigmatization and discrimination, they may find it difficult to disclose or report experiences of exploitation and are less likely to be recognized as victims. Pressures to repay travel debts or send money home, combined with limited access to assistance, can lead boys to tolerate severely exploitative situations, including forced labour and forced criminality, without seeking assistance. Discrimination along displacement routes and in countries of destination affects different groups differently. In North Africa, sub-Saharan African children face heightened risks of abuse and exploitation due to the prevalence of widespread and systemic racism. In the Americas, forcibly displaced Indigenous children face higher risks of trafficking for sexual and labour exploitation, compounded by documentation problems and language barriers that hinder access to information and services. In forcibly displaced families, children may assume new roles and responsibilities to support household survival, including working long hours in precarious and dangerous work in informal sectors with significant risks of trafficking. Families may resort to the trafficking of children for forced marriage in response to deteriorating economic conditions and limited access to livelihoods. Encampment policies and restrictive conditions in camps can significantly exacerbate trafficking risks. Refugee camps may become locations of heightened vulnerability due to restrictions on freedom of movement, limited access to work or education, dependence on shrinking humanitarian assistance, overcrowding, inadequate shelter and healthcare, weaknesses in the administration of justice and rule of law, and corruption. These factors all facilitate access by criminal networks, both organized and informal, and refugee and displacement camps or settings become centres of child trafficking.

III. Humanitarian reset

8. The Special Rapporteur is gravely concerned at the impact of widespread and systematic cuts to funding for humanitarian programmes, which severely undermine essential protection systems. Such funding cuts have devastating consequences for the prevention of child trafficking and the protection of victims, greatly increasing exposure to trafficking risks in the context of forced displacement. In submissions received by the Special Rapporteur, the impact of significant reductions in assistance have been highlighted, including the removal of

[1] See SDN 1/2024. All urgent appeals and allegation letters mentioned in the present report are available from https://spcommreports.ohchr.org/Tmsearch/TMDocuments.

[2] Submissions received are available at https://www.ohchr.org/en/calls-for-input/2026/call-input-report-special-rapporteur-trafficking-rights-migrant-refugee-asylum.

safety nets that previously helped mitigate trafficking risks. Those who benefit are the perpetrators of the serious crime and serious human rights violation that is child trafficking, as impunity escalates.

9. For example, according to submissions received, in Cox's Bazar, Bangladesh, after the value of food vouchers for refugees decreased significantly, increases were reported in relation to child protection concerns, child labour, gender-based violence, household violence, trafficking of boys for forced criminality, and trafficking for the purposes of forced labour, child marriage and sexual exploitation, and tensions between refugee and host communities were exacerbated. In Lebanon, it is estimated that more than 83,000 refugees have lost access to shelter support, leaving many at heightened risk of trafficking as they face eviction and homelessness. In South Sudan, the closure of 75 per cent of the safe spaces for women and girls has left approximately 80,000 individuals – many already survivors of violence – without access to medical, psychosocial or legal services, increasing the risks of further abuse and trafficking. In East and Central Africa, in particular the Horn of Africa and the Great Lakes region, steep reductions in child protection and education services mean that more than half of children at risk will no longer receive specialized support, leaving unaccompanied and separated children particularly exposed to trafficking risks. The cumulative effect of these funding reductions is a marked weakening of protection environments and child protection programmes, with children and young people compelled to rely on informal or unsafe migration pathways, thereby significantly heightening trafficking risks.

10. The Special Rapporteur recalls the obligation of non-regression in human rights law, and highlights the obligation of States to respect and fulfil the rights of all children without discrimination.

IV. Statelessness and child trafficking

11. It is estimated that, at the end of 2024, there were at least 4.4 million stateless persons and persons of undetermined nationality, reported across 101 countries – with children representing 44 per cent of those affected.[3] Despite the promise of universal enjoyment of human rights, statelessness continues to be a barrier to the realization and enjoyment of rights.

12. Discrimination, based on race, gender and migration status in particular, as well as gaps in nationality laws and inadequate birth registration systems, contributes to childhood statelessness, both de facto and de jure, with all of the consequent human rights violations. The Convention on the Reduction of Statelessness imposes strict obligations on States, with a view to preventing children from being born into statelessness. However, ratifications of the Convention are limited and implementation remains weak.

13. The Special Rapporteur has consistently highlighted the related risks of child trafficking that arise for stateless children. The consequences for children include barriers in accessing education, healthcare and child protection services.

14. In West Africa, the causes of statelessness include weaknesses in civil registration systems, the presence of undocumented nomadic or border populations, restrictive or discriminatory nationality laws, and historical migrations. In Côte d'Ivoire, there remains a population of approximately 931,000 individuals who are stateless or at risk of statelessness, including descendants of historical migrants who do not meet the criteria to obtain Ivorian nationality through descent; abandoned children whose parents are unknown; and individuals not registered at birth, whose parents lack proof of nationality.[4]

15. In the report on her country visit to Liberia,[5] the Special Rapporteur highlighted the importance of birth registration and school feeding programmes as child protection measures that are critical to prevention of child trafficking, in line with target 16.9 of the Sustainable

[3] See https://statelessnessalliance.org/webinars/every-childs-right-to-a-nationality-and-identity-preventing-childhood-statelessness/.

[4] See Office of the United Nations High Commissioner for Refugees, "Multi-country office (MCO) for Côte d'Ivoire: statelessness report 2024", 29 August 2025.

[5] A/HRC/59/56/Add.2.

Development Goals. She also highlighted the progress in increasing registration rates, notably through the initiative led by the Ministry of Health to decentralize and digitize interoperable birth registration systems with support from the United Nations Children's Fund (UNICEF). The Special Rapporteur stressed the importance of promoting timely birth registration as a measure to prevent child trafficking for the purposes of labour or sexual exploitation.

