

'Kids as Commodities? Child Trafficking and What to do about it'

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Terre des Hommes was created in 1960 to provide direct help to underprivileged children who were not being helped by existing relief agencies. Today it consists of a network of organisations based in eight different countries, the International Federation Terre des Hommes (IFTDH), which has consultative status with the United Nations Economic and Social Council (ECOSOC), UNICEF, ILO and the Council of Europe. The network works in partnership with Terre des Hommes organisations in Spain and the Netherlands. Members of the IFTDH support 840 development and humanitarian aid projects in 71 countries.

The countries where members of the IFTDH have their headquarters are: Canada, Denmark, France, Germany, Italy, Luxembourg, Switzerland (where there are two organisations, **Terre des Hommes** Switzerland and the **Terre des Hommes** Foundation in Lausanne) and Syria. The author of this study is Mike Dottridge, an independent human rights consultant. From 1996 until 2002 he was director of a London-based non-governmental organisation, Anti-Slavery International, where much of his work focused on cases of human trafficking, of both adults and children. In 2002 he was part of a panel of UN experts which helped draft human rights guidelines concerning victims of trafficking. He lives and works in the United Kingdom.

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The names attributed to individual children in this study (in case studies or photographs) are not their real names. Fictional names have been used to protect the children concerned.

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Acronyms and initials used in the text

ARSIS	Association for the Social Support of Youth (NGO in Greece)
ECPAT	End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (previously End Child Prostitution in Asian Tourism)
EU	European Union
ICACT	(Terre des Hommes) International Campaign Against Child Trafficking
IFTDH	International Federation Terre des Hommes
ILO	International Labour Organization
ILO-IPEC	See IPEC
IOM	International Organization for Migration
IPEC	International Programme on the Elimination of Child Labour (part of ILO and referred to as ILO-IPEC)
NGO	Non-governmental organisation
OAS	Organization of American States
OSCE	Organization for Security and Co-operation in Europe
TICSA	Trafficking in Children – South Asia (part of ILO-IPEC)
UAM	Unaccompanied minor
UN	United Nations
UNESCO	UN Educational, Scientific and Cultural Organization
UNIAP	UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region
UNICEF	United Nations Children’s Fund
UNODC	UN Office on Drugs and Crime (the secretariat for the Convention against Transnational Organized Crime and its Trafficking Protocol), which runs a Global Programme against Trafficking in Human Beings
US	United States of America
WHO	World Health Organization

Executive Summary

This study of child trafficking describes a pattern of human rights violations affecting at least one million children today - probably many more. It concerns the business of taking children away from their homes and families, transporting them elsewhere, often across frontiers and even to other continents, to be put to use by others, usually to make money. This is a heart-rending pattern of abuse, but the study explains in as unsentimental way as possible what can be done to stop child trafficking and to protect children who are trafficked. As the efforts of government agencies and inter-governmental organisations have been described in other reports, this study focuses on what non-governmental organisations can do, with the intention of showing them what techniques there is agreement on and what needs further discussion.

Until a few years ago, the term ‘trafficking’ was interpreted to refer to children and adults subjected to commercial sexual exploitation in prostitution. However, a new definition of human trafficking was adopted by the United Nations (UN) in 2000 in a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This makes it clear that human beings are trafficked for many different purposes, all of them defined as ‘exploitation’. The Protocol makes a distinction between ‘trafficking’ and ‘people smuggling’, which involves taking people across borders illegally, but without the same intention of exploiting them afterwards. The Protocol concentrates on people who are trafficked across frontiers, but children and adults are also trafficked within their own countries. Most statistics about trafficking refer exclusively to cross-border trafficking and are very imprecise. In 2003 the International Labour Organization estimated that 1.2 million children are trafficked each year.

Trafficking in children is directly associated with their subsequent exploitation by other people in a way that violates their human rights – usually by being forced to make money for them by working, but in the case of babies who are trafficked for adoption and young women trafficked for marriage, to satisfy the demands of those who take control of them in other ways. The eight forms of exploitation described in some detail are: commercial sexual exploitation (for prostitution or pornography), marriage, work as domestic servants, adoption, bonded labour, begging, other illicit activities (such as burglaries) and work that is so hazardous that it endangers the health or life of the child concerned. All are characterised by constraints imposed on the movement of the children involved, who are virtually held captive. However, the degree of force or intimidation which is needed to control a young child is very different to the coercion used on older children (or adults), and is consequently more difficult to notice or to

prohibit. Girls are the chief victims of trafficking associated with the first three forms of exploitation, both sexual exploitation and work as domestics; however, boys are also trafficked and both boys and girls are subjected to most forms of exploitation.

