

# FACT SHEET

## Trafficking of children, a Worst Form of Child Labour

*What do we understand under the “trafficking of children” ?*

The Worst Forms of Child Labour Convention (No. 182), 1999 declares the trafficking of girls and boys under 18 year of age a practice similar to slavery, and as such, a worst form of child labour.

The Convention, however, does not further define trafficking. The most authoritative definition of trafficking under international law to date is spelled out in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.<sup>1</sup> The institutional and political context from which this Protocol has emerged differs from the one which has produced Convention No. 182, and the result of this is that the UN definition does not automatically bind any country which has ratified Convention No. 182. There is, however, also no legal objection against using the UN definition for countries which have ratified Convention No. 182.

The UN Protocol defines “trafficking in persons” as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

The UN definition appears to set forth the following constituent elements :

- *a transaction or operation which exerts control over the person.* “Trafficking” will contain an element of separation of a person from a familiar environment, but not necessarily the crossing of *international* borders : trafficking also occurs within state boundaries<sup>2</sup>
- the *consent* of the person is irrelevant as long as any of the following means is employed :
  - ✓ the threat or use of force
  - ✓ other forms of coercion

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<sup>1</sup> Adopted without a vote by the UN General Assembly on 15 November 2000 (Resolution 55/25).

<sup>2</sup> *Trafficking* is distinguished from *smuggling of migrants*. *Smuggling* refers to services provided to migrants to illegally cross *international* borders. The distinction is often presented as smuggling being a crime against the state, while trafficking constitutes a crime against a person. Another difference is that traffickers often use *legal* migration procedures to realize their exploitative intent.

- ✓ abduction
- ✓ fraud
- ✓ deception
- ✓ abuse of power
- ✓ abuse of a position of vulnerability
- ✓ the giving or receiving of payments or benefits to achieve the consent of a person having control over another person
- that many forms of *exploitation* may be recognized as giving rise to trafficking, but that the presence of one of the following four forms, provided the other conditions are fulfilled, always concludes to trafficking :
  - ✓ exploitation of the prostitution of others
  - ✓ other forms of sexual exploitation (e.g. use of children for pornography)
  - ✓ forced labour or services, slavery or practices similar to slavery, servitude
  - ✓ the removal of organs

“Trafficking in persons” obviously refers to trafficking of adult persons as well as child trafficking. For children (i.e. persons below 18 years of age) to be considered victims of trafficking, none of the *means* listed above need to be present or proven. For example, if a child is harboured somewhere, and there is evidence that it has been subject to exploitation there, or will be subject to exploitation from there, then any further consideration of whether the child has been tricked or abducted into its present position becomes irrelevant. *De facto*, the definition of child trafficking may be rephrased as “the recruitment, transportation, transfer, harbouring or receipt of a girl or boy of less than 18 years of age for the purpose of exploitation. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

An key concern of the ILO is that trafficked children are properly treated as victims of exploitation, and not as perpetrators of related criminalized acts such as prostitution, illegal immigration etc.

*What kinds of exploitation are victims of trafficking subject to ?*

These are, obviously, the categories of exploitation referred to in the definition above. Other forms of exploitation include forced marriages or international adoptions (as operated, for example, by the child-for-sale syndicates in Viet Nam). Children have been documented to be exploited in the following work situations :

- domestic work (e.g. nannies, maids)
- work on plantations
- fisheries (e.g. fisherman’s “apprentices” from Ghana in Côte d’Ivoire)
- raising and herding livestock
- diamond mining (e.g. Ghana)
- manufacturing work
- commerce (e.g. sales clerks, street vendors, models)
- services (e.g. restaurant workers)
- begging
- use for specific sports (e.g. as jockeys in camel races)

- entertainment (e.g. dancers, circus performances (e.g. young Nepali acrobats in India))