16. Reporting on her country visit to the Central African Republic,[6] the Special Rapporteur highlighted concerns in relation to low rates of birth registration, with high risks of de facto statelessness and consequent increased risks of trafficking in children. Estimates based on a 2020 national census indicated that around 1.1 million Central African Republic nationals were at risk of statelessness. Despite the adoption of a national action plan for the eradication of statelessness, concerns remain about the situation of certain groups, such as the Mbororo, who face increased risks of statelessness. The destruction of the majority of civil registry centres as a result of the armed conflict, combined with the centralization of document issuance procedures in Bangui, which limits access to administrative documents, further contributes to the prevalence of statelessness, particularly affecting children.

17. The Special Rapporteur also welcomed the N'Djamena Initiative on the Eradication of Statelessness in Central Africa, launched by States members of the Central African Economic and Monetary Community. Under the Initiative, States called for the strengthening of civil status systems, including to make them more accessible to persons at risk of statelessness, and to ensure that every child is registered immediately at birth and that every child possesses a birth certificate.

18. The Special Rapporteur notes with concern the concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Israel, highlighting: (a) persistent discrimination in law, including in the Basic Law: Israel – the Nation-State of the Jewish People, and in practice against non-Jewish children, in particular Palestinian, Bedouin and asylum-seeking children, children of migrant workers and children in the Occupied Palestinian Territory; and (b) the racist and negative stereotyping of such groups of children, which has a discriminatory effect on their access to birth registration, education, health and other essential services.[7] The Special Rapporteur recalls the recommendations of the Committee in that context, namely, that Israel ensure registration at birth and issuance of birth certificates for all children, including Palestinian, asylum-seeking and migrant children, born in its territory and their access to essential services, for example by including such children in the national identification system or issuing them with visas to ensure their inclusion in a common system of registration granting them access to health, welfare, education and other services; and that it ensure legal pathways for all children, including children of asylum-seekers without a regular residence status, to acquire a regular residence status and nationality.[8] The Special Rapporteur further stresses the obligation to ensure the right of Palestinian children displaced from their homes in Gaza to family reunification; the obligation to ensure that unaccompanied and separated children and their parents have information concerning the whereabouts of their family members; and the obligation to take targeted measures to ensure that children born in Gaza are registered immediately after birth and prevent loss of identity for children separated from their parents, including wounded children without surviving family members.[9] Such urgent child protection measures are essential to the prevention of child trafficking and to ensure the effective protection of the rights of all children without discrimination.

19. The Special Rapporteur further highlights the grave risks of both de jure and de facto statelessness for wounded children with no surviving family in the context of the ongoing genocide[10] in Gaza, and serious gaps in child protection arising from the failures of the

[6] See A/HRC/56/60/Add.2.

[7] CRC/C/ISR/CO/5-6, para. 17.

[8] Ibid., para. 23.

[9] Ibid., para. 53.

[10] Conference room paper of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, "Legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide", paras. 252–255. Available at

occupying Power to fulfil its obligations under article 50 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention). It is estimated that children account for around half of the almost 2 million Gazans who have been forced to leave their homes and search for shelter elsewhere in Gaza, with an estimated 17,000 children orphaned, contributing to urgent and catastrophic child protection risks.[11] The Special Rapporteur recalls the jurisprudence of the International Court of Justice, including its advisory opinion of 19 July 2024, in which the Court recalled that "international human rights instruments are applicable 'in respect of acts done by a State in the exercise of its jurisdiction outside its own territory', particularly in occupied territories", and that the protection offered by human rights law does not cease in case of armed conflict or of occupation.[12] Israel remains bound by the international human rights treaties to which it is a Party in respect of its conduct with regard to the Occupied Palestinian Territory, including in relation to the prevention of child trafficking, and assistance for and protection of child victims.

20. The Special Rapporteur highlighted, during her country visit to Bangladesh, the grave risks of trafficking faced by stateless Rohingya children.[13] Globally, the largest stateless population are the Rohingya from Myanmar. Under the registration process implemented jointly by the Office of the United Nations High Commissioner for Refugees and the Government of Bangladesh, the Rohingya are registered not as refugees, but as "forcibly displaced Myanmar nationals",[14] rendering their situation, without refugee status, uncertain and leaving them stateless. Continuing fear and uncertainty about the future has created a climate of insecurity and desperation, especially for children, increasing their vulnerability to trafficking. The Special Rapporteur noted that women-headed households are particularly vulnerable. She heard reports of girls as young as 12 years old being trafficked to Malaysia for the purposes of child marriage, sexual exploitation and domestic servitude. Boys and young men are particularly at risk of trafficking for the purposes of forced labour, and the Special Rapporteur heard reports of adolescent boys being subjected to servitude and forced labour in the urban centre of Cox's Bazar, Bangladesh. The Special Rapporteur heard deeply disturbing accounts of children and young people, who sought to reach Malaysia, disappearing on dangerous journeys at sea, and highlighted serious concerns in relation to reports of abductions and violence experienced in refugee camps, including abductions linked to trafficking for the purposes of sexual slavery and of child and forced marriage.[15] Reports also highlight the trafficking of Rohingya boys by armed groups operating in the camps, and the sale of child recruits to Myanmar armed forces in Rakhine State. In Myanmar, the Rohingya people, stateless and "living in the shadow of genocidal violence",[16] have been the victims of multiple forms of trafficking. The Myanmar armed forces and Rohingya armed groups have targeted children for recruitment and use in hostilities and forced labour.[17]

21. The situation for Rohingya refugees in Bangladesh remains dire, with conditions deteriorating due to cuts in humanitarian assistance and funding and to a grave failure of shared responsibility to support the host community. Insufficient funding has led to the suspension of education, healthcare and other services for Rohingya refugees and limited access to essential reproductive and sexual health services and psychosocial assistance, which are critical for victims/survivors of child trafficking. The Special Rapporteur has highlighted also the limited access to formal education and the consequences of structural discrimination pushing children and young people into dangerous situations, increasing their vulnerability to trafficking.[18] According to United Nations data, more than 6,500 Rohingya individuals attempted to flee

https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session60/advance-version/a-hrc-60-crp-3.pdf.

[11] See https://www.unicef.org/press-releases/stories-loss-and-grief-least-17000-children-are-estimated-be-unaccompanied-or.

