

Kids as Commodities?

Child trafficking and what to do about it

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

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Terre des Hommes Foundation, Lausanne, Switzerland and
Terre des Hommes Germany, May 2004

ISBN number: 2-9700457-0-2

This study has been produced with the financial assistance of the Oak Foundation, the *Terre des Hommes* Foundation in Lausanne, Switzerland (www.tdh.ch) and *Terre des Hommes* Germany (www.tdh.de). The views expressed are those of *Terre des Hommes*.

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.

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Author's acknowledgements

This study would not have been possible without the support and comments from a large number of people, especially Eylah Kadjar-Hamouda, without whose constant support and advice the study would not have seen the light of day. She provided comments, edited the text and coped marvellously with all the challenges of finalising the text.

Many of her colleagues in *Terre des Hommes* around the world have provided comments, particularly Raffaele K. Salinari, President of the *International Federation Terre des Hommes*, Vincent Tournecueillert of the *Terre des Hommes* Foundation in Albania, Boris Scharlowski of

Terre des Hommes in Germany and Peter Brey, Ignacio Packer and Pierre Philippe of the *Terre des Hommes* Foundation in Switzerland. More broadly, this study has attempted to build on analytical frameworks developed by others in four continents. I am particularly grateful to Ann Jordan and Matt Friedman for advice given to me over the years, and to my friends in West Africa, Cléophas Mally, Elkane Mooh, Norbert Fanou Ako and Salia Kante, and to a long line of researchers who have shown that well intentioned interventions do not always have the impact which is expected. Thanks are also due to a large number of others who provided information so willingly in the hope of seeing methods to protect children improve. Thanks also to Christiane Bruttin, of *Terre des Hommes* Switzerland, for her contribution on lay-out and printing.

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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Child trafficking and what to do about it

by

Mike Dottridge

Foreword by Graça Machel

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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.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.

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

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	(<i>Terre des Hommes</i>) International Campaign Against Child Trafficking
IFTDH	International Federation <i>Terre des Hommes</i>
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
TDH	<i>Terre des Hommes</i>
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 high level mechanism on human trafficking with special responsibility to ensure that inter-governmental agencies work together effectively and with 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 they are 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 their 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 always 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



Graça Machel and her husband, Nelson Mandela

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 praises 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

Chapter 1 Introduction

This study is about crimes committed against children and a pattern of serious violations of human rights affecting at least one million children today - probably many more. It describes 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.

The crimes and abuse involved are nothing new, but there are signs that the problem has been growing worse. It is only in the last few years that the term 'trafficking in children' has been applied to cases involving all sorts of exploitation, rather than just to cases involving sexual exploitation. The children involved vary from new-born babies to grown-up 17-year-olds. Adults aged 18 or older are victims of trafficking too, but their predicament is not the subject of this study.

The first part of the study (Chapters 2 to 6) explains what child trafficking involves and why it occurs. The second part (Chapters 7 to 18) focuses on what can be done about this horrifying pattern of abuse, both to stop it and to protect the children who are its victims. Governments have a responsibility to put an end to trafficking. They do this mainly by mobilising their police to detect and arrest traffickers and also by asking the international organisations they have helped set up, such as the United Nations (UN), to take action on the issue. Efforts by government agencies at national level and those of inter-governmental organisations have been examined in many other reports.¹ Consequently most of the second part of the study focuses on what voluntary organisations, also known as not-for-profit and non-governmental organisations (NGOs), have done to prevent children from being trafficked and to assist children who have been trafficked.

NGOs have proceeded by a process of trial and error, trying out different techniques, seeing what works and what does not. A few well-intentioned interventions turn out to be counter-productive for the very children intended to benefit. The chapters in the second part of the study attempt to distinguish between good and bad practice, and are intended to help NGOs and those who support them in deciding what they should and should not be doing to halt trafficking. These chapters are expected to be of interest to NGOs, whether they are organised at international, national or local level, and also to all those who fund or support them. They are also intended to be useful to government officials responsible for making policy on human trafficking and to law enforcement agencies involved in counter-trafficking operations.

The range of activities undertaken by NGOs is

impressive. At the start, it is frequently NGOs that publish revelations showing that children are being trafficked. While no-one else is addressing the issue, the same NGOs follow up by taking action to make children and their families aware of the dangers of trafficking, or to provide direct assistance to abused children. Once others are aware of the problem and commit resources to dealing with it, NGOs continue with more focused activities, such as investigations to find out which children are most at risk, or setting up transit centres for children who are recovering from their experience, waiting to rejoin their families or receiving training to enable them to get on with their lives.

Just as the crime and abuse involved in child trafficking are not new, so the involvement of NGOs in counter-trafficking activities has also been going on for a long time, although often without the NGOs involved using the term 'trafficking'. For more than a century there have been campaigns to stop teenage girls being recruited into prostitution. The issue took on a new lease of life in the late 1980s when large numbers of male tourists were seen paying for commercial sex with young girls in Thailand and other Southeast Asian countries; a widely supported campaign, End Child Prostitution in Asian Tourism (ECPAT), eventually transformed itself into an NGO focusing on all young people subjected to commercial sexual exploitation. It was also in the 1980s and 1990s that the economic exploitation of children began to provoke attention elsewhere, in South Asia, Latin America and West Africa.

'Child trafficking' encompasses a range of practices that have already been condemned under other labels. The reason for considering the various forms of abuse in one study is that the children involved are often the same, just as the strategies needed in response are similar. At the same time, the point is made in several chapters that different patterns of child trafficking require different responses: there is no single 'magic bullet' or standard response for all the different cases. In particular, trafficking provokes specific problems for children who are moved from one country to another ('cross-border trafficking'), rather than within their own countries, and for children who are subjected to sexual exploitation, who are harmed in specific ways that require equally specific remedies.

The issue of human trafficking (of adults as well as children) has received far more attention in the past five years than at any time in the previous half century. Government aid agencies in industrialised countries have been making more funds available than before to support the counter-trafficking activities of both NGO

and inter-governmental organisations. A strong pressure for action has come from one country, the United States of America (US), since the enactment of a new law in the US on human trafficking at the end of 2000.² In addition to redefining trafficking in US domestic law, this has an international dimension, requiring the US State Department to publish an annual report about human trafficking in other countries and allocating specific funds to finance counter-trafficking projects both in the US and elsewhere, which many NGOs working against child trafficking have benefited from.³

An international NGO, *Terre des Hommes*,⁴ has been running projects for many years to provide protection to children who have been trafficked, alongside other projects to assist child victims of abuse. In 2001, *Terre des Hommes* launched a campaign specifically against child trafficking and intensified its activities around the world to prevent children from being trafficked. *Terre des Hommes* is a network of nine national organisations.⁵ It was created in 1960 to provide direct help to underprivileged children who were not being helped by existing relief agencies and continues today to design and implement projects providing support to children. *Terre des Hommes* uses the UN Convention on the Rights of the Child as a conceptual framework to guide its activities. *Terre des Hommes* works in countries all over the world where children are in danger or being subjected to serious abuse. Its campaign against child trafficking has involved alerting public opinion to the issue and developing practical responses to prevent child trafficking, to protect children who are particularly at risk of being trafficked and to assist children who have already been trafficked.

Many of the examples cited in this study come from *Terre des Hommes*' experience, while others are drawn from the experiences of other organisations engaged in similar work. In particular, information about children trafficked on a ship called the *Etireno* in West Africa in April 2001 is drawn from *Terre des Hommes* as well as public sources. The aim of the study is to draw conclusions that are relevant for everyone.

Chapter 2 What is 'child trafficking'?

Trafficking involves to an illicit trade, usually taking goods across a frontier. Traditionally, it referred to illegal transfers of weapons (gun running) and more recently to drug smuggling. Since 1990 there have also been an increasing number of references to 'trafficking in people', 'human trafficking' and 'trafficking in women and children', as well as specific references to 'child trafficking'.

The phrase 'child trafficking' itself puts the emphasis on the way children are moved. But trafficking children or adults is inextricably associated with their subsequent exploitation by others 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. To understand what is involved it is necessary to look at the forms of exploitation experienced by children. Children are used in different ways according to their age and gender. Older children, aged 15 to 17, are exploited in much the same ways as young adults and the degrees of coercion required to keep them under control are similar. The most notorious ways in which adults make use of trafficked children involve girls (and some boys) having to have sex with adults, and children working in captivity, generally in small workshops in the secrecy of people's homes, but sometimes in public, begging on the streets.

In the case of adults, the trafficking process itself involves coercion or deception. However, it is generally easier to make children do what they are told than adults, particularly younger children. Consequently the degree of coercion required to make children accompany a trafficker or to do what they are told later on is significantly less than the coercion required to control adults. Taking control of other people's children and making money out of them is what trafficking is about. However, difficulties experienced in defining the nature of the control exerted over children by people other than their own parents have led to serious short-comings in the definitions of the offence of child trafficking in both international and national laws.⁶

The recent focus on trafficking has put the limelight on children being taken across international frontiers. This reflects the preoccupation that governments have with immigration control. From the point of view of children who leave home and are subjected to exploitation, however, it is not the crossing of an international frontier that is critical; the key point is that children are moved away from the relative protection of their family and

friends, across a social frontier, making it easier to exploit them and difficult for them to escape.

Trafficking children or adults is a violation of human rights and a crime. However, trafficking is the down side of something much larger – migration, which involves people moving from one place to another and one country to another in search of a better life.

Trafficking in the context of migration

There is nothing new about people moving within their country or between countries or continents. Some do it on a temporary basis, others permanently. People emigrate when the economy at home is in crisis or as a result of rapid population growth, or simply because attractive opportunities exist elsewhere.

In addition to obstacles placed in their way by governments, there are a host of human sharks ready to take advantage of migrants. The challenge for individuals who migrate is to ensure that they benefit from the move, as well as making money for the people they work for or those who lend them money to finance their trip.

Children are no exception to the rule that people are on the move and there is no reason why they should not leave home and migrate, either with relatives or alone, once they are old enough to make informed decisions about their future. Some children are dispatched by their families. Some chose to leave home themselves. Many children leave as a result of crises, war and natural disasters. Only a minority are 'stolen' (kidnapped) or sold. Noting the significance of this difference, some counter-trafficking specialists distinguish between 'hard' trafficking, involving abductions or fraudulent deception, and 'soft' trafficking, in which a child leaves home deliberately as a result of a decision made by the child or his or her parents. The distinction is important when it comes to deciding how to address the different situations.

There is little agreement on what age children should reach before leaving home to work elsewhere. A few think they should be at least 18. Some argue that it is reasonable for children to leave home to work once they reach the minimum age for legal employment in their country.⁷ Many child rights advocates use a less mechanical yardstick and argue that children should be allowed to migrate if their basic rights will be respected subsequently: their rights to keep their identity, to basic freedoms and to personal development,⁸ to receive an education and to integrate into wider society, and to survive and get medical attention when necessary. However, migrants of

all ages are at risk of being abused and migrant children are especially vulnerable. In reality, it seems unlikely that children dispatched to work away from home before the age of 10 will have their basic rights respected; it is consequently difficult to believe that they will be better off than at home, however poor the quality of life is there.

Only some children who migrate are trafficked. However, millions of migrant children end up being subjected to abusive forms of exploitation. Governments have a responsibility to protect all unaccompanied migrant children against abuse, but often fail to meet their responsibilities, especially when the children involved come from other countries. Many governments have adopted policies which have the effect of promoting or facilitating trafficking. This is not the same thing as failing to take action against trafficking. Rather, it demonstrates that trafficking occurs in part as a by product of efforts by governments to manage their economies and societies.