### *How many children are victims of trafficking ?*

Child trafficking occurs worldwide, within as well as across national boundaries. In many countries, however, trafficking is at the early stages of official recognition. As a result, exhaustive reliable data are not available, official figures are scattered, and unofficial figures are wide-ranging. The *United States* estimate that at least 700,000 persons annually, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year (US Victims of Trafficking and Violence Protection Act, 2000). A conservatively estimated 100,000-150,000 *Nepalese* girls and women are reported to have been trafficked into India for sexual exploitation (1995 CRC State report, para. 391). In *West and Central Africa*, trafficking of children is “widespread” : girls from rural areas, some as young as eight years old, toil long hours as domestics ; boys from southern Chad are contracted by nomadic herdsman or cattlereares in Ghana ; girls from Ghana are taken to Côte d’Ivoire to work as helpers in small restaurants or to be exploited in prostitution (UN IRIN Network). The IOM (International Organisation for Migration) estimates that some 500,000 women (including) were trafficked in 1995, most of them illegally, to the countries of the *European Union*. According to figures for 1997 from the Organization for Security and Cooperation in Europe (OSCE), an estimated 175,000 women and girls were trafficked from Central and Eastern Europe and the Newly Independent States alone, primarily to other OSCE countries. In its most recent State Party report to the Committee on the Rights of the Child, the Government of *Bangladesh* quoted a non-government source reporting

- \* An estimated 10,000 children between 6-14 are virtually enslaved in brothels in Sri Lanka.
- 15,000 children were sold into sexual slavery in Cambodia between 1991-97.
- \* The Thai government reports that 60,000 Thai children have been sold into prostitution. NGO experts estimate there are 800,000.
- \* An estimated 10,000 women from the former Soviet Union have been forced into prostitution in Israel.
- \* Asian women are sold to North American brothels for \$16,000 each.
- \* 20,000 women and girls from Burma have been forced into prostitution in Thailand.
- \* Of 155 cases of forced prostitution brought to court in the Netherlands, only 4 resulted in conviction of the traffickers.
- \* Over 50,000 women are trafficked into the United States every year.

that about 200,000 women and children had been trafficked to the Middle East in the last 20 years. Different human rights activists and agencies estimated 200-400 young women and children are smuggled out every month, most of them from Bangladesh to Pakistan. Another women lawyers' association estimated that on an average, 4500 women and children from Bangladesh were being trafficked to Pakistan each year and at least 200,000 women had been trafficked to Pakistan over the last 10 years. The Indian Social Welfare Board estimated that there were 500,000 foreign prostitutes in India of whom about 1 percent originated from Bangladesh and 2.7 percent of prostitutes in Calcutta were from Bangladesh. (all from 1997 CEDAW State Report, para. 2.5.1). Trafficking is quickly becoming a

*Source : The Protection Project - School of Advanced International Studies. John Hopkins University (at*

lucrative business for organized criminal gangs : an ICFTU study estimates that “labour trafficking earns the mafias that organize it some seven billion USD a year” (A. Linard, *Migration and Globalization : The new slaves*, ICFTU, July 1998)

*What causes children to fall victim to trafficking ?*

A number of push and pull factors make children more vulnerable to exploitation away from their home. No single cause can be identified, factors are of an economic, social, cultural, and developmental nature :

- a lack of opportunities to ensure a livelihood in their country or region of origin
- extreme poverty in developing countries sometimes cause parents to sell their children, sometimes without knowing for which purpose
- poor or non-existent education infrastructure
- marginalization of women in the source country of origin
  - e.g.* - women’s low access to productive resources disproportionately affects children from women-headed households)
  - in areas where unemployment is high, women tend to be more severely affected than men
- “crowding out” in large families (a population issue)
- growing demand for "exotic" prostitutes, particularly from countries with a “sex tourism” industry
- growing demand for “exotic” brides
- erosion of the social fabric, in particular the extended family system in developing countries
- natural disaster (e.g. children lured into prostitution in Honduras after having become homeless in the wake of hurricane Mitch)
- culture (e.g. a traditional responsibility to care for parents may greatly facilitate the work of recruiters)
- discrimination of sections of the population reduces their opportunities for “decent work”
- strong organized crime networks stimulate demand, and lure potential victims into the trade, sometimes by openly advertising jobs for children (e.g. Burkina Faso, Cameroon) unequal development combined with cheaper international travel has increased the potential gains from prostitution and labour exploitation in more affluent societies
- temporary migration for work facilitates trafficking in itself, and creates a growing demand for commercial sex

*What is the gender perspective on trafficking ?*

Official documents bear out that women and girls, in particular those from developing countries and some countries with economies in transition, are disproportionately represented among the victims of trafficking, but acknowledge that the problem of trafficking also includes the victimizing of young boys. (UN General Assembly Resolution 52/98)

What does ILO Convention No. 182 require ratifying States to do with respect to child trafficking ?