[12] *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, *Advisory Opinion*, 19 July 2024, General List No. 186, para. 99.

[13] See A/HRC/53/28/Add.1.

[14] Ibid.; and joint submission received from Global Campaign for Equal Nationality Rights, Global Movement against Statelessness and Institute on Statelessness and Inclusion.

[15] See A/HRC/53/28/Add.1.

[16] A/HRC/61/58, para. 65.

[17] See S/2025/81.

[18] See A/HRC/53/28/Add.1.

Bangladesh or Myanmar by boat in 2025, with nearly 900 reported dead or missing at sea.[19] Many of those fleeing are recruited by organized and informal networks of traffickers who seek to exploit the extreme vulnerability of a stateless people. The Special Rapporteur is concerned about the failure to undertake effective investigations into credible reports of trafficking of Rohingya refugees, especially of women and children from the camps, for the purposes of child and forced marriage and sexual exploitation, and of men and boys for the purposes of forced labour and forced criminality. She has previously highlighted the absence of an anti-trafficking tribunal in Cox's Bazar and the limited awareness among law enforcement bodies of the positive obligations to identify victims or persons at risk of trafficking and to provide specialized assistance and protection.

22. Statelessness, both de facto and de jure, is a serious and urgent concern for displaced children in the Sudan and South Sudan, in the context of ongoing armed conflicts. The Special Rapporteur has repeatedly highlighted child-trafficking risks, including recruitment and use of children by armed forces and armed groups, and trafficking for the purposes of sexual slavery, child and forced marriage and forced labour.[20]

23. The Special Rapporteur has highlighted the particular concerns with regard to accessing temporary protection status in the European Union that arose in relation to stateless persons who fled Ukraine, and also emphasized the importance of ensuring protection for stateless persons in Ukraine.[21] She stresses that these gaps and limits in protection are discriminatory and result in a failure to ensure the exercise of due diligence in the prevention of trafficking in persons against the background of significant increased risks. In the context of the current conflict in Ukraine, forcibly displaced people are at heightened risk of trafficking in persons, and those risks are even greater for stateless children.[22]

24. The intergenerational impact of statelessness has been highlighted in the Dominican Republic, where thousands of Dominican-born children of Haitian descent continue to have irregular status and lack State-issued documentation proving their legal identity and/or nationality.[23] The lack of legal documentation greatly increases the risk of becoming a victim of violence, as it poses a barrier to the enjoyment of basic rights, such as social protection. Children of Haitian origin, migrant children and children without legal documentation have been identified as particularly at risk of trafficking, including for the purpose of hazardous child labour. Despite repeated calls for action to prevent statelessness at birth and statelessness caused by collective deprivation of nationality and to ensure that every child has the right to a nationality, legal provisions and administrative practices that prevent the birth registration and access to nationality of children of Haitian descent remain in force. Low rates of birth registration result in de facto statelessness, particularly affecting migrant and refugee children, including children of migrant descent.[24]

25. In Pakistan, the alarmingly high number of children who are unregistered, and thus in situations of de facto statelessness, is linked to outdated legislation; poor enforcement; complex procedures; ambiguity in roles and responsibilities among institutions and governments; and the absence of legal provisions for providing birth registration to non-nationals, including to asylum-seeking and refugee children, such as Afghan children. Stateless children, including those belonging to Bengali, Bihari and Rohingya communities,

[19] See https://www.unhcr.org/news/briefing-notes/unhcr-2025-was-deadliest-year-yet-maritime-movements-rohingya-refugees#:~:text=GENEVA%20%E2%80%93%20In%202025%2C%20nearly%20900,UNHCR%2C%20the%20UN%20Refugee%20Agency.

[20] See A/HRC/53/28/Add.2; https://www.ohchr.org/en/press-releases/2026/04/escalating-violence-creates-child-trafficking-crisis-south-sudan-says-un; SDN 1/2024 and SDN 3/2023.

[21] A/HRC/53/28, para. 8.

[22] United Nations Office on Drugs and Crime, "Conflict in Ukraine: key evidence on risks of trafficking in persons and smuggling of migrants" (22 December 2022). See also European Union Agency for Asylum, International Organization for Migration and Organisation for Economic Co-operation and Development, "Forced displacement from and within Ukraine: profiles, experiences, and aspirations of affected populations" (October 2022).

[23] See CRC/C/DOM/CO/6.

[24] Ibid.

living in informal settlements[25] are denied access to basic services due to the absence of national identification documents. Internally displaced Pakistani children, Afghan child migrants and forcibly displaced children face significant protection risks in urban and peri-urban areas. Afghan child migrants and forcibly displaced children and communities face legal barriers tied to registration status, including obstacles to gaining access to basic services and support, as well as discriminatory practices, such as arbitrary detention and arrest,[26] leading to restrictions on freedom of movement within and between cities in Pakistan. The absence of basic documentation, including birth certificates, in contexts of displacement and family separation has repeatedly been recognized as increasing the risks of child trafficking.

26. In Malaysia, concerns relating to the lack of birth registration data, in particular within migrant and refugee communities, have been raised. Fear of detention and deportation due to immigration status has prevented some parents from registering their children. The resulting gaps in child protection systems are compounded by low rates of birth registration among children of migrant descent due to, among other things, lack of documentation.[27]

27. The interlinked risks of statelessness and child trafficking are evident in the situation of children born to forcibly displaced Venezuelan parents, who have faced significant challenges in accessing documentation and establishing nationality. Significant difficulties have arisen in Colombia in particular, where more than 2 million Venezuelans have been hosted, but additional barriers to accessing Colombian nationality increase the risks of statelessness. A series of adopted legislative and policy measures have specifically sought to address those risks, but implementation remains uneven.[28]

28. The Special Rapporteur welcomes the positive steps taken to eradicate statelessness. The potential to eradicate statelessness through legislative and policy changes is highlighted by recent actions taken in Thailand. Accelerated pathways to citizenship and permanent residence were approved in principle by the Cabinet through a resolution adopted on 29 October 2024, which outlined a road map to grant permanent residence to approximately 335,000 long-term residents and nationality to over 142,000 of their children born in the country.[29]