The efforts of the authorities in industrialised countries to prevent immigrants from entering their countries and working legally mean that would-be migrants resort to illegal means to move from one country to another. Likewise, the unwillingness of the authorities in most countries to regulate the sex industry has had the effect of creating a black market in which slavery and trafficking thrive, involving teenagers as well as adults as victims. Removing border restrictions or making the sex industry legal and subjecting it to workplace

A CASE STUDY – THE ETIRENO (2001)

Over Easter weekend in April 2001 a story flashed around the world about a 'slave ship', the Etireno, off the coast of Nigeria in West Africa. Journalists reported that several hundred slave children were on board. The reality turned out to be different and was a classic case of trafficking in West Africa, where young children are routinely employed far from home as domestic servants and in other menial jobs, sometimes paid, and sometimes not. Hundreds are taken each year from countries in West Africa such as Bénin* and Togo across the sea to Gabon, a richer oil-exporting country. They are usually taken across a land border to Nigeria and then on by canoe to Gabon, across 500 kilometres of open sea. In most cases, they work for other West Africans in Gabon's capital, Libreville.

When the ship, the Etireno, arrived back at its port of departure, Cotonou in Bénin, on 17 April 2001, 43 children disembarked: 23 were aged between five and 14, and were taken to *Terre des Hommes*' Oasis accommodation shelter in Cotonou, while 17 older boys over the age of 14 were placed under the protection of another NGO, SOS Children's Village; three babies remained with the women accompanying them. Western journalists reported that there were far fewer children than expected and that they did not look like slaves.

Among the 40 children aged between five and 17, 16 were girls and 24 boys. The children were cared for at the two transit homes and by October 2001 23 had been reunited with their families in their respective countries. Once safe, the children were questioned about their experiences and a report was passed to the police about what had happened to each of them. The following facts came to light:

- All 16 girls, along with seven of the 24 boys, were under 15;
- 17 of the 24 boys were older teenagers (aged 15 to 17);
- Nine children had been travelling with one of their parents, while 31 were unaccompanied;
- 13 thought they had one or both parents already in Gabon;
- 13 of the 40 were from Bénin, eight from neighbouring Togo and 19 from much further afield: 17 from Mali, one from Guinea and one from Senegal;
- All but two of the 40 knew they were going to Gabon to work there;
- Five were aware that a financial transaction had taken place before they left home; a further eight reported that they had been accompanied by an adult they did not know, who was taking them to work in Gabon;
- Four accompanied by an adult from their village in Bénin were expecting to work for at least eight years in Gabon to pay off the costs of their trip;
- Two girls and two boys said they had paid between 100,000 and 250,000 CFA Francs (US\$215 and US\$535) each to make the trip from Togo.

The conclusion was that 35 out of the 40 children were being trafficked to Gabon (18 of the 23 under 15-year-olds and all 17 older boys). By the time the facts were known, media interest had waned. In the same year, the Oasis shelter took in 304 other children who had been trafficked within Bénin, without going abroad. Meanwhile, hundreds of children continued to be imported into Gabon by the traditional route. Two years later, in September 2003, the shelters in Bénin were once again hard at work: more than a hundred Béninois children, aged from seven to 16, were found working in granite quarries near the Nigerian city of Abeokuta, and required accommodation after the authorities brought them back to Bénin.

**The Republic of Benin, once known as Dahomey, is referred to throughout this book as 'Bénin', to distinguish it from the city of Benin in neighbouring Nigeria (the capital of the pre-colonial Kingdom of Benin), which has also achieved some notoriety as a result of teenage girls and young women being trafficked into prostitution in Italy and other European countries.*

labour standards would not put a stop to trafficking, but would affect the situation in which traffickers currently exploit loopholes in the law to make their profits.

Is child trafficking something new?

Many migrants end up trapped in menial jobs which they are not allowed to leave by their employer, in particular when they are forced by someone to work in order to repay the costs of their migration. The mass migrations out of Europe in the late 19th Century were marked by men, women, and children being moved into a variety of situations of servitude or bondage on other continents. These (rather than the Trans-Atlantic slave trade) provide a precedent for the types of exploitation associated with migration today.

There were plenty of examples in the past of children from poor families being moved away from home for similar sorts of exploitation to today. As recently as the 1920s, selling or loaning children was regarded as an acceptable survival technique for poor families in many countries, from China - where boys and girls known as *mui tsai* were bought by rich families, nominally for adoption, but in practice to act as domestic servants⁹ - to Haiti - where the rural poor routinely sent their children off to the capital to work as unpaid domestic servants for households slightly better off than themselves (this continues today; the child servants are known as *restaveks*). In the 1920s there was little agreement at international level about which of these cases constituted child slavery and should be stopped. At that time girls from poorer families in Europe were still routinely dispatched into 'service' in richer households much younger than is acceptable in Europe today.

Urbanisation and industrialisation increase the demand for cheap labour. In the 19th Century, this resulted in a demand for child labour in the cities of Europe and North America. This is paralleled today by the high demand for child labour in the manufacturing industries in India and other South Asian countries, particularly in the informal, unregulated sector of the economy.

Nevertheless, the patterns of child trafficking seen over the past two decades and the ways children are exploited today differ from the past in important ways. Firstly, the world's transport infrastructure has improved, with children as well as adults being moved long distances easily by air. Adults pretending to be their parents take children by air to the country where there is a demand for children; for example, boys aged between five and nine are flown from Bangladesh, India, Pakistan and Sudan to airports in the Gulf, passed off as other people's children, and then handed over to be trained as jockeys for camel races

Secondly, various factors have increased the demand for children for sexual exploitation, both as young prostitutes and, even younger, for secret exploitation by paedophiles.¹⁰

The ease with which the citizens of wealthy countries can travel means that sex tourists fly to other continents to buy sex. However, they account for a relatively small proportion of the men who look for child partners when paying for sex. Along with the long-standing male interest in some cultures with 'deflowering a virgin', since the 1980s fear of HIV/AIDS has resulted in men in different continents preferring to pay for commercial sex with girls aged 15 or younger on the assumption that they are less likely to have caught HIV/AIDS than older women. In some cultures there is even a mistaken belief that sex with a virgin will somehow cure HIV/AIDS.

Thirdly, computer technology and the Internet have revolutionised access to information. This allows would-be holiday-makers to view potential resorts; it also helps sex tourists choose the destination they prefer for purchasing sex with local people, including girls and boys. The Internet has precipitated a boom in pornography, including child pornography, and has encouraged a phenomenon that was already, in pre-Internet days, referred to as 'mail order brides'. It has helped break down the barriers between nations, but in so doing it has facilitated exploitation and trafficking.

Fourthly, demand for ever cheaper products on the global market fuels a downward spiral in wages, sucking in child workers not only because they are cheap, but also because they are obedient. Children trafficked away from home often represent the cheapest and most malleable work force available.

In addition to these new factors, the very meaning of the term 'child trafficking' has recently been redefined by the United Nations, with the result that cases which were known to be exploitative but not previously regarded as trafficking are now being relabelled, fuelling concern that the number of children being trafficked is growing exponentially. Whatever the rate of growth, the situation around the world is extremely serious. It is aggravated by a completely inadequate level of response by law enforcement agencies to the exploitation of children in their countries (both those who have been trafficked and others) and also the absence of any meaningful policing at international level.

Migrants, prostitution, and trafficking

At the beginning of the 20th Century, the concern of European governments about the recruitment of women and girls into prostitution in foreign countries resulted in a series of international treaties to end what was initially called the 'White Slave Trade' and later the 'White Slave Traffic'. By the 1930s, treaties aimed at ending the recruitment of women and girls into prostitution used the word 'traffic' in English, while in French, Spanish and other languages they referred to 'trade', resulting in a confusion over terminology that continues today. From the end of

the 1940s until the 1980s, the term ‘trafficking’, whether applied to adults or children, generally referred to their recruitment into prostitution, nowadays also referred to as ‘sex work’ and ‘commercial sexual exploitation’. They were considered to be victims of trafficking whether they were recruited into prostitution with their consent or against their will. Exploitation in the commercial sex business continues to be associated with many cases of child trafficking, especially of teenage girls, but in the course of the 1990s there came a creeping realisation that girls, boys, and adults of both sexes were all being moved in large numbers, between countries and within their own countries, in order to be exploited in a range of ways, usually so that others could make money out of them.

A recent report published by the United Nations (UN), *Abolishing Slavery and its Contemporary Forms* (2002), suggests that “The trafficking of persons today can be viewed as the modern equivalent of the slave trade of the nineteenth century.”

In the late 1990s the UN began discussing a new international treaty aimed at fighting cross-border crime, including human trafficking. In November 2000 the UN General Assembly adopted the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (the Trafficking Protocol), linked to the UN *Convention against Transnational Organized Crime* which was adopted at the same time. The UN also adopted a *Protocol against the Smuggling of Migrants by Land, Sea and Air*, trying to establish a distinction between migrants who are helped to cross frontiers illegally (‘smuggled’), and others trapped in some form of exploitation after being moved, usually after being coerced or tricked (‘trafficked’). The distinction was not helped by the translators’ decision to use the word meaning ‘traffic’ in French and Spanish to refer to ‘smuggling of migrants’ rather than to human trafficking.¹¹

In the definitions adopted by the UN in 2000, a distinction was made between the criteria for determining whether an adult had been trafficked and those for assessing the cases of children, who were defined by international law to include both adolescents and younger children. In the case of everyone under 18, the Trafficking Protocol asserts that any forms of recruitment amount to trafficking if the children or young people are subsequently subjected to various forms of exploitation judged to be abusive, whether the child involved is a helpless five-year-old or a mature teenager.

As we shall see throughout this study, different views of what constitutes trafficking have had an important impact on the action that both governments and other agencies take to stop trafficking. The old idea that trafficking is just about recruitment into the commercial sex business still makes it difficult to get the message across to governments, police and the general public that trafficking involves a wide range of unacceptable forms of exploitation,

many reminiscent of slavery but which are nevertheless condoned or accepted by the public.

The difference between the trafficking of children and trafficking of adult women

At both national and international level, the trafficking of girls and boys has been treated as if it was the same as the trafficking of adult women, as if they all experienced the same abuse and required the same sorts of protection. This approach demeans adult women, implying that they are just as dependent and vulnerable as children. It also means that specific needs that children have are not being addressed. The vulnerability of children that traffickers and others exploit concerns their reduced capacity to assess risk, to articulate and voice their worries (about being exposed to danger) and to look after themselves (both in the sense of being able to meet their own needs to find food and shelter and to take action in self-defence). Young children have a very limited capacity to do any of these things and are consequently dependent on adults or older children, a dependency which traffickers take advantage of. The capacity of children to recognise risk and look after themselves increases as they get older and is deemed to have reached an ‘adult level’ by the time they turn 18, although young adults of 18 or 19 remain more vulnerable in this respect than older adults.

There are also important distinctions to make between categories of children who are trafficked. The key variables here are gender (girls versus boys) and age (distinguishing between adolescents who are almost adult and younger children). Although international standards are unequivocal in defining *all* young people below the age of 18 as children, the UN body that guards the standards for children’s rights, the Committee on the Rights of the Child, has recognised that adolescents have different needs to younger children and that different measures are required to ensure their rights are respected. This is certainly true for adolescents who are exploited by traffickers. Young people aged 15 and older are already bread winners in many societies and may be used to making decisions about their own lives. They have the same right to seek a better life as adults. This does not mean, however, that governments can abdicate responsibility for giving them the protection to which their age entitles them.