1. Immediate and effective measures to secure the *prohibition* and *elimination* of trafficking of girls and boys under 18 years of age.
2. Establish or designate appropriate mechanisms to *monitor* child trafficking : its incidence, patterns, methods of gathering critical information, successful strategies, the success with which various actors discharge their responsibilities etc.
3. Establish a *programme of action* to eliminate trafficking of children as a matter of priority.
4. Properly *enforce* measures to combat trafficking. Penal sanctions are desirable to mark the strong public repudiation of the assault on human dignity, but they should be complemented by sanctions which are less procedurally cumbersome and enable victims to swiftly obtain compensation (civil sanctions), or effectively hamper related, apparently operations (administrative sanctions).
5. *Effective and time-bound measures* to :
  - (a) prevent children from being trafficked ;
  - (b) provide the necessary and appropriate direct assistance for the removal of children from the situation in which they are exploited and for their rehabilitation and social integration  
*e.g.* - complaints procedures and helplines  
- rehabilitation programmes and shelters for child victims of sexual abuse and exploitation  
- family reunification
  - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children ;
  - (d) identify and reach out to children at special risk of being trafficked (e.g. ethnic minorities living in comparatively less affluent regions) ; and
  - (e) take account of the special situation of girls.
6. Designate an authority *responsible* for coordinating action against child trafficking.
7. Seek and impart *international assistance* to combat child trafficking and assist victims  
*e.g.* bilateral or regional agreements for repatriation of trafficked children  
international assistance to realize universal education

What role do Convention No. 182 and Recommendation No. 190 assign to organizations of employers and workers in combating child trafficking ?

- Governments must consult employers' and workers' organizations when establishing or designating mechanisms to monitor the incidence of child trafficking and what is actively done about it.
- Governments must consult employers' and workers' organizations in the design and implementation of programmes of action, together with relevant government institutions and employers' and workers' organizations, and taking into consideration the views of

- other concerned groups as appropriate.
- Governments are recommended to consult with employers' and workers' organizations, as appropriate, to develop and implement enhanced international cooperation, including :
    - mobilizing resources for national and international programmes ;
    - mutual legal assistance ;
    - technical assistance including the exchange of information ;
    - support for social and economic development, poverty eradication programmes and universal education.
- N.B. In addition to their role in the application of the Convention, employers' and workers' organizations play a key role in supervising relevant ratified international labour Conventions (e.g. by sending their observations on the application of these Conventions to the ILO's supervisory bodies), and in promoting the principles underlying the ILO's fundamental human rights Conventions when these have not yet been ratified (e.g. by making relevant information available to the ILO's Expert-Advisers who compile an annual review of reports).

*Examples of national and transnational policies to combat the trafficking of children*

In December 2000, the European Union announced a draft Framework Decision on combating trafficking in human beings. The Decision aims to develop efficient judicial and law enforcement cooperation between the between the 15 member States [and prospective entrants] by adopting common definitions, incriminations and sanctions in the member States' penal legislation. The draft Decision targets both sexual exploitation and labour exploitation, the latter being defined as an infringement of labour standards governing working conditions, salaries and health and safety. STOP and Daphne.

In October 2000, US President Clinton signed the "Victims of Trafficking and Violence Protection Act of 2000" into law. The Act foreshadows the establishment of an "Interagency Task Force To Monitor and Combat Trafficking", comprising at least the the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, and the Director of Central Intelligence. The Act contains measures to prevent trafficking, provide protection and assistance to victims of trafficking, establish minimum standards for the elimination of trafficking, provide assistance to foreign countries to meet minimum standards, strengthen the prosecution and punishment of traffickers, and amend the Immigration and Nationality Act to allow the Attorney General to grant non-immigrant visas to certain victims of severe forms of trafficking. Following the adoption of the Act, in December 2000, the US Government established a "Migrant Smuggling and Trafficking in Persons Coordination Center". The Center is intended to achieve greater integration and overall effectiveness in U.S. government enforcement and other response efforts. The Center will bring together representatives from the policy, law enforcement, intelligence, and diplomatic communities in one central location, thereby furthering interagency information sharing and coordination. The Center also will promote intensified efforts by foreign governments and international organizations to combat migrant smugglers and those who traffic in persons.