V. Deprivation of citizenship

29. The Special Rapporteur stresses that discretionary citizenship deprivation powers must be exercised by States consistent with their international human rights law obligations, including legal obligations in relation to trafficking in persons. The Special Rapporteur further highlights the non-derogable nature of the rights protected under international and regional human rights instruments relating to trafficking in persons. Failure to ensure those rights, including rights to assistance and protection, render a citizenship-deprivation decision arbitrary where the affected person is a victim of trafficking or where credible evidence that trafficking has occurred is available but has not been given due consideration and assessed in the decision-making process. If credible evidence is available in relation to trafficking in persons, such evidence is legally relevant to the process of making decisions on deprivation of citizenship, including in the determination of whether such deprivation may be arbitrary, whether procedural fairness has been ensured and whether the citizenship-deprivation decision is proportionate, given the duration and severity of the punishment imposed. The practical consequences of citizenship deprivation, including the risk of exclusion from effective protection as a victim, must be considered, specifically in relation to the State's obligations of prevention, assistance and protection and of effective investigation. Where the person affected is or was a child victim of trafficking, the special obligations of protection are heightened, given the particular obligations imposed under international human rights law, international

[25] CCPR/C/PAK/CO/2, para. 38.
[26] Ibid., para. 36.
[27] CRC/C/MYS/CO/2-4, para. 32.
[28] See https://www.unhcr.org/news/briefing-notes/colombia-acts-ensure-children-born-venezuelan-parents-are-not-left-stateless. See also A/HRC/56/60/Add.1, paras. 30–42.
[29] See https://www.unhcr.org/asia/news/press-releases/unhcr-commends-thai-cabinets-landmark-resolution-end-statelessness.

refugee law, international criminal law and international humanitarian law. Finally, a citizenship-deprivation decision must comply with due process guarantees that would be applicable to criminal proceedings, given the severity of the consequences of the deprivation decision. The obligation of non-punishment is engaged, as protected in international and regional human rights law, as is the right to a fair trial and due process of law. The Special Rapporteur highlighted these obligations in a third party intervention submitted in the case of *Begum v. the United Kingdom* (Application No. 36427/24) before the European Court of Human Rights.[30]

30. In any process for making a decision on deprivation of citizenship, particularly in respect of an individual who may have been trafficked as a child, the State is obliged to conduct a prior, rigorous assessment of credible indicators of trafficking and their legal consequences. Where such an assessment has not taken place, the deprivation decision is arbitrary and therefore unlawful as not compliant with international human rights law obligations, including non-derogable obligations owed to presumed victims of trafficking, and with related rights to private and family life, to due process and to the special protection of the rights of the child.

31. While a citizenship-deprivation decision is formally considered an administrative measure, given its severity and consequences for the individual affected it is, in effect, a penalty. The severity and consequences of such a decision are even greater where the person affected is a victim of trafficking who is a child, or who was a child when trafficked, whose rights to an effective remedy and to assistance and protection have not been ensured. The consequences of a citizenship-deprivation decision may include denial of access to consular protection, to repatriation and reintegration measures, to medical, psychosocial and legal assistance and to effective remedies. The consequences also include a real risk of further serious human rights violations, including the risks of being retrafficked, of indefinite arbitrary detention, of forced family separation and of reprisals, ostracism and stigmatization, potentially amounting to persecution.

32. The obligation of non-punishment in the context of child trafficking by armed groups and designated terrorist organizations has been highlighted repeatedly by the Special Rapporteur. She has emphasized concerns in relation to counter-terrorism measures, including citizenship-deprivation measures, being used against child victims of trafficking. In a joint study on child trafficking and armed conflict, the Special Rapporteur and the Special Representative of the Secretary-General for Children and Armed Conflict addressed the links between child trafficking and the six grave violations against children in armed conflict , also highlighting the related obligation of non-punishment.[31] The Committee on the Rights of the Child, in its general comment No. 24 (2019), provides that children recruited by non-State armed groups, including children charged in counter-terrorism contexts, should be treated primarily as victims of violations of international law, instead of subjected to punitive measures.

VI. Age assessment and rights of the child

33. The Special Rapporteur recalls that age assessment functions as a gatekeeper for the protection of the rights of child victims of trafficking in the context of migration and forced displacement. She recalls that the concept of the best interests of the child is a substantive right, a fundamental interpretative legal principle and a rule of procedure. Its application in the context of age assessment processes imposes significant positive obligations on States, given the non-derogable obligations owed to child victims of trafficking. Where children are wrongly assessed to be adults, they are denied the protections due to them as children and may be placed in situations of grave risk, including risks of ongoing and retrafficking.

34. The Special Rapporteur recalls the obligations arising under the Convention on the Rights of the Child to ensure the protection of every migrant child deprived of his or her family

[30] Available at https://www.ohchr.org/en/special-procedures/sr-trafficking-in-persons/submissions-courts-and-other-bodies.

[31] See https://childrenandarmedconflict.un.org/wp-content/uploads/2024/10/Child-trafficking-and-armed-conflict-2.pdf and A/80/166.

environment, and in particular recalls that during the age determination process young migrants who claim to be children should be given the benefit of the doubt and treated as such and, further, that children should not be required to explicitly request interim measures of protection during the age determination process, as this is an ex officio obligation of States Parties to the Convention in view of the particular vulnerability of unaccompanied migrant children.[32]The Special Rapporteur notes, as emphasized in one submission received, that age assessment procedures are frequently deeply racialized, involving racially disproportionate use of X-ray age assessment techniques and assumptions in relation to mobility, physical appearance and identity documentation that reflect deeply rooted biases, often with devastating consequences for child victims of trafficking and children at risk.[33] The Special Rapporteur highlights the obligation to ensure that psychological, cognitive and behavioural factors are taken into account, as required by international and regional human rights law on the rights of the child, including as established in general comment No. 6 (2005) of the Committee on the Rights of the Child.[34]

VII. Migration and refugee status as remedy

35. For child victims of trafficking in an irregular migration situation, unconditional access to long-term residence, permanent residence and a pathway to citizenship must be provided where this is in a child's best interests. Lack of certainty or delays in ensuring regularization of migration status may result in child victims "ageing out" without timely resolution of their migration status. Such uncertainties add further to the trauma experienced, and the vulnerability, risks of reprisals and retrafficking faced, by trafficked children and young people. They also hinder access to assistance and protection services, education, training and social inclusion and seriously undermine the process of recovery. It is essential to ensure effective access to international protection, including asylum, with provision for pathways to permanent residence and citizenship, recognizing that child trafficking is a form of persecution and a serious human rights violation frequently linked to one of the grounds set out in the Convention relating to the Status of Refugees.