Different ways of trafficking children

The term ‘trafficking’ disguises the fact that the ways children are recruited and moved vary a great deal from one region to another and according to the age and profile of the children for whom there is demand. Younger children are frequently presented to immigration authorities as the children of the adults accompanying them. In India, for example, both young Indians and young Bangladeshis have been kept in seclusion while they are trained in a story to tell officials, in case they are questioned while

leaving India or entering another country.

While cases do occur of children being abducted, the more blatant of these constitute something different to trafficking. They have involved, for example, more than 11,000 children and women abducted during Sudan's 20-year-long civil war and even larger numbers of children abducted and forcibly recruited into the ranks of an insurgent group in Northern Uganda. The political violence characterising these two cases distinguishes them from trafficking and the solutions are correspondingly different. Among the several hundred thousand children recruited into armies and insurgent groups around the world, some are trafficked.¹² This recruitment has its own specific characteristics and remedies, which are not dealt with in this study, as it focuses on trafficking with a profit-making motive.

In the case of younger children living with their own families, trafficking usually starts with the visit of a recruitment agent, often a relative, who spins the family a story of the wonderful prospects awaiting the child who accompanies him or her. While a degree of deception may be involved, it would be absurd to assume that all poor parents or village dwellers are so stupid as to misunderstand the realities of migration. Rather, they allow their children to leave in the hope that they will find work and end up better off than others. They also hope that money handed over on the spot by the agent, or future remittances, will help their household survive.

Adolescents too are wooed by recruitment agents, but are more likely to make the decision to leave home themselves, with or without consulting with their parents or relatives, depending on how good relations between them are. In some societies, adolescents remain obedient and leave home when a parent suggests it. In others, adolescents are keen to leave, and the poor state of their relationship with one or other parent is often a factor in their decision to leave.

Patterns of cross-border trafficking around the world

Trafficking occurs within countries as well as across borders, but the term trafficking is thought by many in government and the media to refer only to cross-border cases. Sometimes children are trafficked in opposite directions across the same border, as in the case of the frontier between India and Nepal, which is infamous for the thousands of Nepali girls trafficked each year into India's sex industry, but which Indian children are also taken across to work as servants in Nepal. The wide range of uses to which trafficked children are put are described in the next chapter. There is a danger in focusing on only the best-known child trafficking routes, as huge numbers of other cases may be overlooked. For example, in Nigeria the authorities have recently been preoccupied by complaints

that young women from Edo State are being trafficked into prostitution in Italy and other EU countries, with the result that they have overlooked other cases involving children trafficked within Nigeria and into Nigeria from neighbouring countries.

However, it is worth giving some idea of the extent of child trafficking and the variety of purposes for which children are being moved. At a conference organised in Italy by *Terre des Hommes* and other organisations in July 2002, the following patterns were noted.

European Union

Children are trafficked to many EU countries, in particular from countries in West Africa and Eastern Europe. Teenage girls from Eastern Europe are exploited in prostitution, while boys and girls are used to earn money through begging or theft in EU countries. Some children are trafficked to France and the United Kingdom to work as unpaid domestics or to be involved in fraudulent social security claims.

Central and South America

Trafficking for adoption has occurred from Central America, most notoriously in the aftermath of armed conflicts in El Salvador and Guatemala, and also from Andean countries. Babies have been taken both to North America and to Europe. Trafficking for economic exploitation also takes place within large countries such as Brazil, and across borders, for example from Bolivia to Chile.

South Asia

Children in India are trafficked from rural areas to cities into a variety of exploitative situations, including prostitution, and are trafficked to work in rural-based industries such as carpet making in Bihar and Uttar Pradesh. Similar cases occur in Pakistan. Indian brothels take girls from Nepal and Bangladesh. Boys from South Asian countries are taken west to work in the Gulf as camel jockeys. Child labour recruiters in South Asia use loans to poor parents to 'bond' children; there is an overlap between child trafficking and what has been denounced in South Asia as 'child bonded labour', as well as with the commercial sexual exploitation of children.

South East Asia

The trafficking of girls into prostitution has achieved the highest profile in this region. Thailand is the most notorious case, with girls recruited in rural areas and neighbouring countries. A similar pattern developed in Cambodia in the 1990s. Teenage girls in Vietnam have been trafficked to China to be forcibly married or to work. Children are brought from the southern islands in the Philippines to the capital, Metro-Manila, where they are exploited as domestics or prostitutes. Children in Indonesia are reported to be trafficked for both sexual and economic exploitation, within Indonesia and abroad.

West Africa

Two particular routes and forms of exploitation have received attention:

- adolescent boys from Mali and Burkina Faso work on farms in Côte d'Ivoire (Ivory Coast);
- younger girls from Bénin and Togo are taken to Gabon and Nigeria to work as domestic servants.

Southern Africa

Children are moved both within South Africa and from countries further north into South Africa, particularly to areas offering economic opportunities, Gauteng and the Western Cape. Most are young girls forced into prostitution

How many children are trafficked each year?

It is hard to come up with meaningful estimates of the numbers of children trafficked into or out of a particular country or region, yet alone in the whole world. When statistics are published, they usually refer exclusively to children who have been trafficked across borders, rather than also counting children trafficked within their own countries. The difficulties of producing meaningful statistics are examined in Chapter 11. In 2002 the ILO's Programme for the Elimination of Child Labour (ILO-IPEC) felt it had gathered enough evidence to make an estimate of the global dimensions of child trafficking and estimated that out of a total of 8.4 million boys and girls engaged in what were called the 'unconditional worst forms' of child labour, 1.2 million had been trafficked.¹³

Child trafficking is a world-wide phenomenon



Diagram 1: Terre des Hommes findings



**Diagram 2
West Africa:
routes for trafficking children**

Chapter 3 How trafficked children are exploited

The uses that children are put to and the ways they are exploited after being trafficked vary, in particular according to their age and gender. Making money is always the motive of traffickers and usually the motive of those who exploit children later on, with the partial exceptions of teenage girls trafficked for marriage and babies and young children trafficked for adoption. Diagram 3 simplifies the major ‘uses’ that children are put to, based on the most elementary criteria of gender and age.



Girl domestic worker in West Africa

This chapter describes eight notorious types of exploitation that trafficked children experience. Diagram 4 lists the eight and mentions the gender and age of the children generally involved, along with the principal regions where they occur. The eight examples fall in turn into three categories: the first two are examples of sexual exploitation; the third concerns trafficking for adoption; and the remaining five involve exploitation of the children’s labour. An additional form of exploitation, concerning children trafficked for organ transplants, is mentioned at the end of the chapter.

Commercial sexual exploitation

Under the label of ‘child prostitution’, the commercial sexual exploitation of girls was widely reported in the 19th Century in both industrialising countries and their colonies. It came under the spotlight again in the 1980s with Western tourists travelling to South-east Asia especially to find child partners for sex. This form of exploitation is the one most frequently associated with the notion of ‘child trafficking’ by public opinion around the world and remains synonymous with child trafficking in regions such as South Asia. It is the one which most clearly makes child trafficking a gender issue, even though other forms of exploitation (such as children employed as domestic servants) also predominantly involve girls. In this case, a single label - ‘children trafficked into commercial sexual exploitation’ - covers a multitude of different cases, with some children being held in permanent

captivity and subjected to repeated rape and others unrestricted in their freedom of movement and apparently choosing themselves to continue earning money through commercial sex. While paying for sexual intercourse with children is the main form of commercial sexual exploitation, the arrival of the Internet has seen an explosion in the demand for pornography, including child pornography. It is in the closed environment of brothels (also referred to as ‘massage par-

**DIAGRAM 3:
THE 'USES' TRAFFICKED CHILDREN ARE PUT TO
ACCORDING TO AGE AND GENDER**

Category of child	Common 'use'
Babies (both sexes)	Adoption
Young (pre-puberty) girls and boys	Domestic servants ('household helps'), selling items on the streets, begging
Adolescent girls	Commercial sexual exploitation and domestic work (more seldom – marriage)
Adolescent boys	Manual labour including agricultural work

lours' and by other pseudonyms) that commercial sexual exploitation is frequently associated with abuse of drugs, alcohol and tobacco. Children suffer all sorts of harmful effects from unprotected sex, such as HIV/AIDS and other sexually transmitted infections. One of the most difficult after-effects to combat concerns the stigma suffered principally by girls who are known or believed to have been exploited for commercial sex. In certain countries this reaches extremes, with parents or brothers murdering girls who are alleged to have brought 'dishonour' upon the family.

Estimates of the number of children involved in commercial sexual exploitation vary widely. In 2000 the ILO estimated the total number around the world to be 1.8 million.¹⁴ Estimates in individual countries vary radically. For example, in the 1990s estimates of the number of children involved in Thailand varied from 66,190 (a government estimate in 1996) to two million (an NGO estimate generally regarded as an exaggeration). By 2000 a figure widely used by government agencies and NGOs was 200,000. Based on the cases it handled, a Thai NGO, the Centre

**DIAGRAM 4:
THE DIFFERENT FORMS OF EXPLOITATION EXPERIENCED BY TRAFFICKED CHILDREN**

Type of exploitation	Children involved	Main geographical areas
1. Commercial sexual exploitation (prostitution and production of child pornography)	Mainly teenage girls; also some boys. Girls of 16 and 17 are trafficked into industrialised countries alongside adult women. In certain regions there is demand for younger children.	Widespread. Often associated with sex tourism. Patterns of cross-border trafficking involving adult women frequently involve younger teenage girls as well, often travelling with passports forged to suggest they are adults.
2. Marriage	Teenage girls.	China and bordering countries.
3. Adoption	Usually babies.	Notably children taken from Latin American countries to North America and from Eastern to Western Europe; also reported elsewhere.
4. Slavery or bonded labour	<ul style="list-style-type: none"> Bonded labour (children working in exchange for a loan to their relative). Teenager agricultural workers kept in virtual captivity. 	<ul style="list-style-type: none"> Reported primarily in South Asia, e.g. in India's carpet industry. Reported mainly in West Africa.
5. Domestic servants (in servitude, rather than legal forms of employment)	Either mainly teenage girls, or younger girls and boys recruited under-10.	Widespread within and sometimes between developing countries. Teenage girls (in Philippines); younger children (in Haiti and West Africa). Some teenagers brought to industrialised countries such as France and the United Kingdom.
6. Begging	Younger children – in worst cases deliberately maimed to provoke pity.	Widespread, e.g. within India, in Southeast Asia, South Asian children taken to Saudi Arabia; Albanian children taken to Greece.
7. Illicit activities	<ul style="list-style-type: none"> Children used to carry out house break-ins or other theft; Children used (in industrialised countries) for claiming social security payments. 	<ul style="list-style-type: none"> Romanian children exploited in EU countries such as France, Germany and Italy. Reported in the United Kingdom.
8. Hazardous child labour (threatening children's health or lives)	Both children under 14 (too young in most countries to be in any form of employment) and older children.	Widespread in Africa and Asia.

for the Protection of Children's Rights (CPCR) estimated that 40 per cent of all those involved were under 18, implying that some 80,000 children are involved in commercial sexual exploitation in Thailand.¹⁵ Most come from rural areas or neighbouring countries.

The recruitment of children in Thailand's northern highlands to be taken to Bangkok and other commercial centres to work in prostitution is a pattern that has been repeated elsewhere, with children belonging to indigenous peoples or minorities being popular targets for traffickers. For example, in the 1990s the number of indigenous teenage girls found in Taiwan's sex industry was reported to be disproportionately high.¹⁶

Marriage

Ways of arranging marriages persist all over the world that are either coercive or deny brides (and sometimes bridegrooms) a say in whom they are to marry and when. In addition to 'arranged marriages', there are still all sorts of cases of forced marriage. In some cultures it is still common for girls to be abducted by the bridegroom or his relatives, for example in parts of Bénin and Ethiopia. In others, notably in China, it is common for an intermediary to be involved in the abduction, in order to make a profit by delivering a young woman to her prospective husband: in this case it qualifies as trafficking. In addition to abducting women for marriage, however, marriage agents play a role in many societies in negotiating marriages and are remunerated for their efforts. On the whole this traditional role is regarded as perfectly acceptable.