In May 2000, the Council of Europe addressed a recommendation to its 41 member States in Western, Eastern and Central Europe to combat trafficking in human beings for sexual exploitation. The Council of Europe considered the need for “a pan-European strategy to combat trafficking and protect its victims, while ensuring that the relevant legislation of the Council of Europe's member states is harmonized and uniformly and effectively applied”. Among measures to prevent trafficking, the Council of Europe recommends awareness-raising and information, education, training and long-term action to reduce the economic inequalities between countries. Recommended direct assistance includes victims support (such as reception centres where victims obtain assistance in their own language), legal action (such as special facilities to report and file complaints with respect for privacy and dignity), social measures for victims of trafficking in their countries of origin (such as cooperation between reception facilities and NGOs), and the right of return and rehabilitation.

In ... 1998, Ireland adopted the Child Trafficking and Pornography Act. [...]

States in West and Central Africa are hammering out a Cooperation Agreement on the Repatriation of Child Victims of Trafficking. The Agreement aims to lay down the procedures for the repatriation of child victims, and to promote cooperation between states in this respect. Repatriation requires common procedures to identify victims of trafficking, and provide them with accommodation, food, health care, counselling and transportation to their country of origin. The Agreement follows on the heels of the Common Platform of Action adopted at a subregional consultation on developing strategies on the trafficking of children for exploitative labour purposes, held in Libreville (Gabon) in February 2000.

[Asian Regional Initiative against Trafficking in Women and Children (Manila Declaration, 2000)]

In Belarus, a forthcoming criminal code will strengthen regulations and penalties in cases of trafficking in persons, violations of equal rights of citizens and all forms of exploitation, including sexual exploitation and direct and indirect violence.

In May 1999, Luxembourg adopted legislation that strengthened measures against trafficking in humans and the sexual exploitation of children and, in particular, extended Luxembourg law to cover all sexual crimes or misdemeanours committed abroad by citizens of Luxembourg.

Lithuania has announced the imminent launching of National Programme on Control and Prevention of Prostitution and Trafficking, to be implemented by ministries and governmental and non-governmental institutions.

In 1998, Austria created an intervention centre for women victims of trafficking and introduced a “humanitarian visa” to allow them to remain in Austria. The measure came in the wake of a new aliens law, offering protection to victims and witnesses of trafficking in human beings.

Colombia has established an Inter-Institutional Committee for Action to Combat Trafficking in Women and Children.

In March 1997, Ukraine amended the Criminal Code and Code of Criminal Procedure to establish trafficking in persons as a criminal offence.

Operation Cathedral is an international investigation launched by Interpol (an international network of police forces in 177 States), dealing with the sexual abuse of hundreds of children throughout the world. Interpol is actively soliciting assistance from law enforcement officials in the victim and offender identification process.

Member States of the South Asian Association for Regional Cooperation are negotiating a Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. One arrangement will be to strengthen the Technical Committee on Health, Population Activities and Child Welfare to formulate and implement regional strategies and measures for prevention of inter-country abuse and exploitation of the child, including the trafficking of children for sexual, economic and other purposes.

In 1998, the Mexican state of Puebla amended its Code of Social Protection to include provisions against stealing of infants, and trafficking in and abduction of minors. In 2000, Mexico strengthened twice revised its Federal Penal Code, first to protect children from pornography and child prostitution and tighten sanctions, a second time to criminalize child trafficking. Child trafficking is defined as transporting a child under 16 years of age or illicitly offering the child to a third person outside the national territory with the view to obtaining an unwarranted economic benefit. Under the new law, parents, members of the extended family and anybody who procures the child can be convicted for child trafficking, which carries a penalty of three to 10 years imprisonment and a fine.

In 1999, Costa Rica adopted new legislation to combat child sexual exploitation. Most prominently, the new law (a) criminalizes the production and commercial distribution of child pornography, (b) broadens the legal definition of rape, (c) provides for women to be accused as victimisers of rape, not just victims, (d) provides for prosecution for sexual abuse of the adult clients of children who are sexually exploited, even though the child may be willing and even if the minor is paid in money or in kind for the sexual services, and (e) repeals a provision whereby male rapists would not be convicted if they agreed to marry the victim.