VIII. On the significance of gender and intersectionality

36. A child's gender significantly shapes the experience of migration and the risks endured. Boys are more likely than girls to be on the move alone, to travel farther from home and to cross international borders, while girls who travel alone often move within their own country or region. Across diverse regions of the world, a significant majority of unaccompanied child asylum applicants are boys. However, it is important to recognize that unaccompanied and separated girls may be less visible in migration data because they are trafficked for labour exploitation in less visible sectors, such as domestic work; may be more likely to travel within groups and appear to be part of a family, having been coerced; and may be instructed by traffickers to claim that they are over 18 years old. This lesser visibility, in itself, may add to the risks of trafficking and hinder the identification of girl victims and girls at risk.

37. The Special Rapporteur observes that the input for the present report reflected shifts in the detection of trafficked children. One particular shift highlighted was that boys are increasingly being trafficked, particularly for forced labour, criminal activities and, in some cases, sexual exploitation.[35] The Special Rapporteur notes that the increasing presence of boys among identified victims is especially marked in Libya, where 47 per cent of trafficked

[32] Committee on the Rights of the Child, *U.A. v. France* (CRC/C/96/D/132/2020).

[33] See also United States of America District Court for the Southern District of New York, *Robert F. Kennedy Human Rights et al. v. United States Department of Homeland Security et al.*, Case No. 25-cv-4349, complaint, 22 May 2025.

[34] See also Council of Europe, *Evaluation Report: Spain – Third Evaluation Round, Access to Justice and Effective Remedies for Victims of Trafficking in Human Beings* (Strasbourg, 12 June 2023). Available at https://rm.coe.int/greta-evaluation-report-on-spain-3rd-evaluation-round-greta-2023-10-ac/1680ab8d0f.

[35] Submission by UNICEF.

individuals were male – a significantly higher proportion than in any other country in the region. Debt bondage was highlighted as playing a significant role in the trafficking of children from West Africa, particularly Nigerian children transiting through Libya. In many cases, families are coerced into financing their children's travel through informal loans, with traffickers then claiming repayment through forced labour or sexual exploitation of children.[36]

38. The Special Rapporteur highlights and welcomes the recognition by the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, in their joint general comments, of the gendered nature of trafficking risks in the context of migration and forced displacement. The Committees recognize that in many contexts, girls may be even more vulnerable to trafficking, especially for the purposes of sexual exploitation. The Committees also highlight the specific risks of trafficking for the purposes of sexual exploitation and abuse faced by children with disabilities and by children who are lesbian, gay, bisexual, transgender or intersex. Such risks arise due to discrimination and violence experienced, including from law enforcement authorities, as well as more limited access to safe migration pathways or to international protection. The Special Rapporteur is concerned at the intersecting axes of discrimination of gender, age and race, and how such overlapping axes of discrimination contribute to lesser protection for migrant and forcibly displaced children, particularly adolescents who may not be considered vulnerable or credible.

IX. Climate-related displacement and migration

39. The Special Rapporteur is concerned that global frameworks addressing the impact of climate-driven migration and displacement do not adequately address the rights of the child or States' heightened obligations towards children. She highlights that while all children are exceptionally vulnerable to climate change and environmental degradation, migrant and forcibly displaced children are particularly at risk,[37] including in the context of both sudden- and slow-onset disasters. In its general comment No. 26 (2023), the Committee on the Rights of the Child has recognized the specific risks of child trafficking linked to environmental degradation, including the climate crisis. As a form of structural violence against children, environmental degradation aggravates the risk that children will experience violence, abuse and exploitation, and leads to environment-related shocks that bring about financial hardships, food and clean water shortages and fragile child protection systems. The Special Rapporteur has previously highlighted the particular risks arising in the Sahel region in the context of cross-border displacement and migration that are a result of climate change impacts and that occur under conditions that increase risks of trafficking,[38] namely, the lack of regular migration status, the existence of legal or practical barriers to accessing assistance and protection, and the loss of community and family support networks.[39]

X. Responsibility-sharing and forced displacement

40. Despite commitments made in the Global Compact on Refugees, significant resettlement quotas, complementary pathways and other durable solutions remain unfulfilled. The Special Rapporteur highlights the decision by the Government of the United States of America to end most refugee resettlement through its Refugee Admissions Program,[40] which is of serious concern, given the country's historic role in resettling refugees. The Special Rapporteur highlights that resettlement, the provision of humanitarian visas, rights-based family reunification and other complementary pathways are important measures to ensure effective access to international protection and to prevent child trafficking risks, which, in the

[36] Ibid.

[37] A/77/170, paras. 27–32.

[38] A/HRC/53/28, para. 11.

[39] See also Office of the United Nations High Commissioner for Human Rights, *Human Rights, Climate Change and Migration in the Sahel* (2021).

[40] Executive Office of the President of the United States, Executive Order 14163 of 20 January 2025.

context of forcible displacement, are further heightened when policy failures limit access to safe passage and contribute directly to children taking dangerous journeys.