However, accompanying the process of globalisation since the 1980s, there has also been a rapid expansion in the number of marriages arranged by commercial intermediaries, involving men from well-off countries in the West and women from other parts of the world. The arrival of the Internet means that Western men can view women from Russia or Southeast Asian countries 'on-line'. Even so, the circumstances in which marriage brokers should be categorised as traffickers remain unclear, even in the cases of young women and men aged under 18. The most clear-cut cases of trafficking into marriage remain those reported in China, where a combination of the 'one-child family' policy and the migration of young women to work in cities has resulted in a shortage of brides in many areas. Reports about trafficking in the Mekong river region, particularly in China's southern Yunnan Province, note that trafficking of women linked to marriage seemed to reach a high point in the 1990s and may now be on the decline.

Adoption

Adoption is a perfectly acceptable – and necessary – solution for children whose own parent or parents are dead or cannot look after them. However, as in other situations associated with child trafficking, a traditional institution

has been turned into a profitable business by traffickers, particularly as adoption has become 'Globalised', with a rapid increase in intercountry adoptions of children born in poor countries sought by couples in wealthier countries.

In some cases, mothers or parents are paid to sell their baby or young child. In others, mothers are told that a baby was stillborn so that hospital staff can traffic the baby. There are numerous cases of birth certificates or similar documents being falsified to show that babies belong to someone other than their birth mother. In some countries intermediaries who appear to be acting legally, such as lawyers and notaries, charge such exorbitant fees that they are profiteering from trafficking and should themselves be considered as accomplices.

Perceptions about the rights and wrongs of intercountry adoption vary depending on who is looking at the issue. From the point of view of Westerners who see childless Western couples adopting children born in developing countries, there is an assumption that the children are better off as a result and that the practice is beneficial. From the point of view of poor families in communities where children are routinely adopted by Westerners, there is desperate hope that children will end up better off, but usually horrifying ignorance, particularly about whether birth parents have any legal rights. Some observers see the export of large numbers of babies from particular countries as little better than child stealing and take the view that many of the intermediaries involved are traffickers.

A recent international convention attempts to regulate the practice of intercountry adoption and to ban 'improper financial gain' (see Chapter 8 for details). A UNICEF report on *Intercountry Adoption* in 1998 noted an upward trend in the mid-1990s in the number of children from developing countries being adopted by couples in seven industrialised countries: from 16,027 in 1993 to 23,199 by 1997, with a single country, the USA, accounting for more than half the intercountry adoptions in the seven countries.

The region in which intercountry adoption has been most notorious and most criticised as a form of child trafficking is Central America, with large numbers of children being taken abroad from El Salvador and later Guatemala following wars there. Even without armed conflict, however, the combination of poverty and social prejudice against unmarried mothers fuels the supply side in the region and in 2000 a UN Special Rapporteur noted with concern that "Intercountry adoption developed into a profitable business as a result of the large number of children who were orphaned or abandoned during the years of conflict".¹⁷ By 1997 1,252 intercountry adoptions were reported from Guatemala, of which the largest number of children (831) went to the US, followed by France (163). The UN Special Rapporteur gave a chilling account of the way she was

told the adoption business worked in Guatemala City in 2000:

*"The lawyer or notary processing the adoption is the most active actor in the whole procedure (and the person who benefits most), finding the babies to be placed for adoption, representing both the birth mother and the adopter, and issuing the certificate of adoption. It is likewise reported that the lawyers handling adoptions, in collusion with others, also operate houses where children who are stolen or purchased are cared for while awaiting finalization of the intercountry adoption. These are known as 'casas cunas' (cot or crib houses) but are often derisively referred to as 'casas de engordeza' (fattening houses)."*¹⁸

She reported estimates that the actual cost of adoption procedures was about US\$300 and that this was the amount that lawyers could charge couples for adoption within Guatemala. However, in the case of intercountry adoptions, couples from other countries were reported to pay as much as US\$25,000 per adoption! The abusive nature of the business was illustrated by a case in which the Special Rapporteur was told that one mother had provided 33 children for adoption over a period of only two-and-a-half years, alleging all the children were her own! The adoptions allegedly fulfilled Guatemala's legal requirements, despite the number of children involved. The case was apparently uncovered by the visa section of the US embassy, but only after all 33 children had left Guatemala and the adoptions were considered irreversible.¹⁹

The social and economic dislocation that followed the end of communism in Eastern Europe created a similar boom in intercountry adoptions. Following rapid increases in the numbers of babies being taken abroad for adoption, a number of governments imposed temporary bans on intercountry adoptions.²⁰ Other regions of the world are also affected by the demand for babies for adoption and the opportunities to make money out of it. In the last few years concern about cases of abusive intercountry adoptions has been voiced by NGOs in other countries, particularly Cambodia.

Child rights NGOs that oppose child trafficking are sometimes involved in organising inter-country adoptions themselves, and try to promote good practice. *Terre des Hommes* plays this role when seeking a better future for abandoned children and has introduced a number of safeguards to prevent abuse. These include exploring all the options to enable a child to remain in his or her country of origin (including adoption there) before adoption abroad is considered.

Slavery and bonded labour

Child slavery is quite distinct from child labour involving children who are younger than the minimum age for entry into employment or working for low wages.

It concerns children who cannot leave their employer, either because they have been abducted and are held captive, or for other reasons. The most common situation, already mentioned in the last chapter, is that a child's parent or guardian has accepted a payment in advance from a trafficker or employer, putting the child into 'debt bondage' for either a specific or unspecified period of time. The region where this practice is most notorious is South Asia (mainly India, Nepal and Pakistan). Although most cases constitute trafficking under the UN's Trafficking Protocol, it is still referred to (and prohibited, at least by law) in South Asia as 'bonded child labour'.

Child domestic servants

Employing a teenager as a domestic servant, either to live in the employer's residence or while still living at home, is legitimate if the teenager concerned is above the minimum age for employment and subject to regular conditions of employment. However, the past two decades have seen a marked rise in exploitative cases of this sort, with children of both sexes below the age of 10 being sent to live and work for long hours for other families in regions such as West Africa, India and Haiti, and adolescent girls also trafficked into domestic work and unable to leave or assert their rights once they have been placed with an employer. The longest established pattern of this sort has been reported from Haiti, where rural children referred to as *restaveks* are sent to work for slightly better off households, usually in the capital, Port-au-Prince. A special whip exists in Haiti for beating *restavek* children. Numerous efforts have been made to re-

Bonded To Embroider

Eight-year-old Mohammed S. from Mahottari District in Nepal was interviewed at an embroidery factory in Mumbai (India). He told a researcher working with a Nepali NGO, WOREC (Women's Rehabilitation Centre), that he had been working there for seven months without being paid. He worked for 16 to 18 hours a day, he said, and was given two meals a day and "tea occasionally".

S. showed a lot of dark marks and wounds on his thigh and other parts of his body as a result of severe beating by the employer. He said that this is very common, particularly when the workers delay on their jobs ... S. further added, "While working if I fall asleep they pour salt and chilli powder in my eyes..."

S. explained that he had been brought to Mumbai by a man from Mahottari, who he knew had been paid 1500 Nepali Rupees [US\$20] for bringing him. After six months, referred to as an 'internship period', S. asked for his wages. He was told that the man from Mahottari had already taken his wages both for the first year when he was being trained, and for the subsequent one and a half years. Meanwhile, S. was told, "he is bonded to the factory owner".

From: WOREC, *Cross Border Trafficking of Boys*, 2002.

form the pattern of exploitation involved, so far with little success. Traffickers have generally been quick to identify the demand for child domestics as one they can satisfy while making significant profits, in part by exploiting the ignorance of the children's parents, but mainly by exploiting the children's vulnerability once they have left home and their inability to protest effectively against conditions and terms of employment that often have the hallmarks of debt bondage or slavery.

Child beggars

Some children beg because they or their families are genuinely destitute, but in many other cases children are recruited and trafficked especially to earn money for others by begging. This represents a cynical way of taking advantage of the public's inclination to give charity, particularly when this is regarded as a religious duty. Of course, not all child beggars have been trafficked. Sometimes children see how much others are earning and chose this way of earning money for themselves.

Children in illicit activities

Children are put to work in various other illegal ways, to take money for the adults who control them. In English fiction, the classic example was a gang of child pick-pockets in 19th Century London, described in Charles Dickens' *Oliver Twist*. Recent cases reported of Romanian children trafficked to France and Italy to take part in illegal activities seem depressingly similar. *Terre des Hommes* and a French NGO, *La Voix de l'Enfant*, have recorded how large numbers of boys and girls migrate to France from the Oas, a poor agricultural area in northwest Romania, many of them to take part in burglaries and other activities organised by criminal gangs.²¹

Hazardous child labour

Children are trafficked into jobs that are particularly hazardous, sometimes because employers specifically want malleable youngsters to do such work and sometimes because, once trafficked into a country where they have no legal status or are not entitled to work, the children can only work in jobs where they have no legal protection. A dangerous occupation into which young boys have been trafficked for many years involves riding camels in races in Gulf countries, such as Qatar, Saudi Arabia and the United Arab Emirates (see Box). Although racing fans in the Gulf regard it as a relatively innocuous occupation for children, in reality boys who fall off racing camels have been severely injured.

Organ extraction and trafficking

Possibly the most controversial form of exploitation of all, stories abound around the world of children being traf-

ficked so that one of their organs, such as a kidney, can be sold and used as a transplant for the child of a richer family. This is widely known as an 'urban myth'. While a certain amount of evidence is available to show that it does occur, in many developing cities this is the principal form of exploitation that poor families have heard of and fear, even in the absence of evidence. The information available suggests that, while cases occur, it is much less common than popular fears suggest. In 1997 a working group set up by Colombia University in New York (US) reviewed the evidence available about the trafficking of children for organ transplants and concluded:

*"The Task Force finds no reliable evidence to substantiate these contentions. Not one documented case exists of murder or kidnap or sale of children for their organs."*²²

This statement suggests that cases never occur. However, there does seem to be some evidence that cases occur, but relatively few; far fewer than the 'urban myth' suggests.

Bangladeshi boys in UAE



R. is 12, although he looks seven. ... In his damp-blistered safe house in Dhaka there is an iron grille and a padlock on the entrance and a guard on the gate. No one

wants him to fall back into the hands of those who preyed on him. The predators in question are the organised gangs who spirited him away from his family in Bangladesh, smuggled him to the United Arab Emirates (UAE), and set him to work as a camel racing jockey. ... R. was five when he was abducted. ...

R. unfolds his memories in scraps, a grim little collection from the darkest corners of a child's mind. He answers questions dutifully, but volunteers nothing. He neither flinches nor warms to a pat on the arm and to other attempts to comfort and reassure him. He avoids my gaze. His misery, it seems, cannot easily be shared with an outsider. But slowly the pieces fall into place. He remembers the day a woman befriended his penniless mother and then moved into a hut in his village. He remembers going to the same woman's house to play with her son and staying the night. The next thing he recalls was waking up to find he and the woman were on an aeroplane. R. remembers how, once in Dubai, the same woman pretended she was his real mother. He was handed over to some men and remembers how the soles of his tiny feet burned on the sand when they took him out to the desert to ride the camels...