Cape Verde. Law No. 81/V/98 of 7 December 1998. This Law amends provisions of the Penal Code dealing with prostitution and adds to the Code provisions on sexual abuse of minors, child pornography, and traffic in minors. (Boletim Oficial, Series I, No. 45, 7 December 1998, pp. 659-662.)

Tanzania. Sexual Offences Special Provisions Act, 1998, 21 April 1998. This Act amends the Penal Code with respect to rape, sexual assault, sexual harassment, sexual exploitation of children, prostitution, and trafficking in persons.

Singapore. Women's Charter (Amendment) Act 1996 of 27 August 1996. This Act makes significant changes to non-Muslim family law in Singapore. Among other things, it permits the marriage of transsexuals to persons who are biologically of the same sex; it adds a new section to the Women's Charter on family violence greatly increasing the protection given to family members; it changes the factors to be considered in awarding maintenance to an ex-spouse and provides that maintenance ends upon remarriage of the spouse; it facilitates the enforcement of maintenance orders; it eliminates distinctions made between marital property acquired by joint or by sole efforts, giving greater recognition of contributions made by home-maker spouses; it authorizes a court to amend an order for division of marital assets at any time; it expands the court's authority to promote reconciliation of the parties to a divorce; it strengthens protections against the illegally removal of children from Singapore. (Singapore Journal of Legal Studies, No. 2, December 1996, pp. 553-600.)

Mali's parliament approved on (6 July or 29 June) a law that would make child trafficking punishable by five to 20 years in prison. It also agreed to combat wife-bartering - a common practice in parts of the country, where a spouse can be traded for a cow or to pay off a debt.

### *Synopsis of international law relevant to trafficking*

- The *UN Convention against Transnational Organized Crime*, 2000 is supplemented by a *Protocol to prevent, suppress and punish trafficking in persons, especially women and children*. Offences which must be criminalized according to the Protocol also constitute offences under the Convention. Only State Parties to the Convention can become Parties to the Protocol. A recent OSCE report summarized the rationale for dealing with trafficking in a Protocol attached to a Convention targeting organized crime : “In the vast majority of destination countries, trafficking is approached primarily as an illegal migration or prostitution problem. Consequently, most law enforcement strategies target the people who are trafficked, not the criminal networks that traffic them.”<sup>3</sup> The Convention requires criminalization of participation in criminal networks, laundering of the proceeds of crime and corruption by public officials. States must establish liability for legal persons, such as companies, and adopt minimum standards for prosecution, adjudication and sanctions. The Convention prescribes the confiscation and seizure of the proceeds of crime and crime-related material. A set of provisions facilitates the establishment of jurisdiction by States and extradition of criminals between them. Requirements for mutual legal assistance between States are spelled out in detail. States must provide for protection of witnesses in criminal proceedings as well as crime victims from retaliation or intimidation. Law enforcement must be strengthened by measures to encourage the cooperation of participants in organized crime, cooperation between law enforcement agencies and training and technical assistance for law enforcement personnel (such as prosecutors, investigating magistrates and customs personnel). Finally, the Convention lays out a number of measures which aim at the prevention of international organized crime.
- The *UN Convention on the Rights of the Child (CRC)* is the most comprehensive Convention outlining the economic, civil, cultural, political and social rights of children. Article 9 proclaims the right of children not to be separated from their parents against their will, except when necessary for their best interests. Article 11 urges countries to combat the illicit transfer and non-return of children abroad, for instance through the conclusion of bilateral or multilateral agreements. Article 35 calls on countries to take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form. The CRC has been ratified by UN member States except two, the United States (who has signed it), and Somalia. The CRC is monitored by the Committee on the Rights of the Child.
- In May 2000, the UN General Assembly passed an *Optional Protocol to the CRC on the sale of children, child prostitution and child pornography*. The Optional Protocol aims to extend the obligations under the CRC in relation to these specific areas. Any country which has ratified or signed the CRC may sign or ratify the Optional Protocol. On 4 January 2001, 69 States had signed the Optional Protocol, but only Bangladesh had ratified it. Monitoring of the Optional Protocol has been assigned to the Committee on the Rights of the Child. Highlights of the Optional Protocol are :