XI. Reception conditions, assistance and protection

41. The Special Rapporteur recalls the obligations arising under article 6 (4) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, requiring States Parties to take into account the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care. For migrant, asylum-seeking and refugee children who are victims of trafficking or at risk of trafficking, access to assistance is very limited, particularly in situations of transit. The Special Rapporteur recalls the positive obligations on States to identify and provide assistance to child victims. Early identification and referral to child protection services must be ensured, and is an obligation arising from the special duties of protection owed to children to ensure their recovery and protection. Such legal duties are rooted in international anti-trafficking law and human rights law, and must be ensured without discrimination. The Special Rapporteur recalls the obligations to ensure the timely appointment of a guardian and legal representative for unaccompanied and separated children and to ensure those children a protective environment and access to justice.

42. Assistance must be provided as early as possible once a victim or potential child victim is identified. Psychosocial assistance that is trauma-informed and specialized and that ensures long-term engagement and support must be provided. Such obligations towards child victims and children at risk are imposed by international human rights law. Interpreters trained in child-friendly assistance must be provided. In many situations of forced displacement, particularly at border crossings and in transit, such specialized assistance is not available.

43. The Special Rapporteur has visited border crossings where child victims were dependent on the good will of law enforcement authorities to pay for public transport or provide transport on motorcycles (if available), or to find accommodation within local communities, with no vetting procedures undertaken and no financial support or healthcare services provided. In the report on her visit to Guinea-Bissau, the Special Rapporteur welcomed the training of border officials on the identification of trafficking in persons and the efforts of such officials to identify and refer children to available services, often at their own economic expense and by their own personal means. However, she expressed concern at the lack of healthcare facilities, safe accommodation and child-sensitive processes.[41]

44. The Special Rapporteur welcomes the commitments made at the 2023 Global Refugee Forum through the multi-stakeholder pledge on child rights, developed by the Initiative for Child Rights in the Global Compacts, which resulted in over 200 child-focused and child-sensitive pledges, including the commitment to strengthen the capacity of national child protection systems to protect displaced and stateless children.[42] However, implementation remains a significant challenge, particularly in the context of reductions in humanitarian funding.

45. The Committee on the Rights of the Child has found that in France, unaccompanied migrant children living in camps, on the streets or in hotels without adequate supervision from the child protection system are exposed to violence, including sexual violence, trafficking in persons, drugs and criminal activity. The nature of the child rights violations were found to be of a systematic nature, owing to the State's repeated failure to implement legal, policy and other measures to protect unaccompanied migrant children living on the streets, in tents and in makeshift camps. Further, the Committee found that France had refused to provide child protection services to unaccompanied children, and concluded that the violations had occurred repeatedly over long periods and were not isolated.[43]

[41] See A/HRC/59/56/Add.1.

[42] See https://globalcompactrefugees.org/pledges-contributions/multi-stakeholder-pledges-2023/multi-stakeholder-pledge-child-rights.

[43] CRC/C/FRA/IR/1, paras. 88 and 89 (b); see also para. 67.

46. The Special Rapporteur has raised concerns in relation to the treatment of trafficked persons in Samos, Greece,[44] including with regard to a lack of assistance and protection services. She recalls the judgment of the European Court of Human Rights in *A.N. and others v. Greece*, where the Court reiterated its well-established case law to the effect that, having regard to the absolute character of article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, an increasing influx of migrants cannot absolve a State of its obligations under that provision.[45] The Court found a violation of the absolute prohibition of inhuman and degrading treatment, concluding that the facilities in and around the Samos reception and identification centre at the material time were "manifestly insufficient to meet the basic needs of unaccompanied minors, including access to hygiene, nutrition, medical and psychosocial care, effective guardianship, and protection from violence or exploitation".[46]

47. In a joint allegation letter to Libya, the Special Rapporteur and other mandate holders highlighted urgent concerns in relation to allegations, dating from October 2020, of trafficking and other human rights violations, including torture, disappearance and arbitrary detention, in connection with a warehouse (also referred to as a farm) in Tazirbu.[47] Evidence presented in reports of the Independent Fact Finding Mission on Libya[48] and the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011)[49] regarding the presence of trafficking-in-persons hubs, and regarding the trafficking of migrants, including children, with the purpose of exploiting them for ransom and for other types of exploitation, such as enslavement, including sexual slavery,[50] is of serious concern. The Special Rapporteur has requested information on the measures taken to provide assistance and protection to the migrant, asylum-seeking and refugee children found in Tazirbu and in other unofficial detention centres, and on the measures taken to identify child victims of trafficking and to ensure a protective environment for all child migrants, asylum-seekers and refugees, including access to psychosocial and medical assistance, safe accommodation, appointment of a guardian, access to lawyers, family reunification and determination of their best interests.[51]

XII. Immigration-related detention

48. Detention of children for immigration purposes is never in their best interests. In addition, the Special Rapporteur highlights the obligation of non-punishment in relation to trafficked children, which applies also to immigration-related offences. Providing for exceptions linked to public order or national security in the context of potential immigration related detention cannot displace such obligations. The Special Rapporteur recalls that detention of a child for the purposes of public order or national security must comply with the strict procedural safeguards applicable in the context of criminal law enforcement. Providing for exceptions that apply only to children who are third-country nationals is, in itself, discriminatory.

49. The Special Rapporteur has expressed serious concerns in relation to the Pact on Migration and Asylum of the European Union, and the possibility of asylum-seeking children going through border procedures with limited procedural safeguards, facing potential detention and increased risk of refoulement.[52] In addition, the absence of a right to challenge the use of the asylum border procedure undermines the right to an effective remedy and is contrary to the general principle of international law recognizing the right to an effective remedy and, a fortiori, a right belonging to children, regardless of their immigration status.

[44] See GRC 3/2024.
[45] Application No. 65267/19 and two others, Judgment, 22 January 2026, para. 131.
[46] Ibid., paras. 133 and 134.
[47] See LBY 1/2023.
[48] See, for example, A/HRC/52/83.
[49] See, for example, S/2024/914, annex.
[50] A/HRC/52/83, paras. 41 and 52.
[51] See LBY 1/2023.
[52] See OTH 144/2023.