Extract from an article by Phil Reeves published in the British daily newspaper, The Independent, on 29 October 2003 (omitting the name cited in the article).

Chapter 4 Why children are available for traffickers

This chapter reviews the supply side of child trafficking, looking at the reasons why children are available to be trafficked and why they migrate away from home by themselves. Conventionally, the reason given most prominence is poverty. It is clear that poverty is an important factor that 'enables' trafficking to take place, but it is not a cause by itself. There are plenty of poor communities around the world whose children are not trafficked.

Poverty, globalisation and restrictions on migration

The principal reason why children, as well as adults, from particular communities end up being trafficked is the lack of alternative ways of earning a living for them and their families. Poverty may signify destitution and the inability of the families concerned to feed their own children. However, poverty has numerous causes, linked to discrimination and inequality in the ownership of land and other resources, both in specific countries and at the international level.

Globalisation has been blamed for many social evils over the past decade, the period when human trafficking has once again come to international attention. However, poor and marginalised communities have felt compelled to migrate and have been exposed to the risks of trafficking for much longer. The particular characteristic of globalisation in recent times is that the rules of international trade have been modified to permit capital to move across frontiers and continents in an unrestricted way, whereas people (or 'labour') cannot move with the same freedom.

Rich investors consequently take their capital to countries in which labour costs are low. In theory this looks like an arrangement designed to reduce migration, taking investment to places where cheap labour is available. In practice the places where investors create jobs, even badly paid jobs, inevitably attract migrants from the surrounding countryside, regions and neighbouring countries. At the same time, the reduced economic opportunities open to people who remain outside places incorporated into the global economy have the effect of encouraging migration and with it abuses such as trafficking and the indignities of migrant smuggling.

The years immediately after the end of the Cold War, when the term 'globalisation' came into vogue, saw the collapse of the centrally-planned economies of the former Soviet Union and Central and Eastern Europe. This drastically reduced job opportunities for everyone

in the countries concerned and hit young women particularly hard. Not surprisingly, they looked for solutions abroad; many ended up in the hands of traffickers. However, their poverty was only one factor precipitating them into abuse: equally important was the demand in the informal economy, in the EU and elsewhere, for young women in the sex industry and as domestic workers, a demand which the governments of the countries concerned did little or nothing to stem. Existing restrictions on migration meant that migrants with no legal entitlement to work in EU countries could be subjected to abuse with virtual impunity, whatever their age, for they could not seek the protection of the law or the authorities for fear of being deported.

Instead of blaming poverty by itself, therefore, it would probably be more correct to blame the absence of economic stability (and with it a shortage of jobs) for persuading parents to part with their children and suggesting to young people that they would be better off seeking their future away from home. The high profile given to globalisation should not hide the fact that pre-existing inequalities in many countries marginalise certain communities. Even before the pace of 'globalisation' increased, local inequalities left poor families unable to feed their children.

In addition to the demand for cheap labour created by economic forces, the reduction in infant mortality in various developing countries has increased the number of poor families with large numbers of children. Unable to create new economic opportunities at home, whether in rural Bénin, northern Thailand or elsewhere, sending one or more of the children away often seems a reasonable option. The idea that traffickers are like vultures hanging around a community waiting to get their claws into the poorest and most vulnerable is a caricature. Some intermediaries are needed to protect migrants, including children, from abuse and to help them find new work. To complicate this picture, there is evidence from some areas that it is not young people from the poorest families who migrate or who are trafficked, that the very poor stay at home to be exploited locally, while better off people, with more education and higher aspirations, set off on the migration trail. Some of the evidence for this is reviewed in Chapter 11, in the context of finding out the facts and challenging preconceptions about child trafficking.

Lack of education

School education does not guarantee that a child will not be trafficked, but in most parts of the world it reduces a child's vulnerability or exposure to the circumstances in which trafficking occurs. For this reason, in countries where children usually remain at school until the end of their compulsory education, such as Albania, abandoning school is interpreted by child rights NGOs, including *Terre des Hommes*, as suggesting that the child concerned is likely to become involved in economic activities and is in danger of being trafficked.

Lack of education has a series of consequences: the children concerned are less qualified to get the jobs that are available locally; they are less aware of alternatives to the way of life they are familiar with; and they are less informed about the risks involved in migrating. In Burkina Faso, research by the World Bank and *Terre des Hommes* confirmed that there was a link between a lack of schooling available in certain villages and the inclination of their parents there to send their children away to work for others, in part to acquire an 'education' (even if not in school) from others. This research showed that it was not sufficient for there simply to be a school in a village to make the difference: the school had to be relatively easy to reach and to provide a reasonably good level of education.²³

Other social factors

All sorts of factors limit children's access to schools and education, including poverty and the need for children to contribute to their household's income from an early age and discrimination based on both gender and social origins. These social issues have a marked influence in making some children more likely to be trafficked than others.

Discrimination

Less palatable to mention than poverty, discrimination against particular communities on account of the racial or ethnic origins, as well as other aspects of their identity, plays a major role in determining why some children are trafficked and others are not. The way traffickers have targeted hill tribes in Northern Thailand was mentioned in the last chapter. The Albanian children trafficked to Greece to earn money for others are also chosen on account of their origins: almost all belong to a Roma community known in Albania as the Jevgjit or Jevg ('Egyptians'). In both cases, however, it is the vulnerability of children from these communities which makes them attractive to traffickers, not their racial or ethnic origin as such.

Equally notorious is the way children are selected in South Asian countries on account of their caste status,

either to be trafficked or to be given low status forms of work. The case of teenage Nepali girls trafficked to India is well known. In addition, many teenage girls from India's Adivasi communities (referred to in India as 'tribals') are recruited in Jharkand, in the east of the country, and taken 500 kilometres west to work as domestic servants in Mumbai. Assessing whether children have been trafficked because they belong to particular communities or rather because they come from poor families is often difficult. However, it is clear that discrimination plays an important role in marginalising certain communities and keeping them poor.

Cultural norms

In addition to discrimination, other forms of behaviour make children vulnerable to trafficking. These are sometimes referred to as 'cultural practices', a neutral-sounding term which disguises the harm inflicted. The most notorious is the discrimination practiced against girls all over the world. Discrimination against girls is backed up by marriage-related customs which involve girls moving away from home at marriage and consequently being regarded as less deserving than their brothers of education or other forms of social investment. Some customs are reinforced by systems of payment surrounding marriage, such as dowries paid by a bride's family to the bridegroom's, or bridewealth payments made by the bridegroom to his future bride's family. Whenever girls move away from their families at marriage, they are less likely to be given an economic stake in the family's farm or business and consequently have to find an alternative source of income in order to assert their economic independence.

The result in some societies is that girls have very few options when they reach puberty. In parts of West Africa, the choice has been described as one between early marriage, on the one hand, and leaving home to work, usually as a housemaid or domestic servant, on the other.

In several parts of the world, notably West Africa and Southeast Asia, researchers reporting on child trafficking have observed that children from particular ethnic groups are regarded as more obedient or malleable than others. This apparently increases demand for them for specific uses (such as employment as a housemaid). In Southeast Asia, the readiness of girls to follow their parents' (or father's) wishes in leaving home to earn money through commercial sex is said to be caused by their strong sense of religious duty to obey their parents.

Apart from gender-based cultural practices, some minority communities around the world attribute less importance to school education than others living alongside them and consequently encourage their children to leave school early (or not to attend school at all) in order to start work. For example, nomadic groups dependent on livestock may consider that school education does little or nothing to equip their children for their expected occupation. By itself, this does not make children vulnerable to traffickers. However, it creates the 'pre-conditions' in which trafficking can occur quite easily if, for example, the livelihood that such children could once depend on disappears. In a context like this, with a community under-valuing formal schooling and accustomed to discrimination in employment and other walks of life, children from Albania's Jevgjit community were the ones most readily available for traffickers to take to Greece in the 1990s.

Domestic violence

In addition to cultural factors affecting entire communities, there are particular circumstances that make children in individual families vulnerable to being trafficked. The prejudice against unmarried mothers in parts of Latin America has already been mentioned as a reason why their babies are available for commercial adoption. Many investigations have revealed that children from single-parent households are more likely to be trafficked than those with two parents. Similarly, in communities where domestic violence occurs routinely, particularly physical abuse of children (either sexual abuse or physical assaults and beatings), children in affected families are more inclined than other children to leave home of their own accord.

Crises: natural and man-made

In addition to inequalities and the lack of economic opportunities that are due to the structure of the economy, crises periodically hit communities, which oblige them to move and make their children vulnerable to traffickers. Crises take many forms. In each case it is children who have become destitute or are unaccompanied by relatives who have been the easiest prey for traffickers. Some are natural, such as earthquakes. Some are caused by disease, with HIV/AIDS being a major cause at the moment.

The death of one or both parents has turned children into heads of households and bread-winners; it has precipitated many onto the streets, with no one accepting responsibility to look after them. By 2001, the UN reported there were 13 million AIDS orphans (children who had lost their mother or both parents to AIDS). Some are caused by armed conflict and associated human rights abuse, such as the genocide in Rwanda in 1994, which left large numbers of orphans. Some are caused by economic change, such as the disruptions in

Central and Eastern Europe mentioned already and Asia's 1997 economic crisis.

One of the most worrying characteristics of crises is that the very people whom the international community dispatches to give assistance have become a factor in encouraging trafficking, by creating a demand for commercial sex. In Europe, this was noted in the second half of the 1990s, first in Bosnia and later in Kosovo. However, more than a decade ago the arrival of international forces in Mozambique was associated with a drastic increase in child prostitution. Over a much longer period the presence of foreign troops, whatever their status, has created a demand for commercial sex.

It is principally in Europe that organisations concerned about child rights and about migration began to suspect in the late 1990s that there was close relationship between the numbers of foreign children entering countries who were unaccompanied by a close family member and child trafficking. The children concerned are referred to as 'unaccompanied minors'.

In countries such as Switzerland and the United Kingdom, hundreds of unaccompanied teenagers have asked for asylum, alleging that they had been subjected to persecution in their country of origin. However, worrying numbers have subsequently gone missing or been found in various forms of exploitation, fuelling concern both that asylum procedures are being used to get access to industrialised countries for young migrants and that the children concerned are in fact being trafficked in order to be exploited. The existence of significant numbers of unaccompanied minors does not in itself constitute evidence that child trafficking is taking place, but once again, it is a pre-condition and indicates that further investigations need to be carried out. This issue is examined again in more detail in Chapter 15.

Ambition and hope

The positive reasons for children to leave home concern their wish – or the wish of their parents – to seek a better life elsewhere. Throughout the world people are encouraged from every angle to believe that better opportunities exist elsewhere: by migrants returning home with stories of fields paved with gold and by images in films and on television.

While the governments of the wealthier countries where migrants want to work usually make it clear that migrants are unwelcome (at least unless they obtain a work permit in advance), both counter-trafficking organisations and others concerned with migration have tried to 'empower' would-be migrants by giving them information to help them avoid abuse. Some examples of this will be looked at in Chapter 14, in the context of efforts to prevent trafficking. There is also a general realisation that counter-trafficking strategies have to be based on the perceptions and aspirations of

the people involved, both children and those around them.²⁴

Despite such initiatives, and despite numerous campaigns to make the public more aware of the risks involved in migration, there is evidence that many teenagers remain blissfully (and dangerously) ignorant. In the course of research in Latvia, the project for the Prevention of Adolescent Trafficking (PPAT) there carried out a baseline survey of more than 3,000 young people between 14 and 25 about their experiences and attitudes to working abroad. It found that 66 per cent aspired to do so, while 11 per cent (305) had already worked abroad. Of those with experience of working abroad, nearly 50 per cent said they had not checked to see if the job agency or opportunity was safe and legitimate and 36 per cent had not signed or reviewed an employment contract.

