



CHILD TRAFFICKING – ESSENTIALS

Child trafficking is an abomination that directly affects an estimated 1.2 million children at any given time.¹ In 2005 it was estimated that the total illicit profits produced in a year by trafficked forced labourers totalled \$31.7 billion USD.² This total includes profits from both adults and children, but as almost half of all trafficked persons are children, at least several billion USD of profit is made from trafficked children. Child trafficking is classified by ILO Convention No. 182 as a worst form of child labour (WFCL) to be eliminated as a matter of urgency, irrespective of a country's level of development. In 2006, ILO constituents committed to eliminating child trafficking, and all other WFCL, by 2016. Six years remain to meet that challenge.

Living up to that challenge means preventing children from being trafficked, removing children from exploitation and providing victim assistance and broad protection to all children to ensure that they are not (re)trafficked. Effectively fighting child trafficking requires a clear understanding of both the supply and demand side of the problem, strong legislation and law enforcement, collaboration and cooperation and advocacy at the political and cultural level.

Understanding the problem

What exactly is child trafficking and who qualifies as a child trafficker?

Child trafficking is the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation.

Child trafficking – Elements defined for the purpose of IPEC operations:

- A **child** - a person under the age of 18 years;
- **Recruitment, transportation, transfer, harbouring or receipt**, whether by force or not, by a third person or group;
- The third person or group organizes the recruitment and/or these other acts **for exploitative purposes**;
- **Movement** may not be a constituent element for trafficking in so far as law enforcement and prosecution is concerned. However, an element of movement within a country or across borders is needed – even if minimal – In order to distinguish trafficking from other forms of slavery and slave-like practices enumerated in Art 3 (a) of ILO Convention No. 182, and ensure that trafficking victims separated from their families do get needed assistance;
- **Exploitation** includes:
 - a) all forms of slavery or practices similar to slavery, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (Convention No. 182, Art. 3(a));
 - b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances (Convention No. 182, Art. 3(b));
 - c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties (Convention No. 182, Art. 3(c));
 - d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (Convention No. 182, Art. 3(d) and Convention No. 138, Art 3);
 - e) work done by children below the minimum age for admission to employment (Convention No. 138, Art. 2 & 7).
- **Threat or use of force or other forms of coercion, abduction, fraud or deception, or the abuse of power or a position of vulnerability** at any point of the recruitment and movement **do not need to be present** in case of children (other than with adults), but are nevertheless strong indications of child trafficking;

¹ ILO: *A future without child labour*, Report of the Director-General, International Labour Conference, 90th Session, Geneva, 2002 and ILO: *A Global Alliance Against Forced Labour*, Report of the Director-General, International Labour Conference, 93rd Session, Geneva, 2005.

² ILO (2005).

A child trafficker is anyone who contributes to an element of the trafficking process with the intent to exploit the child. This included those who play only a part in the entire process, such as recruiters, intermediaries, document providers, transporters, corrupt officials, service providers and unscrupulous employers.

Who is being trafficked and for what?

Girls are affected disproportionately, and are trafficked in particular for commercial sexual exploitation and child domestic labour; boys are believed to be trafficked in particular for work in agriculture, plantations, mining and armed conflict.

The ILO 2005 Global Report estimates that Asia has the highest number of child trafficking victims, followed by industrialized countries, Latin America and the Caribbean, the Middle-East and North Africa, transition countries, and lastly Sub-Saharan Africa.

Understanding vulnerability

“Poverty-plus” at source, transit and destination

Poverty alone does not guarantee that a child will be trafficked, usually it is poverty plus one or many other risk factors that makes a child vulnerable to trafficking. These could be at the individual, household, community or institutional level. Some common causes of vulnerability include lack of birth registration, discrimination, orphanhood, illness in the family, family abuse, conflict or natural disaster, travelling alone or through a non-registered agency or smuggler, inability to speak the language, unregulated informal economy, weak legal framework and enforcement, corruption, and a large youth population with low labour market absorption. Vulnerability is not static, it changes over time, and different risk factors are present in different contexts.

Pointers for Action:

- **The most cost-effective way to fight child trafficking is to stop it before it happens.** Effective prevention requires an understanding of the problem at its root and finding ways to minimize risk factors.
- **Learning from former victims is instrumental in determining these risk factors** and their interplay. It is also crucial in targeting the children that are most vulnerable to (re)trafficking.
- **Child participation is crucial.** Individual children can be helpful in identifying children that are most in need, as well as in finding meaningful ways to assist them.
- **Local communities at source and destination points need to be empowered** to understand what creates vulnerability to trafficking and determine age-specific remedial action that includes education for children under 15 and school/work solutions for children of minimum working age.