XIII. Prohibition of non-refoulement

50. The Special Rapporteur emphasizes the importance of a child rights analysis in assessing refoulement risks. She notes that returning a child where there is a real risk of trafficking or retrafficking constitutes a violation of the non-refoulement prohibition; in addition, she highlights the risks of reprisals, including from family members, as well as the risks of social exclusion, ostracism and discrimination. Child trafficking entails substantial physical, sexual and/or psychological violence, and may amount to torture, inhuman or degrading treatment, engaging the absolute prohibition of refoulement in human rights law. Further, non-refoulement obligations apply irrespective of whether violations of those rights originate from non-State actors or whether such violations are directly intended or are the indirect consequence of action or inaction by States, and as such are directly engaged in the context of the risks of child trafficking and with regard to the protection of trafficked children.

51. Despite strict legal obligations to ensure protection against refoulement and best interests determinations for child victims of trafficking, attention to the heightened obligations towards children is too often absent. For example, the Committee on the Rights of the Child has highlighted the lack of specialized professionals in Spain to assess childhood trauma in migratory contexts and the risk presented by the child's possible return to his or her country of origin.[53] The Special Rapporteur has transmitted to Tunisian authorities concerns in relation to refoulement, in particular regarding trafficking risks for children and alleged transfers to the borders with Algeria and Libya.[54] The Special Rapporteur has expressed concern in relation to the deportation of Afghan asylum-seekers, refugees and migrants from Pakistan, warning of imminent harmful consequences for returnees and calling for urgent respect for international legal obligations, in particular in relation to girls.[55]

XIV. Externalization processes and accelerated border procedures

52. The Special Rapporteur is gravely concerned at the expansion of externalization of asylum procedures and migration governance measures, with serious implications for child rights protection in the context of trafficking in persons. Externalization of international protection and migration governance may include extraterritorial processing of international protection claims in a third country or other locations, or unilateral measures to intercept or prevent arrivals that preclude access to asylum or other forms of international protection. A range of practices have evolved as States seek to shift or avoid the shared responsibility to ensure effective access to international protection and to limit access to their territories. States have attempted to externalize international protection by outsourcing elements of asylum processes, such as screening and admissibility, or the entire process, to a third State, either under the laws of the externalizing State or under those of the third State. Unilateral measures by States to prevent asylum-seekers from reaching or entering their territory and seeking asylum, such as intercepting asylum-seekers on land, near borders or at sea, including the high seas, also constitute externalization. Such measures also include pushbacks at borders and return to third countries.

53. In October 2025, the Special Rapporteur participated in a dedicated panel discussion at the 85th ordinary session of the African Commission on Human and Peoples' Rights on externalization; she welcomes the Commission's resolution on the obligations of African States in the context of the externalization of migration governance and the extra-regional transfer of migrants to Africa, adopted at the session. In the resolution, the Commission expresses deep concern at the lack of guarantees for the protection of fundamental human rights or access to a fair and individual status-determination procedure by certain African States that have agreed to receive, detain or expel migrants transferred by non-African States, notably the United States and members of the European Union, and emphasizes that such

[53] CRC/C/ESP/CO/7, para. 40.

[54] See TUN 6/2024.

[55] See https://www.ohchr.org/en/press-releases/2025/08/un-experts-sound-alarm-looming-deportations-afghans-pakistan.

practices may expose affected persons to serious risks of refoulement, arbitrary detention, discrimination and violations of the right to dignity and security.

54. In her capacity as then Chair of the Platform of Independent Experts on Refugee Rights, the Special Rapporteur signed a joint statement by the Inter-American Commission on Human Rights and the experts from the Platform to express concern regarding the recent adoption of certain bilateral agreements between countries with the objective of deporting, expelling and/or transferring persons in the context of human mobility to other countries that are neither their country of origin nor their habitual residence, and which may be contrary to non-derogable international human rights obligations. The joint statement stresses that State practices must comply with international and inter-American human rights law, and that no bilateral agreement on deportation, expulsion, and/or transfer of persons exempts States from complying with those obligations.[56]

55. The Special Rapporteur emphasizes that the positive obligations of States, in particular the obligations to identify and protect forcibly displaced persons or migrants who are potential victims of trafficking or at risk of trafficking, are not displaced in the context of externalization practices or by the conclusion of bilateral agreements between States. While provision in such agreements is frequently made to exclude victims of trafficking, and specifically to exclude unaccompanied and separated children from externalization processes, this presumes that victims have been identified prior to removal. It also assumes that the age assessment process has been implemented in a manner that is compliant with human rights law. The Special Rapporteur has received information that unaccompanied and separated children have been subjected to externalization processes. Further, while unaccompanied and separated children may be explicitly exempted, accompanied children are not. Given that family networks may be implicated in child trafficking, this is of serious concern and adds to the challenges that arise in assisting and protecting children at risk of trafficking by family members.

56. The Special Rapporteur has also highlighted that externalization arrangements may breach obligations to investigate trafficking in persons without delay and to take operational measures to protect potential victims where there are sufficient indicators of circumstances that give rise to a credible suspicion of a real risk of trafficking. Such arrangements may breach the positive obligation on States to put in place an effective system to protect potential or confirmed victims of trafficking if the arrangements are implemented in the absence of individualized and procedurally fair assessments of: (a) the safety and dignity of individuals with respect to removals or transfers to other States; and (b) the real risk of a breach of international human rights law in third States or of onward refoulement or retrafficking.

57. The Special Rapporteur recalls the complex nature of the harms of trafficking in persons and highlights that trafficking-related protection claims are particularly unsuited to accelerated processing and may limit the likelihood of identification of victims. In the context of accelerated asylum and border procedures, the Special Rapporteur recalls that there are many reasons why child victims of trafficking in persons may be reluctant to cooperate with the authorities and to disclose their experience of exploitation. The possible impact of psychological trauma, as well as the fear of acts of reprisals against victims or their families, must be taken into account. A lack of trust or familiarity with public bodies, law enforcement or government officials may also hinder the disclosure of information and the establishment of a relationship of trust. Such obstacles are exacerbated in highly securitized border areas, where child-friendly processes and facilities may be absent.