As far as basic precautions against getting into trouble were concerned, more than a third had not kept a copy of their passport with relatives or friends and less than a quarter had informed friends or relatives of a codeword or message which would indicate that they had got into trouble and needed help.²⁵ Clearly, there was a great deal more for them to learn.

Chapter 5 Who helps trafficking to occur?

Organised crime or small-scale criminals?

When the issue of human trafficking was discussed at the UN in the late 1990s, it was repeatedly emphasised that trafficking human beings had become a more profitable business than trafficking other commodities, such as drugs. The premise underlying both the UN's Trafficking Protocol adopted in 2000 and its *Convention against Transnational Organized Crime* was that 'organised crime' was the main culprit responsible for trafficking.

The evidence reveals something different. While the 'business' of trafficking women into prostitution in industrialised countries certainly involves some well organised criminal networks, on the whole the recruitment and trafficking of children and adults is dominated by people who do not belong to a large organised crime syndicate (such as the Mafia), but to a smaller network with a few representatives in different countries. They have spotted opportunities to make easy money by taking children and adults from the places where they exist in ready supply to places where there is a demand for them.

In a horrifying number of cases, the individuals who traffic children and make money out of them during their exploitation are either close relatives or close friends of the family of the child involved. Teenage Albanian girls, for example, are reported to have been trafficked by both relatives and fiancés known to their families. The issue here is not so much the 'criminal' mentality of the traffickers, but the fact that social and family cohesion have been weakened to such an extent that they no longer deter such forms of deception and exploitation.

In West Africa, a fishing village near Port Harcourt (Nigeria) transformed itself during the 1990s into a point of transit for children being trafficked across the sea to Gabon. The children arrived by van from countries further west. Fishermen with large canoes powered by outboard engines adapted them to take dozens of children at a time across the Bight of Benin, a journey lasting several days, sometimes in rough seas. It started as opportunism and became a well organised business, although no single gang has been identified as dominating the trade.

Ordinary labour recruitment agencies are involved in trafficking in some countries, although most protest that they are innocent of any wrong-doing and are simply helping poor people acquire jobs. They argue that it is not their agency's responsibility if the workers concerned are subsequently exploited in a merciless way by their employers. This contradiction has been obvious in the case of recruit-

ment agencies based in parts of East Africa and Asia who recruit young women to work as domestic servants in the Middle East, knowing that many will be kept in captivity by their employers to ensure they do not run off. Some agencies have helped young women under 18 acquire false identify documents indicating that they are older, perhaps believing genuinely that they are helping the teenagers get jobs, when in reality they are playing a role in trafficking children.

The issues of debt and what is known as 'debt bondage' complicates the recruitment of migrants the world over, for almost by definition migrants require financial assistance from someone to pay the cost of their initial journey to the place where they intend to earn money, and this assistance usually takes the form of a loan. Loans are routinely used as leverage on migrant workers of every age to force them to work, both in the commercial sex industry and other jobs. However, most migrants see no alternative way of financing their journeys and accept some degree of exploitation of this sort as unavoidable. Furthermore, when the debt is incurred in one country and a migrant subjected to coercion and threats in another, no single government can enforce a ban on debt bondage. Children transported on the *Etireno* were victims of debt bondage, as were many others whose cases are described in this study.

When organised crime does take over trafficking rings, for example in the case of Thai girls taken to Japan, the level of violence threatened and used against trafficking victims who refuse to follow orders is frightening. However, in the case of children, all sorts of other ways are used to make them do what their traffickers want. Particularly insidious is the influence that boy friends have over teenage girls and relatives wield over trafficked children. In Albania, there have been countless cases of a teenage girl leaving home with a boyfriend who has either promised to marry her or actually gone through a wedding ceremony, and who subsequently takes her abroad and obliges her to earn money for him in prostitution or sells her to a pimp.

Terre des Hommes' investigations in Indonesia revealed that people involved in trafficking included children's parents, elder brothers or sisters, other relatives and close friends, government agencies and commercial agencies recruiting both for the entertainment industry and maids.²⁶ Not surprisingly, in Thailand, which is more commercialised, the range of people involved was even broader and included village leaders, school teachers, temple monks, police at frontier check-points and elsewhere, brothel owners, local doctors, bank officials, taxi drivers, tour operators and criminal gangs. In neighbouring Vietnam, the range is

narrower, but includes adoption rings, orphanage directors and government officials in justice and health departments.²⁷ Trafficking is a business in which a lot of people have a stake!

Others who facilitate trafficking

Distinguishing exactly who is a trafficker is difficult when a host of individuals are aware of what is going on and make their contribution and when migrants need and deserve assistance from a series of intermediaries, all of whom have to make some money to survive.

Transport workers

All sorts of transport workers play a role – bus and lorry drivers, taxi drivers, sailors operating ferries and airport check-in staff – some consciously, but most unwittingly. Like the staff of recruitment agencies, many are convinced they are performing a useful service by transporting people to places where there are jobs, even if this means helping them to avoid a border check-point and to cross a border illegally. Their good intentions are exploited by traffickers, but can potentially be turned around, as we shall see in Chapter 14, by persuading transport workers to play a role in stopping trafficking.

Professionals

In cases involving babies trafficked for adoption, lawyers, health professionals and various government officials have been closely involved in countries in both Asia and Latin America. Their role in Guatemala was mentioned in Chapter 3. In Cochabamba, a city in Bolivia, the NGO *Infante* collected evidence of the complicity of a wide range of professionals in activities which certainly constitute ‘improper financial gain’ and contribute to child trafficking.²⁸ One woman described how a lawyer had offered to ‘help’ her:

“... I didn’t want to keep my baby girl, I wanted to give her away ... the lawyer told me she could leave her with a family with no children who would look after the baby well, as if it was their own. The lawyer convinced me, I didn’t know the family, but they had money and so I agreed to hand over my little girl ... the lawyer offered me 500 Bolivianos [US\$84 in 2000], but I said she should only give me 200 [US\$34], as that was all I’d spent ...”

Officials who help traffickers

Cross-border trafficking, of children as well as adults, often requires the services of a document forger to produce fake documents. However, official procedures for obtaining passports, while often so expensive that they penalise ordinary migrants, can be influenced by bribes or other arrangements so that government departments issue genuine documents showing false ages. British journalists demonstrated that this was the case in Côte d’Ivoire after

the death of a young Ivorian girl in London highlighted the risk of children being smuggled into the United Kingdom with false identities.

Border police are regularly reported to be bribed by traffickers or to be colluding directly with traffickers’ activities and sharing in their profits. At the same time, there is also a tendency in some countries to assume too easily that all law enforcement personnel are corrupt and in league with criminals.

While governments and law enforcement agencies rely on a strategy of prosecutions to deter traffickers, the reasons why NGOs and others involved in counter-trafficking work need to find out more about traffickers are different. It is vital to understand traffickers’ motives and the way they work in order to find ways of influencing them, in the hope that alternative strategies can complement direct attacks on them based on the law. Indeed, in some circumstances these may prove more effective.

Chapter 6 The harm caused to children from trafficking

Children suffer both during the phase of being trafficked and during their subsequent exploitation. They suffer direct physical harm in some cases, but often less obvious damage continues to affect them over a long period. Sadly, they are sometimes also exposed to harm once they are in the safe keeping of police or others responsible for protecting them.

Among young children who are trafficked, it is those adopted as babies who at first sight appear to suffer the least, on the grounds that they are unaware of what is happening to them. However, even if they benefit in material ways in a new home, they lose out by being taken away from their original family and culture and losing their identity. Furthermore, irregularities in the process of adoption are likely to prevent an adopted child from ever tracing his or her birth parents, creating a potential crisis later on.

While the children involved may never realise what has happened, or not until they are grown up, their birth mother or parents are aware of their loss straight away and suffer from it. However, as soon as efforts are made to restore a trafficked baby to its original parents, all sorts of complications arise, due to the child's upbringing in a different culture. The longer a child has remained with adoptive parents in a new and different culture, the more difficult it is to be sure that returning home is in the child's best interests and it consequently hardly ever happens in practice. Consequently, the return of a trafficked baby to its biological parents hardly ever occurs.

Children who are moved illegally are exposed to all the dangers of migrants being smuggled, thousands of whom are reported to have drowned in unauthorised sea crossings in the Mediterranean in recent years. They are at the mercy of both their smugglers and any police or other officials who come across them. Once again, the experience of the 35 children who were trafficked on the *Etireno* in 2001 serves as an example of what can happen.

The effects of leaving home prematurely and being put to work in an exploitative situation depend on the age of the child concerned. In most cases, both their socialisation and education are halted prematurely, leaving a permanent mark on the child concerned. This chapter concentrates primarily on the physical and psychological suffering inflicted on children, which can potentially be addressed by agencies which come to their assistance later on. Such agencies can also try and fill the socialisation or education 'gap', although whatever assistance they can provide is often short-term and has to focus on the children's immediate needs.

Diagram 5 summarises the harm inflicted on children during the various phases of trafficking, each of which has possible long-term consequences that need addressing by organisations which provide care to children who have been trafficked.

Coercion to make children obey orders

It is the very dependency that young children have on adults – for food and other material needs, as well as emotional dependency – which traffickers make use of to force children to do as they want, once they have been taken away from their home community. An Albanian girl trafficked to Greece told *Terre des Hommes* that “Our bosses ill-treat us when we play or don't want to work”. A former police officer investigating their predicament reported to *Terre des Hommes* that:

“Numerous children described to us the ill-treatment they had been subjected to, such as being burned

Ill-treatment of the Etireno children while in transit

When the *Etireno* reached Gabon's capital, Libreville, it moored out to sea to avoid discovery. The children on board reported afterwards that the ship disembarked most of its passengers by canoe, but the Gabonese police arrived before everyone had landed. The police allowed a few adults whose papers were in order to leave, but the others, including all 40 children, were detained in a military barracks.

The children were hungry. Three were beaten and had their money stolen by Gabonese police. Even the children who had parents in Gabon remained in custody. They remained in Gabon for five days. On the sixth day, the occupants were returned to the *Etireno* and sent back to Bénin by the Gabonese authorities, who considered them all to be illegal immigrants. During the last three days before they docked in Cotonou, the children received nothing to drink.

with cigarettes on their bodies, slapped, insulted, made to swallow shampoo for having looked ill, and obliged to sleep outside ... ”²⁹

Children in all forms of exploitation are conditioned to believe that they have no alternative and are thereby deprived of motivation to escape. The research in Greece revealed that Albanian children were taught that the police would beat them, that social workers were also a source of danger and that the only person the child could trust was his or her boss.

In some cases harsh means are used to make children do as they are told. In the case of Bangladeshi children who have been trafficked for commercial sexual exploitation, a Rapid Assessment carried out for ILO-IPEC³⁰ reported the following techniques used on 12 and 13-year-olds:

- Sedatives injected into them;
- Sexual abuse;
- Starvation;
- Threats and fear;
- Physical abuse;
- House arrest;
- Forced use of drugs and alcohol;
- Verbal abuse.

In the case of children kept in commercial sexual exploitation the feeling that they have no alternatives is reinforced by feelings of guilt and fear of social stigma, of never being able to return to their home community.³¹

The effects of exploitation

The type of exploitation that children experience and the age they are when they experience it determine the impact on them in the long-term. Most forms of exploitation require children to be subservient and undermine their self-esteem. Children working in many different jobs are subjected to beatings and corporal punishment. Although in some cultures such ill-treatment is considered



routine, it also occurs because children working away from home have no relative or guardian to react on their behalf at the sight of their tears, bruises and scars.