Of course, not all children who migrate to work away from home are victims of traffickers. It is important for child rights activists to distinguish between children who are migrating in search of a better future, and deserve support in their efforts, and children who are being moved by others so that they can be subjected to exploitation and abuse later on. In reality, it is often hard to tell the difference and, by not making any distinction, counter-trafficking measures have sometimes harmed migrant children.

Because of the diversity involved in child trafficking – both boys and girls are trafficked; children of all ages are involved, some young and some almost adult; and trafficked children are exploited in different ways – the opportunities for intervening to protect children vary as well. In order to prevent children from being trafficked in the first place, it is necessary to understand the motives that children have for leaving home, or that their families have for allowing them to leave. The right preventive strategy must be adapted to match the particular motives that people have. Similarly, efforts to remove children from the control of traffickers must be tailored to the specific circumstances that children find themselves in.

While trafficking children is always a crime, the specific forms of harm inflicted on children as a result vary, both in the short- and the long-term. This too needs to be taken into account in assessing what sorts of support children need when they are removed from the hands of their traffickers or exploiters. It is mainly girls who are subjected to commercial sexual exploitation and exposed to sexual violence, sexually transmitted infections and related forms of harm. These have a profound effect on the children concerned, which require forms of treatment that are correspondingly different to those needed by children who have been programmed like robots to work long hours as domestic drudges or workers in sweatshops or in the fields.

As well as adopting treaties and conventions designed to stop trafficking, the principal UN agencies concerned with human rights and with children have recently adopted guidelines concerning children who are trafficked. These are addressed chiefly at government agencies which are responsible for assisting and protecting trafficked children and for deciding what should happen to them subsequently. The UN High Commissioner for Human Rights issued a set of Recommended Principles and Guidelines on

Human Rights and Human Trafficking in 2002 and UNICEF issued a set of Guidelines for Protection of the Rights of Children Victims of Trafficking in 2003 which were designed especially for Southeast Europe. Both emphasise that government agencies and other institutions involved in making decisions about trafficked children must make the best interests of the child concerned a primary consideration in any decisions they take. UNICEF's Guidelines cover 11 separate issues: the process for identifying children who have been trafficked; appointing a guardian for each trafficked child; their questioning by the authorities; referral to appropriate services and inter-agency coordination; interim care and protection; regularisation of a child's status in a country other than their own (so that the child has a legal right to be in the country); case assessment and identification of what is called a 'durable solution'; implementing a durable solution, including possible return to a child's country of origin and own family; access to justice; protection of the child as a victim and potential witness in prosecutions of traffickers; and training for both government and other agencies dealing with child victims of trafficking. Although these Guidelines were developed in the specific context of Southeast Europe, all the guidelines are applicable to every child victim of trafficking anywhere in the world. However, in reality today hardly any of the guidelines are observed anywhere. They consequently provide non-governmental organisations and others involved in efforts to stop child trafficking with an agenda for action for the next few years.

In addition to UNICEF, numerous other inter-governmental agencies are involved in counter-trafficking initiatives. Most belong to the UN system. However, with the exception of Southeast Asia and Southeast Europe, there is rarely any formal coordination of their counter-trafficking activities, resulting sometimes in confusion or duplication. In order to ensure more effective coordination, non-governmental organisations and others should press for the appointment of a UN Secretary-General's Special Representative on Human Trafficking who would have special responsibility to ensure that inter-governmental agencies work together effectively and who would also have a mandate to find out what factors are impeding progress in counter-trafficking initiatives concerning either children or adults, and to recommend the changes necessary. At present the UN Commission on Human Rights has a Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, who is mandated to receive information and suggest what individual governments and others should do to stop child trafficking. However the Special Rapporteur does not coordinate initiatives taken by UN agencies.

Although the efforts of governments to prevent trafficking and punish traffickers are not the main focus of this study, it is important for NGOs to take into account that most governments regard prosecuting traffickers and deterring others by imposing heavy sentences as the main plank of their counter-trafficking policy. NGOs need to be aware that so far this approach seems to be singularly ineffective and that it often has negative side-effects for the children involved. The adoption of the UN Trafficking Protocol in 2000 is leading many countries to amend their law on human trafficking, but so far few of these take the specific characteristics of child trafficking into account, notably the different nature of coercion that traffickers exert over children to move them or make them do as their told, by comparison with the forms of coercion used to control trafficked adults.