Addressing the problem

Broad protection of children

Protection is a broad term that includes both protection of children to prevent them from being trafficked and protection of victims of trafficking from further harm. The concept of building a protective environment for children includes putting in place policies and programmes that ensure children’s rights to survival, development and well-being in general. Child protection systems comprise the set of laws, policies, regulations and services needed across all social sectors to reduce

the risk of trafficking and build a world fit for children. A key element of protection is ensuring access to basic social services, such as education, vocational and life-skills training, health care, and birth registration. Improving the economic situation of poor families whose children are at risk is also key to effectively fighting trafficking. This can be done through programmes that offer business-development, job-placement and financial services. Assistance should also be offered to children that suffer abuse at home, such as domestic violence, and that may be more likely to run away and put themselves at higher risk of being trafficked.

Pointers for Action:

- Children without an ID often have difficulty in accessing public services. Providing an identity card to children at risk can reduce their vulnerability.
- State policy should contain a focus on the creation of decent work alternatives for families whose children are at risk of trafficking.

Addressing demand through legislation and law enforcement

Child trafficking is a crime according to international law and a violation of children's rights according to the Convention on the Rights of the Child (1989). It is also a business. The key to fighting child trafficking is to make it unprofitable. This can be done by decreasing revenue through closing exploitative workplaces and the confiscation and freezing of traffickers' assets (which could be used to compensate the victims) and by increasing the costs of trafficking to traffickers by dismantling trafficking operations, erecting hurdles to it (for example by improving border policing and reducing corruption) and increasing the likelihood of prosecution and conviction.

The prosecution of traffickers, including those who exploit children at destination, is an effective measure to fight trafficking. This requires less ambiguous national laws that cover all forms of child trafficking, including those trafficked for labour exploitation, and stricter law enforcement. Law enforcement and policy initiatives should include restrictive and preventive steps to stop the recruiters, traffickers and exploiters.

Pointers for Action:

- **Prosecutions for money laundering, illegal money transfers, migration offences, forgery and vehicle licensing laws can increase the costs of business for human traffickers and make business less profitable.**
- **Improved and extended labour regulation and corporate social responsibility polices can also contribute to a reduction in demand.** Since recruiters and middle men are only half of the equation, programmes must also address the responsibility of clients and unscrupulous employers who take advantage of children's vulnerability.
- **The judiciary should be familiar not only with the law related to child trafficking, but also with labour law that provides the framework in which exploitation can be identified and punished.** This should be covered in the educational curriculum and professional training for officials and included in regular briefings updating them on anti-trafficking instruments and victim's rights.

Prevention of child trafficking, not migration

Migration can be beneficial for children and parents, providing new opportunities for education and employment (for those who have reached the minimum age³). Instead of focusing on preventing

³ In accordance with ILO Minimum Age Convention, No. 138 (1973).

migration, which only pushes trafficking further underground, it is better to emphasize safe migration, reducing vulnerability to trafficking in the process of movement.⁴

Pointers for Action:

- **Establishing clear procedures for safe, legal migration can reduce children’s vulnerability to traffickers and exploitation.** This requires inter-governmental cooperation.
- **Information is a powerful tool and should be provided to children and their guardians at both source and destination.** Migration services should be made accessible to the target group and relevant to their needs.
- **Behavioural change to reduce the risk of trafficking should not only be targeted at children but also at the public at large, particularly in cases where the public is indifferent to the exploitative end results of trafficking.**
- **The registration, licensing and monitoring of agencies involved in the recruitment or facilitation of labour migration is an essential element in preventing trafficking.** These should include provisions that apply particularly to the recruitment and movement of children and take into account age-verification mechanisms, indicators of family support or of coercion, familiarity with the employer and their child-labour policy and record. Registration and licensing have to be accompanied by monitoring for compliance and sanctions for non-compliance.

Victim Assistance

The trafficking victims – children in particular – have very specific needs because of the nature of the crime committed against them. For example, the fact that they are removed from family and support networks greatly increases their suffering and means they are likely to feel particularly isolated. Support services should include psycho-social counselling, the appointment of a guardian, legal assistance (where needed), shelter/housing, life skills training, (re)training and education, and return and reintegration where this is in the best interests of the child.⁵ Once the status of ‘trafficked person’ is clear in law, it is much more likely that child’s rights will be protected and the provision of appropriate support services will be on the political agenda. Identifying victims and referring them to appropriate services is the responsibility first of government services such as immigration officials, labour inspectors and police.

Pointers for Action:

- **Authorities must exercise due diligence in recognizing trafficked children as victims.** As victims, trafficked children should receive appropriate support services, including broad protection that prevents a child from being re-trafficked.
- **Cross-border collaboration,** between countries, states or provinces, is necessary to ensure solutions that are in the best interests of the trafficked children.

IPEC, Geneva, 2010

⁴ For more details on this topic see IPEC: *Meeting the challenge: Proven practices for human trafficking prevention in the Greater Mekong sub-region*, Geneva, ILO, 2008.

⁵ For more details see UNICEF: *Guidelines on the protection of child victims of trafficking*, New York, 2006.