The specific effects of commercial sexual exploitation

Sexual exploitation has very specific effects that require equally specific treatment. While it is associated specifically with prostitution, teenage girls in all sorts of occupations (particularly those working in the relative secrecy of private homes) are subjected to sexual advances from their employers and others. In some cases, trafficked children subjected to sexual exploitation are suffering

from post traumatic stress by the time agencies offer them assistance.

In addition to any physical abuse used to coerce them into obedience at the outset, Diagram 5 indicates that girls who are required to have sexual intercourse frequently with adults are exposed to a series of other risks. Some of these are potentially lethal. Boys involved in commercial sexual exploitation run some of the same risks. Furthermore children kept in a brothel may also experience drugs, alcohol, cigarettes or other substance misuse. Some of the effects are clearly physical, while others are behavioural. Children subjected to sexual exploitation are regularly reported to be distrustful of adults and this distrust seems to be more acute than in the case of children who experience other forms of exploitation. An additional complication concerns children involved in commercial sexual exploitation who have been able to retain a significant proportion of their earnings and have become used to having a relatively high disposable income, making it difficult subsequently to persuade them to accept jobs which pay less.

ECPAT-International has noted a long list of effects that sexual abuse can have on children's behaviour. All can be treated afterwards, but take time and sometimes a great deal of difficulty. They are: fear, depression, low self esteem and self worth, poor social skills, anger and hostility, inability to trust and build meaningful relationships in later life, blurred roles and boundaries, appearing 'older' ('pseudo-maturity'), sexualized behaviour, guilt, shame, feeling 'different' from others, isolation, substance use and misuse, self harm (including suicide), post traumatic stress disorder (and many others!).³²



Illustrations of ill-treatment: a girl having boiling water thrown on her feet and a boy threatened with a beating. From 'Dritani Robot', a cartoon about an Albanian child named Dritan trafficked abroad, distributed to primary school children in Albania by *Terre des Hommes*. Original drawings in colour by Fadil Fyshku.



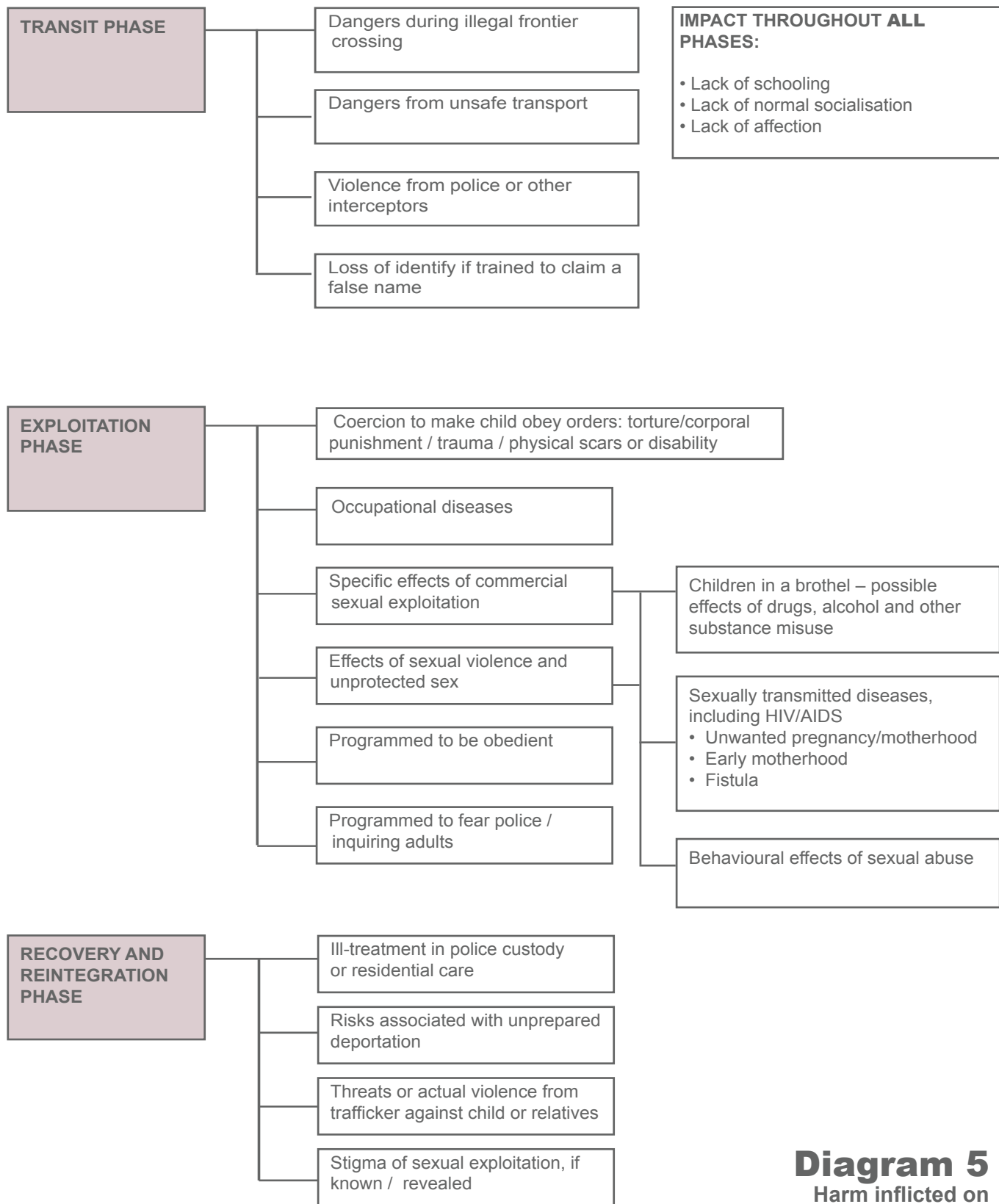


Diagram 5
Harm inflicted on
children who are
trafficked

Chapter 7 Responses to child trafficking and respecting child rights

The next part of this study is about ways that child trafficking can be stopped and the children involved best supported in getting on with the rest of their lives. There is no shortage of laws and guidelines at both international level and in individual countries indicating what *ought* to be done, but the reality of what is being done is usually very different. This chapter, together with Chapters 8 and 10, sets out the principles that are supposed to guide action taken against child trafficking by governments and their statutory agencies and also by other organisations. Chapter 9 focuses on who the different agencies and organisations are and their respective roles. As by definition trafficking involves children being moved, the challenge facing any agency which wishes to tackle child trafficking is one of coordination with others. Consequently, Chapter 9 describes some of the obstacles to good coordination and possible ways around them. Subsequent chapters describe different methods used to prevent child trafficking or protect the children involved.

Because so many different factors are involved in child trafficking, there are many different opportunities when action can be taken to prevent trafficking or to protect children who have been trafficked. These are summarised in Diagram 6. The phase of the trafficking cycle at which it is most opportune to try and intervene and the right form of intervention are bound to vary according to specific circumstances. The next few chapters are intended to give some guidance about strategies that have proved successful in particular circumstances.

Whichever part of the trafficking cycle NGOs try to influence, they have one special advantage over government agencies, whether police or other statutory agencies: NGOs can potentially team up quite easily with others. It may take time to work out where the route comes from or goes to and what other organisations are available and where, but, once this is clear, NGOs have the potential (some would say the duty) to join hands with organisations elsewhere along a trafficking route in order to double their effectiveness. The best way of finding out about the predicament of trafficked children is to carry out parallel investigations in both the area they come from and the area they are trafficked to, and possibly in between as well. Without information acquired in the places where trafficked children come from, those investigating the appalling exploitation that children are subjected to can speculate fruitlessly about the precise circumstances in which children have left home and about why children migrate and expose themselves to harm. If NGOs have a duty due to their particular strengths, it is to follow the trafficking chain and to situate themselves as close as possible to children who are victims of trafficking, so that

children's voices are heard and subsequent interventions are based on accurate information, taking the children's hopes and fears into account.

Not surprisingly, both governments and others look for straightforward and relatively mechanical techniques for stopping trafficking. Rather than reviewing each child's case to assess its specific implications from a child rights perspective, they would prefer blanket solutions, such as prohibiting children below a certain age from migrating to work abroad (a technique tried in Mali), or making an assumption that every unaccompanied minor is either an illegal immigrant or has been trafficked. While policies are evidently needed which can be applied to *all* children, if they do not take account of the huge variations which occur in reality, they are likely to harm children.

Similarly, because child trafficking is intertwined with both the trafficking of adults and irregular migration, the strategies to tackle it have often been developed by people who do not have children specifically in mind. Once again, these may be hostile to children's best interests. As there is virtual unanimity at international level on the principles which should underpin any action concerning children and consequently be the base of all actions on child trafficking taken by a government or any of its agencies, and also by other organisations. Here is a summary of the key principles.

The international community's 'Magna Carta' for children is the UN *Convention on the Rights of the Child* (1989)³³, ratified by every country except two (Somalia and the US). It addresses the full range of children's rights, guaranteeing these to everyone under 18. One article focuses on trafficking: Article 35 requires the governments of countries ratifying the Convention to 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 Convention also requires governments to take action to protect children against both economic exploitation (defined in Article 32 as "any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development") and sexual exploitation and sexual abuse (in particular, according to Article 34, "the exploitative use of children in prostitution or other unlawful sexual practices").

The Convention guarantees a series of other rights which are routinely violated when children are trafficked. However, it is a different category of rights which are important when it comes to determining how trafficked children should be treated once they are rescued or leave the clutches of their traffickers. These are a set of rights intended to influence the way that the authorities themselves behave towards children and the procedures they follow in deciding what to do with a child who they suspect to have been trafficked. Unfortunately these rights are conspicuously absent in the way that most countries treat trafficked children. The problem is that, 15 years after the *Convention on the Rights of the Child* was adopted, many police forces, prosecutors, judges and civil servants still have little idea what the obligation contained in its Article 3 (to make the best interests of a child ‘a primary consideration’ in the decisions they take about children) actually means for them.

Implication of trafficking as a gender issue

The combination of discrimination and other cultural practises based on gender means that girls are more available than boys to be trafficked, as well as being in greater demand. Human trafficking is consequently a major gender issue, whether it affects children or adults. Counter-trafficking strategies have to take into account that most of the groups who they want to mobilise or influence to stop trafficking, such as the police or the general public, hold conventional attitudes about relations between the sexes and the ‘role’ that it is appropriate for girls and women to play, even if organisations developing the strategies perceive these attitudes as part of the problem and aim to change them.

Provisions of the Convention on the Rights of the Child governing all decisions about abused children

When it comes to deciding how children who have been trafficked should be treated, the Convention contains three general provisions which are vital - but routinely disregarded by government agencies everywhere.