XV. Protection at sea

58. The Special Rapporteur has highlighted the legal obligations arising from a State exercising effective control outside its borders, including in international waters or other transit zones where States put in place migration control mechanisms. Those include positive obligations of identification, assistance, protection and non-refoulement during interceptions

[56] See https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2025/190.asp&utm_term=class-dc.

at sea, search and rescue operations and disembarkation to a place of safety. However, children are frequently hosted in unsafe accommodation centres, hotels or temporary lodgings, without guardians or protective environments, and may be detained. The Special Rapporteur recalls that the obligation to disembark persons to a place of safety necessarily requires ensuring the rights of child victims and children at risk, as well as the prevention of child trafficking. Concerns about risks of refoulement and collective expulsions to Libya, including through interceptions at sea, have been raised repeatedly.[57] During her visit to Bangladesh, the Special Rapporteur heard accounts directly from child victims – Rohingya refugees in Cox's Bazar – who were rescued at sea while travelling to Malaysia, having been recruited for purposes of child marriage. The testimonies given included accounts of child victims of trafficking being detained in police stations alongside adults, without protection or assistance, following deeply traumatic experiences at sea, including witnessing the drowning and disappearance of family members, other children and young persons.[58] The Special Rapporteur has also highlighted specific child trafficking risks arising in the Gulf of Urubá region of Colombia.[59]

XVI. Rights of children with disabilities

59. The Special Rapporteur has consistently highlighted the specific obligations owed to children with disabilities who are victims of trafficking or at risk of trafficking. Forcibly displaced and migrant children with disabilities, including intellectual or psychosocial disabilities, may face increased risks due to discrimination and other failures to ensure disability rights.[60] Rights to mobility, social inclusion, legal capacity, health or education are often denied in the countries of destination, in transit and in protracted displacement settings.[61] In addition, inaccessible evacuation routes for children with mobility-related disabilities, loss of access to needed assistive devices or other forms of support during displacement, and separation from caregivers increase risks of exploitation.

XVII. Access to justice

60. For migrant and forcibly displaced children who are trafficked, access to justice is limited and often non-existent, particularly in transit settings. The Special Rapporteur highlights the right of child victims to effective access to justice and to remedies, and to participation in child-friendly justice proceedings, which should ensure, among other things, support for the exercise of legal capacity by child victims with disabilities. Effective victim and witness protection must be ensured in any investigation, particularly given the high risk of reprisals from criminal networks, both organized and informal.

XVIII. Rule of law, administration of justice and corruption

61. Impunity for the crime and serious human rights violation of child trafficking is enabled by corruption and weakness in the administration of justice at all stages of migration and forced displacement, with devastating consequences for child victims. Combating corruption at border crossings, in embassies and consular services, in labour inspectorates, in law enforcement and in the judiciary is essential to effective action to combat child trafficking and ensuring accountability. The Special Rapporteur is deeply concerned at the politicization of migration and asylum by political leaders and at the accompanying attacks on the independence of judges and lawyers, which undermine the rule of law and human rights.

[57] See ITA 1/2017, ITA 4/2017 and ITA 4/2025.
[58] See A/HRC/53/28/Add.1.
[59] See A/HRC/56/60/Add.1.
[60] Special Rapporteur on trafficking in persons, especially women and children, submission on the draft general comment on persons with disabilities in situations of risk and humanitarian emergencies.
[61] Special Rapporteur on the rights of persons with disabilities, Special Rapporteur on trafficking in persons, especially women and children and Duke Law International Human Rights Clinic, "Briefing paper: trafficking in persons and the rights of persons with disabilities" (2025).

XIX. Conclusion and recommendations

62. **Throughout her tenure as Special Rapporteur on trafficking in persons, especially women and children, the mandate holder has highlighted the urgency – what might be called the fierce urgency of now – of putting in place safe, orderly and regular migration pathways, ensuring effective access to international protection and eradicating statelessness. Failing to do so increases child trafficking risks. The consistent availability of credible evidence establishing such links engages the positive obligations – and the responsibility – of States. Such responsibility can no longer be denied or evaded.**

63. **The Special Rapporteur calls on all States to:**

(a) **Ratify, if they have not yet done so, and implement the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, taking all measures necessary to eradicate de facto and de jure statelessness, ensuring equality and non-discrimination in nationality laws;**

(b) **Ensure the establishment and meaningful expansion of safe, regular and child-accessible migration pathways, including through humanitarian visas, rights-based family reunification, resettlement and complementary pathways;**

(c) **Prohibit the detention of children for immigration-related purposes in all circumstances;**

(d) **Guarantee that age assessment procedures are child-centred, multidisciplinary, culturally appropriate, trauma informed and non-discriminatory, applying the benefit of the doubt;**

(e) **Ensure unconditional, early and long-term access to assistance and protection for all child victims of trafficking and children at risk, irrespective of migration status, nationality or cooperation with law enforcement authorities;**

(f) **Ensure the rights of children with disabilities and disability inclusion in all anti-trafficking responses;**

(g) **Provide secure migration status, long-term residence and pathways to citizenship for child victims of trafficking where this is in their best interests, including safeguards to prevent children from ageing out of protection due to procedural delays;**

(h) **Strengthen civil registration and vital statistics systems, including through decentralization and mobile registration mechanisms, in order to ensure universal birth registration and prevent both de jure and de facto statelessness, particularly in contexts of displacement, conflict and disasters;**

(i) **Ensure effective access to international protection, including asylum, and protection against refoulement, without exception;**

(j) **Refrain from the use of externalization arrangements, accelerated border procedures and bilateral transfer agreements that limit access to international protection and that undermine the principle of shared responsibility;**

(k) **Effectively implement the non-punishment principle without discrimination, including in relation to immigration-related offences and administrative sanctions such as citizenship-deprivation decisions;**

(l) **Ensure effective access to justice for child victims of trafficking through child-friendly procedures, legal assistance, victim and witness protection and accountability for corruption and complicity within State institutions;**

(m) **Integrate a child-rights and trafficking-specific analysis into responses to climate-related displacement, ensuring planned, safe and rights-based relocation and migration pathways for affected children and their families.**