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<sup>3</sup> OSCE, *Trafficking in Human Beings : Implications for the OSCE - Organization for Security and Co-operation in Europe Review Conference (September 1999)* ODIHR Background Paper 1999/3, [http://www.osce.org/odihhr/docs/i3\\_index.htm](http://www.osce.org/odihhr/docs/i3_index.htm)

- (1) Countries must criminalize the following offences :
    - (a) In the context of sale of children :
      - (i) Offering, delivering or accepting, by whatever means, a child for the purpose of:
        - a. Sexual exploitation of the child;
        - b. Transfer of organs of the child for profit;
        - c. Engagement of the child in forced labour;
      - (ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption ;
    - (b) Offering, obtaining, procuring or providing a child for child prostitution ;
    - (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography.
  - (2) A set of rules for countries to establish their jurisdiction over these crimes, in particular when the crimes have not been committed on their own territory
  - (3) A set of rules that should facilitate extradition for these crimes
  - (4) An obligation for countries to afford each other “the greatest measure of assistance” in connection with investigations or criminal or extradition proceedings
  - (5) An obligation to provide for the seizure and confiscation of crime-related goods and proceeds
  - (6) A set of measures to protect the rights and interests of child victims in the course of the criminal justice processes (e.g. protection as witnesses, protection of privacy and identity, trial without undue delay, provision of adequate support services etc.)
  - (7) Measures to strengthen policies and programmes, raise public awareness, provide assistance to the victims, ensure compensation for damages from those legally responsible, and prohibit advertisements for the offences
  - (8) A set of measures to strengthen international cooperation.
- The ILO’s *Forced Labour Convention (No. 29), 1930* and *Abolition of Forced Labour Convention (No. 105)* aim to eradicate “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” To date, 155 member States have ratified C. 29, and 152 member States have ratified C. 152. The International Labour Organization has its own machinery for “supervising” international labour Conventions which consists of two types of review : reports from governments and observations from employers and workers organizations on the application of the Conventions are examined by a committee of independent legal experts, and from the committee’s comments which are published, a standing committee of the International Labour Conference selects individual cases for a tripartite discussion. The ILO supervisory bodies have consistently dealt with instances of child trafficking in, for example, India (for bondage in agriculture, brick kilns, stone quarries, carpet weaving, handlooms, matches and fireworks, glass bangles, diamond cutting and polishing ; for auction and sexual exploitation of children in Uttar Pradesh), Peru (abduction of children of indigenous communities in Atalaya for work on timber estates ; for forced child labour in the Madre de Dios gold-mines and washeries), and Sudan (sale and abduction of children for resale as slaves within Sudan).

- Other ILO standards are equally relevant to trafficking, most prominently the **Discrimination (Employment and Occupation) Convention (No. 111), 1957**. C. 111 assigns to ratifying States the fundamental aim of promoting equality of opportunity and treatment by declaring and pursuing a national policy aimed at eliminating all forms of discrimination in respect of employment and occupation. Discrimination is defined here as any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, national extraction or social origin (or any other motive determined by the State concerned) which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. The scope of the Convention covers access to vocational training, access to employment and to particular occupations, and terms and conditions of employment. Protection against, for example, gender-based violence or exploitation in the sphere of work can be part of a national policy to promote equality of opportunity and treatment between workers of both sexes. Together with C. 29 and C. 182, C. 111 is one of ILO's eight fundamental human rights Conventions, and is ratified by 145 countries to date.
  
- The **Migration for Employment Convention (Revised) (No. 97) and Recommendation (No. 100)**, 1949 aim to regulate the conditions under which the migration of workers and their families must take place, and ensuring equality of treatment for migrant workers in certain respects. A first series of provisions aim to promote regulation of matters such as information about working and living conditions abroad, recruitment, contracts, facilities before departure, medical attention before departure, during the journey and on arrival, any necessary assistance in settling into their new environment, employment services and transfer of earnings from abroad. A second series of provisions deals with equality of treatment. These comprise, for States ratifying the Convention, the obligation to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within their territory, treatment no less favourable than that which they apply to their own nationals in respect of :
  - (a) national regulations concerning matters such as
    - (i) conditions of work including, for example, minimum age for employment, apprenticeship and training, women's work and the work of young persons;
    - (ii) membership of trade unions and enjoyment of the benefits of collective bargaining;
    - (iii) accommodation;
  - (b) social security, subject to certain limitations ;
  - (c) employment taxes, dues or contributions payable as a result of employment ; and
  - (d) related legal proceedings.