Equally negative for trafficked children has been the practice, reported in countries in every continent, of police detaining children who have been trafficked and summarily deporting them to their country of origin, often without referring them to either the courts or other legal authorities and repatriating them without paying any attention to their obligation to take the children's best interests into account when making decisions about them. Government agencies should be urged to refrain from summarily deporting any child who might have been trafficked, just as they should refrain from treating children as criminals on account of offences they have committed as a result of being trafficked (whether this involves an offence committed under pressure, such as a theft, begging or prostitution, or an immigration offence). Governments should also be urged to avoid over-general responses to trafficking, which have the effect of further violating children's rights, such as blanket bans on children travelling to certain countries.

A wide range of initiatives on child trafficking have been taken by non-governmental organisations. These include:

- research and investigations to find out if children are being trafficked, or to identify precisely which children are most at risk;
- campaigns and publicity to make the public and government policy-makers aware of the nature and scale of child trafficking – often in the face of government disbelief;
- efforts to prevent child trafficking from occurring and to protect individual children who are at risk of being trafficked;
- intercepting trafficked children while they are in transit, or identifying them after they have arrived at their destination and are being exploited and arranging for police or other intervention to release the children concerned;
- providing residential care and protection to children who have escaped from their traffickers or who have been

rescued, including medical attention, psychosocial counselling and other treatment to help them recover from trauma;

- supporting trafficked children in the next phase of their lives, deciding whether they should return home or even to their country of origin or community where they lived before being trafficked, and acquiring the basic skills they need to look after themselves and to earn their living in the future.

In all these initiatives, the best interests of the children involved should be the key factor in any decision about what is going to happen to them. This means avoiding inflicting any further harm on trafficked children, even if it is not intentional. There have been plenty of initiatives which have been well intentioned, but had bad results for children who have been trafficked. In the case of research and publicity, it means giving serious consideration to the children's security, avoiding jeopardising their safety and ensuring that journalists who want to report on the issue of child trafficking are well enough briefed to avoid revealing a trafficked child's identity. Recent World Health Organization Guiding Principles for the ethical and safe conduct of interviews with women who have been trafficked are helpful as far as children are concerned (as well as adult women), as are UNICEF's Principles for ethical reporting on children.

NGOs frequently carry out investigations to establish whether children are being trafficked and need protection. It would often be more appropriate to investigate the situation of a wider group of children, those migrating away from home, than to focus only on children being trafficked, in order to get a wider understanding of the context in which child trafficking occurs.

NGOs have initiated a wide range of campaigning activities about child trafficking, sometimes with the general intention of informing the public that trafficking is occurring, and encouraging everyone to look for solutions, and sometimes with much more specific objectives, in order to persuade politicians to amend a law or to end the mistreatment of trafficked children. Different techniques have been successful and the priority is now to ensure that the impact of campaigns, along with other initiatives, is

evaluated and measured as carefully as possible. Terre des Hommes started an international campaign against child trafficking in 2001, which is scheduled to continue until 2005.

The most effective campaigns to prevent children from being trafficked are based on a thorough understanding of the factors which children and their parents (or others) take into account when considering whether (and when) to leave home. 'Top down' prevention campaigns, which simply impose a message that 'migration is dangerous because of the risk of falling into the hands of traffickers', seem much less likely to be effective. 'Prevention' also includes influencing people who create a demand for the services or products of trafficked children. Efforts have already been made to influence adults who employ child servants and consumers in wealthy countries who buy hand-knotted carpets made by trafficked children, but not enough has been done yet to dissuade adult men and boys not to pay for sex with teenage girls. Once children have been trafficked, NGOs have a role to play in identifying children being exploited, but a great deal still needs to be learnt about the best ways of doing this. One obvious priority is to insist that governments enforce their existing laws against all the forms of exploitation associated with trafficking (generally referred to as 'the worst forms of child labour'), which many are failing to do.

NGOs play a leading role in looking after child victims of trafficking once they have escaped or been rescued. A great deal has already been learnt about the most appropriate and effective techniques to use, based on the premise that young people should not be kept in residential care for any longer than is absolutely necessary. This sometimes involves difficult decisions: for example, whether children should be confined to a residential home in order to protect them from those outside who trafficked or exploited them. While the conventional idea that they should be helped to return to their country and community of origin is sometimes appropriate, in many cases this is not in their best interests and NGOs should look for alternative futures for the children concerned. Either way, it is important to follow up and to ensure that children who return home are not 're-trafficked' once again.