The Migrant Workers (Supplementary Provisions) Convention (No. 143), 1975 consists of two parts either one of which a ratifying State may exclude from its acceptance of the Convention. The first part contains specific standards to counter illicit and clandestine manpower trafficking which disturbs orderly migratory movements and creates negative social and human consequences. Ratifying States must, for example, systematically investigate illegal migratory movements on their territory aimed at substandard employment. The second part is inspired by C. 111, requiring that ratifying States declare and pursue a policy designed to promote and to guarantee equality of treatment in

respect of employment and occupation, social security, trade union and cultural rights and individual and collective freedoms.

- The Indigenous and Tribal Peoples Convention (No. 169), 1989 aims to protect the rights of indigenous and tribal peoples in independent countries, and to guarantee respect for their integrity. Governments are responsible for developing, with the participation of the peoples concerned, coordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity. To this end, they must ensure that indigenous peoples benefit, on an equal footing, from the rights and opportunities which are granted to other members of the population, with respect for the social and cultural identity of the peoples in question as well as their customs and institutions. Provisions of particular relevance to preventing and combating trafficking as it affects indigenous peoples include :
  - the social, cultural, religious and spiritual values and practices of these peoples must be recognized and protected, and due account must be taken of the nature of the problems which face them both as groups and as individuals ;
  - exaction of compulsory personal services in any form, whether paid or unpaid, must be prohibited and punished by law, except in cases prescribed by law for all citizens;
  - (abuse of rights) indigenous peoples are entitled to legal safeguards and remedies protecting them against abuse of their rights. Legal proceedings must be accessible either individually or through their representative bodies. Measures shall be taken to ensure that members of these peoples can understand and be understood in legal proceedings.
  - (conditions of employment) indigenous peoples are entitled to effective protection with regard to recruitment and conditions of employment of their workers, to the extent that they are not effectively protected by laws applicable to workers in general. Governments must prevent any discrimination between workers belonging to the peoples concerned and other workers. Protective measures must particularly ensure (a) that workers belonging to the peoples concerned, including seasonal, casual and migrant workers in agricultural and other employment, as well as those employed by labour contractors, enjoy the protection afforded by national law and practice to other such workers in the same sectors, and that they are fully informed of their rights under labour legislation and of the means of redress available to them ; (b) that workers belonging to these peoples are not subjected to working conditions hazardous to their health ; (c) that workers belonging to these peoples are not subjected to coercive recruitment systems, including bonded labour and other forms of debt servitude ; (d) that workers belonging to these peoples enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment.
  - (education and means of communication) members of indigenous peoples are entitled to an opportunity to acquire education at all levels on at least an equal footing with the rest of the national community. The imparting of general knowledge and skills that will help children of indigenous peoples to participate fully and on an equal footing in their own community and in the national

community must be an aim of education for these peoples. Education must also serve to eliminate prejudices against indigenous peoples.

- The *UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956* specifically calls on States to abolish “any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.” The Convention is ratified by 118 States and three additional countries have signed the Convention. The application is not subject to a specific monitoring mechanism.
- The *UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949* only applies to the trafficking of persons for the purpose of prostitution : countries must punish anybody who, “to gratify the passions of another : (1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person; (2) Exploits the prostitution of another person, even with the consent of that person.” The Convention has been ratified by 73 States, and signed by an additional four. The application is not subject to a specific monitoring mechanism.

[Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996)]  
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[Fourth World Conference on Women (Beijing, 1995) ?]