Foreword by Graça Machel

Dear Reader

As you are probably already aware, from Cape Town to London, from London to Hong Kong via Paris, Madrid, Frankfurt, Moscow and so on, from and to every conceivable place around the planet, thousands of people are crossing borders by land, sea or air, for a wide range of personal reasons. Without even paying special attention, we spot boys and girls among the crowds, either travelling by themselves, or accompanied by someone or in a group.

Some of us have probably already wondered, as adults and parents ourselves, whether these young passengers know where they are going, who and what is waiting for them on their arrival and if they will ever see their parents, friends and school colleagues again.

Some of us have probably also wondered who is behind the children we see stretching their hands out to beg from grown-ups or running after them, calling out at people to buy something they are selling on the streets of Mumbai, Rio de Janeiro, Nairobi, Lagos, Lusaka, Maputo or somewhere else.

Can any of the adults who brush by these children even imagine that, in every corner of the world, there are other children who cannot even be seen because they are not allowed to talk to others or to be treated as children, or even to walk out of the places they are kept, regardless of the screams and tears?

Alas, throughout human history's most tragic moments - during times of war, the slave trade and natural disasters - children have always been the ones to come off worst. Due to their small size and their poorly developed capacity to exercise good judgement and to distinguish between right and wrong, they are inevitably more vulnerable than adults. Even so, there are still people who think that trafficking in children only occurs when organised crime is involved or when children are transported on a large-scale from one country or continent to another. But it is not al-

ways like this. When we look at the relationships between adults and children, there are many practices which, seen through the lens of recent standards and definitions adopted by the United Nations, amount to trafficking in persons and constitute a crime.

To help you come to terms with this reality, we are providing you with this reference book describing the range of experiences of various organisations such as Terre des Hommes and its partners involved in the International Campaign Against Child Trafficking (ICaCT). Launched in 2001 in Germany, this initiative has created a network

extending to Europe, Africa, Asia and South America, which remains on high alert when it comes to protecting children's rights.

This report not only illustrates the vulnerability of children to human trafficking, but also explains the complexity of this phenomenon, which has no limits in terms of when or where it occurs.

Compared to classic slavery, this phenomenon has re-emerged today as a new form of slavery. It has developed new dimensions, become more sophisticated, taken on new shapes and reached new heights. At the same time, its aim is still the same: to make a few people rich by violating the most basic rights of others, in this particular case, of children. This degrading activity is currently considered to be one of the most lucrative illegal ways of making money in the world, alongside trafficking in drugs, weapons and women.

Other factors highlighted in this study as contributing to child trafficking include: globalisation; political and economic instability and people's increased mobility; increased access to information and communication technology (Internet); as well as natural disasters that leave millions of orphans dependent on others.

As well as presenting the complexity of this problem on a grand scale and in a methodical way, this report on child trafficking presents various possible solutions, each of which is examined in such detail that it opens up the way

ahead and presents a multidimensional set of remedies and ways of addressing the problem.

'What is child trafficking?'; 'How trafficked children are exploited?'; 'What makes children vulnerable to trafficking?'; and 'What harm does trafficking cause children?' - these are just some of the questions that are dealt with, taking into account the particular characteristics of each part of the world, which in turn has been made possible by the existence of transnational networks such as the ICaCT. The report also praise the role of national and international non-governmental organisations (NGOs), governments and inter-governmental organisations in developing and sharing information, investigative techniques and methods for responding to child trafficking. All these allow lobbying to be more effective, laws to be amended and international instruments to be ratified by countries which have not already done so.

In this way, we can develop new initiatives in each of our own countries which involve, in addition to the institutions already mentioned, the churches and other organisations which can develop human capital to its fullest potential and reduce poverty, rebuilding the social fabric of values and ethics, with the aim of having one specific beneficiary: children. Because children are flowers that should never be allowed to wither.

Graça Machel

Patron of the Southern Africa Campaign Against Child Abuse and Child Trafficking

The treaties and guidelines mentioned here can all be downloaded, in English, French and Spanish, as well as some other languages, from the websites of the international organisations concerned.

<http://www.unodc.org/unodc> for the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

<http://www.unhchr.ch> for the UN High Commissioner for Human Rights' Recommended Principle s and Guidelines.

http://www.who.int/mip/2003/other_documents/en/Ethical_Safety-GWH.pdf for the World Health Organization's Ethical and Safety Recommendations for Interviewing Trafficked Women.

http://www.unicef.org/media/media_tools_guidelines.html for UNICEF's Principles for ethical reporting on children.

<http://www.seerights.org> for UNICEF's Guidelines for Protection of the Rights of Children Victims of Trafficking.