### *Health risks related to trafficking*

Are of a physical and mental nature :

- *mental*
  - overall disorientation and emotional trauma as a consequence of the isolation from a familiar environment
  - loss of self-esteem and self-confidence
  - specific trauma’s depending on the type of exploitation victims have been subject to
- *physical*
  - sexual exploitation : sexually transmitted diseases, such as HIV/AIDS ; early age pregnancy (e.g. incidence of teenage pregnancies in girls younger than 15 years of age is reportedly growing in Latin America)
  - labour exploitation : depending on the type of labour
    - e.g. domestic work : exhaustion, burns and scars, physical abuse (sometimes of a sexual nature)
    - sweatshops : typical workshop-related hazards (dangerous machinery, exposure to hazardous substances, noise, poor lighting, ventilation etc.)

### *Useful websites*

<http://www.sais-jhu.edu/protectionproject/> - The Protection Project at Johns Hopkins University (US) is a five-year research project (2000 - 2005) to gather and disseminate information regarding the national and international legislation protecting women and children from commercial sexual exploitation. The project documents laws on trafficking, forced prostitution, slavery and debt bondage.

<http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/Default.asp> - A database with legislation of 85 Interpol member states on sexual offences against children.

<http://www.osce.org/odihr/unit-trafficking.htm> - Website of the Trafficking Unit of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights. Features info on trafficking projects in 2000, a background paper on Trafficking in Human Beings, and a proposed Action Plan 2000 to Combat Trafficking in Human Beings with model project documents.

<http://www.iom.int/ct/entry.htm> - Website of the Counter-Trafficking Service of the International Organization for Migration (IOM). Features, among other info items, a quarterly bulletin called *Trafficking in Migrants*.

<http://www.catw-ap.org/fpubs.htm> - Website of the Asian-Pacific wing of the Coalition Against the Trafficking of Women.

<http://www.uncjin.org/CICP/Folder/traff.htm> - Website of the Global Programme against Trafficking in Human Beings designed by the Centre for International Crime Prevention (CICP), in collaboration with the United Nations Interregional Crime and Justice Research Institute (UNICRI), to assist Member States to combat the growing involvement of organized crime groups in trafficking.

<http://www.uncjin.org/Documents/documents.html> - Website of the United Nations Crime and Justice Information Network featuring info such as the background documents to the UN Convention on Transnational Organized Crime and its Protocols, and translations of these instruments in the official UN languages.

<http://www.usis.usemb.se/children/csec/> - Website of the World Congress Against Commercial Sexual Exploitation of Children (Stockholm, 1996). See the Declaration and Plan of Action adopted at the end of the Conference.

<http://www.un.org/ga/documents/gares52/res5286.htm> - Attached as an Annex to the UN General Assembly Resolution No. A/RES/52/86 are the "Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice". The Model Strategies and Practical Measures are aimed at ensuring that any inequalities or forms of discrimination that women face in achieving access to justice, particularly in respect of acts of violence (including trafficking), are redressed. The Document has sections on practical topics such as criminal procedure, sentencing and corrections, support and assistance for victims, training and crime prevention.

[http://www.childrentrust.com/child\\_law/index.htm](http://www.childrentrust.com/child_law/index.htm) (Bangladesh child-related law in a nutshell)

<http://www.codewan.com.ph/salidumay/policies/articles/ra7610.htm> (Philippines - examples of legislation that touches on child trafficking in a wider context)

[http://203.152.23.33/html/fslaw\\_e.htm](http://203.152.23.33/html/fslaw_e.htm) (Thai Prevention and Suppression of Prostitution Act)

<http://www.qis.net/chinalaw/lawtran1.htm> (China - 1997 Criminal Law - see around section 240 for trafficking of children)

[http://www.captive.org/Information/Legislativeefforts/Muntarborn\\_Jan\\_7\\_1998.htm](http://www.captive.org/Information/Legislativeefforts/Muntarborn_Jan_7_1998.htm) (1998

overview of legislation on trafficking in Asia by Vitit Munthaborn, a leading scholar and former UN Special Rapporteur on the Sale of Children)

[http://www.bigpond.com.kh/Council\\_of\\_Jurists/Penal/pen006g.htm](http://www.bigpond.com.kh/Council_of_Jurists/Penal/pen006g.htm) (Cambodian 1996 law on suppression of kidnapping, trafficking and exploitation of human persons)

<http://www.asem.org/Information/country.htm> - ASEM Resource Centre on Child Welfare Initiative. Features a database of law and practice related to child welfare in the various ASEM countries.

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