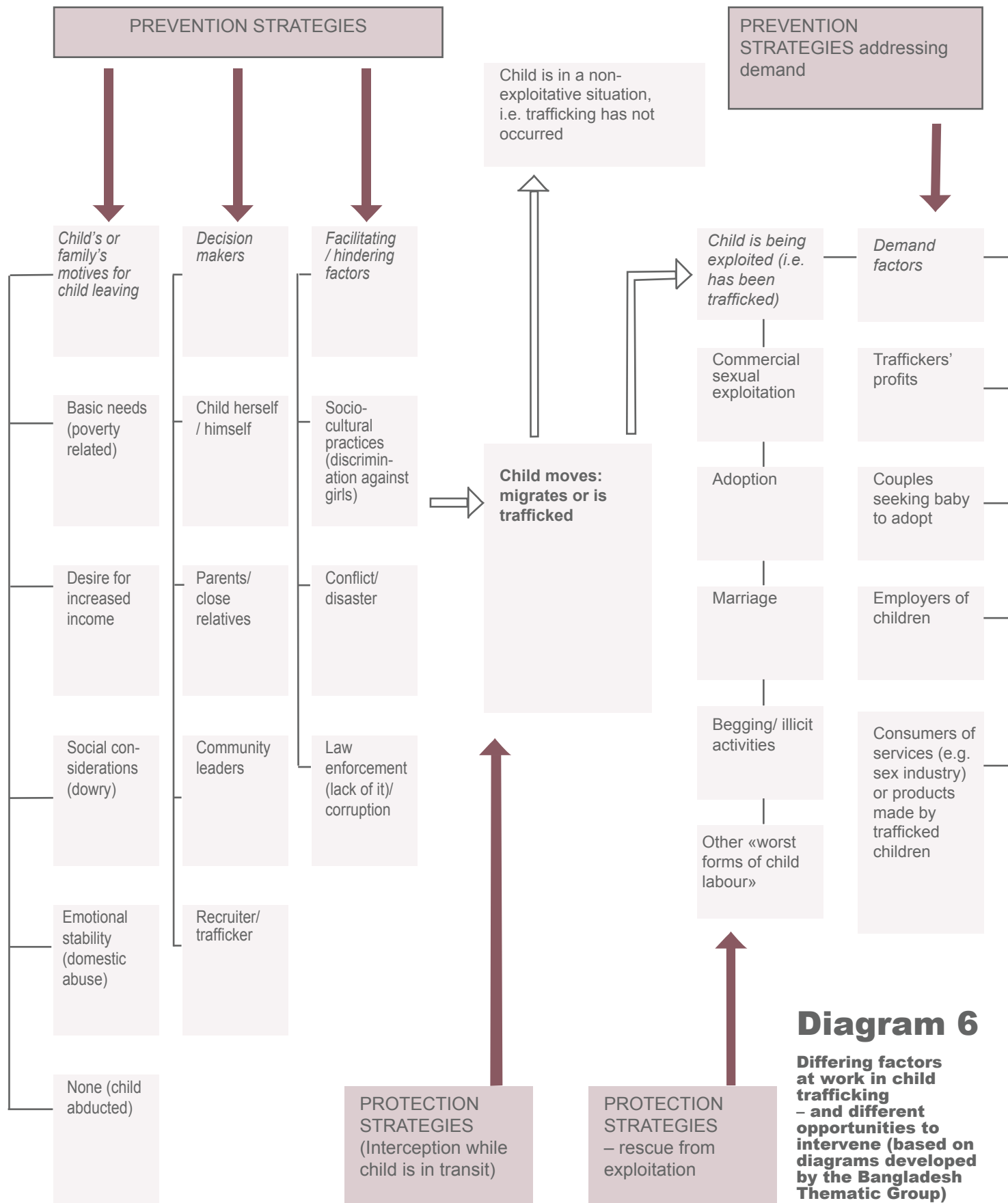
Article 3 states:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

Article 12 of the Convention gives children a right to voice their opinions and have their views taken into account in matters affecting them, in particular at any judicial or administrative proceedings. It requires that their views should be “given due weight” in accordance with their age and maturity. This implies that a government agency may not decide to place a child in a detention or transit centre, yet alone deport her or him, without consulting the child and taking her or his views into account.

Finally, Article 39 concerns the ways that governments must help victims of abuse to recover. It specifies that governments must:

“take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment ... in an environment which fosters the health, self-respect and dignity of the child.”



Chapter 8 Standards at the international level for responding to child trafficking

This chapter starts by describing the provisions of international treaties dealing with human trafficking and the exploitation to which trafficked children are subjected. This is followed by a review of the guidelines that have been issued within the UN on the way that trafficked children should be treated.



Child rag-picker in Southeast Asia

THE DEFINITION OF TRAFFICKING IN INTERNATIONAL LAW

In order to clarify exactly what constitutes trafficking and to intensify international efforts to stop trafficking, in November 2000 the UN General Assembly adopted the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (referred to here as the ‘Trafficking Protocol’ but also known as the ‘Palermo Protocol’, after the place where governments signed it).³⁴ The Protocol is directly linked to the UN *Convention against Transnational Organized Crime*. At the same time the UN also adopted a *Protocol against the Smuggling of Migrants by Land, Sea and Air*, making a distinction between migrants who are helped to cross frontiers illegally (i.e. smuggled), and others who are trapped in some form of exploitation as a result, usually after being coerced or tricked.

The Trafficking Protocol provides the first clear definition of ‘trafficking in persons’ in international law. However, it was not drawn up specifically with young people under 18 in mind.³⁵ Its definition was developed primarily to determine which adults being moved across frontiers by criminals should be viewed as victims of trafficking, and therefore given some assistance, rather than as irregular migrants or, as governments label them, illegal immigrants, who are routinely expelled. As a Protocol linked to a convention about *transnational* crime, the definition technically applies only to cross-border trafficking and to cases involving an organised

criminal group, defined in the Convention as “a structured group of three or more persons”. As many children are trafficked by just one or two people, this could be interpreted to imply that such children are not victims of traffick-

ing. This would be nonsense. The definition represents a recent international consensus on what human trafficking involves. Consequently it can be used to gauge whether specific cases constitute trafficking or not, even if a child is trafficked by only one person rather than a gang, or from one part of a country to somewhere else within the same country, rather than across a border.

This definition needs some further explanation to clarify its implications. As far as adults aged 18 and over are concerned, it requires three different elements to be present for a case to be identified as trafficking:

- their recruitment by an intermediary of some sort (or their “transportation, transfer, harbouring or receipt”);
- the use of abusive means of control, (“the threat or use of force or other forms of coercion ...” etc.);
- their subsequent exploitation – or an intention to exploit them – in some specific ways, such as the exploitation of the prostitution of others, other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs).

In the case of children, however, the Trafficking Protocol says that it is not necessary for a child to have been coerced or deceived for the case to amount to trafficking. It is sufficient to know that a young person under 18 has been recruited and moved somewhere away from home to be exploited in these specific ways for the child concerned to be regarded as a victim of trafficking. It is this aspect of the Protocol that governments appear most unwilling to enact in national legislation, as Chapter 9 will show.

To complicate things, however, the list of forms of exploitation in the Trafficking Protocol is similar, but not exactly the same, as the lists in two other international treaties adopted in the previous year, one prohibiting the worst forms of child labour, and the other the sale of children.

The definition of trafficking in the Trafficking Protocol is wide reaching when it comes to children, implying that all cases in which children are recruited and moved away from home so that they can be exploited are cases of trafficking. However, the Trafficking Protocol makes no reference to trafficking for adoption (although several regional conventions do). This omission does not need to prevent NGOs from using the term ‘trafficking’ to refer to cases of adoption that involve the sale of babies or other violations of the international convention governing intercountry adoptions (which is described in the section on ‘Commercial adoption’ below).

What the Trafficking Protocol requires governments to do

The *Convention against Transnational Organized Crime* came into force in September 2003 and the Trafficking Protocol itself on 26 December 2003, after it was ratified by 40 countries, the minimum number needed. The States that ratify it commit themselves to taking action to punish traffickers, prevent trafficking and protect victims of trafficking. While it is clear on what constitutes an offence and how governments should cooperate to catch traffickers, the Trafficking Protocol is much vaguer when it comes to providing protection to children (or adults) who have been trafficked. This is because it is a convention designed to stop a particular category of transnational crime, rather than one designed to protect the rights of the victims of such crimes.

When it comes to deciding what to do with adults or children who have been trafficked from abroad – in particular whether they should be sent home – the Trafficking Protocol requires the authorities of a country to consider measures “that permit victims of trafficking in persons to remain in its territory, temporarily or permanently ...”. It also sets out the steps that States should take to facilitate the repatriation of trafficking victims “without undue delay”, but fails to suggest that repatriation might only be

The definition of ‘trafficking in persons’

Article 3 of the UN Trafficking Protocol says that:

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

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

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

(d) “Child” shall mean any person under eighteen years of age.

appropriate if it is voluntary.

Forms of exploitation linked to child trafficking

Most forms of exploitation mentioned in the Trafficking Protocol have been defined in other international conventions. The word ‘exploitation’ is used to refer to situations that are prohibited as an abuse of human rights, not in the classic Marxist sense of referring to all situations in which an employer makes a profit on an employee’s work.

The ‘removal of organs’ refers to cases of organ transplant involving living donors who are paid money (or whose relative takes money on their behalf) in return for donating an organ such as a kidney to another patient.

There is a considerable overlap between the forms of exploitation mentioned in the Trafficking Protocol and those banned in two other international treaties adopted shortly beforehand. The ILO’s *Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*, adopted in 1999, identifies four ‘worst forms’. They include:

- all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour;
- the commercial sexual exploitation of children;
- the involvement of children in other illicit activities, such as drug trafficking;
- employing anyone aged under 18 in work which is likely to harm their “health, safety or morals”.

Shortly afterwards, in May 2000, the UN General Assembly adopted the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*, supplementing the *Convention on the Rights of the Child*. Without using the term ‘trafficking’, this requires States ratifying it to prohibit forms of abuse associated with trafficking, whether they are “committed domestically or transnationally or on an individual or organized basis”. The forms of abuse to be prohibited include “improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption”.

Commercial adoption – involving ‘improper gain’

The main international agreement designed to regulate intercountry adoption is *The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption* (Hague Convention No. 33).³⁶ It was adopted in May 1993 by The Hague Conference on Private International Law and entered into force two years later. By September 2003,

46 States had ratified or acceded to it. The Convention does not describe any forms of adoption as ‘trafficking’, but contains a clear requirement that “No one shall derive improper financial or other gain from activity related to intercountry adoption” (Article 32.1).

While the text of the Convention does not define exactly what is “improper financial or other gain”, the Special Commission that paved its way had noted that “lawyers, notaries, public servants, even judges and university professors, have either requested or accepted excessive amounts of money or lavish gifts from prospective adoptive parents”.³⁷

Organ trafficking

The World Health Assembly adopted guidelines in 1991 establishing international standards in relation to organ transplants and the possibility of commercial trafficking. The guidelines prohibit trafficking in human organs for commercial gain.

Regional conventions on child trafficking

In addition to the conventions that are truly international,

What ‘sexual exploitation’ means

Sexual exploitation refers to both *commercial* sexual exploitation (prostitution and the production of pornography) and other situations. The “exploitation of the prostitution of others” refers to cases in which a pimp or exploiter takes all or part of the money that a client pays to a prostitute for an act of sex. The age of a child involved – whether they have reached the age of sexual maturity or an age where consensual sex is allowed in the country concerned – is irrelevant in assessing whether a person under 18 has been trafficked or not, as is the question of whether an under-18-year-old has given her or his consent, for example, to becoming a sex worker.

Other forms of “sexual exploitation” are not defined so clearly. They include certain types of marriage: when girls under 18 are recruited and told they will be given jobs, but then handed over to be forcibly married to a man. As the immigration services of various countries where women have been trafficked have imposed tighter restrictions to prevent foreign women from entering their countries to earn money as sex workers, so marriage has also been used by pimps to secure a residence permit for girls who have subsequently been prostituted to earn money for them.

Marriage brokering is regarded as perfectly legitimate in many societies, so the precise circumstances in which the involvement of an intermediary in arranging a marriage amounts to trafficking are still unclear. An intermediary who deceives a teenage Vietnamese girl into thinking she is being taken to work in China and then delivers her for a forced marriage is clearly a trafficker. However, it is less clear whether the managers of an internet site containing the photos of 17-year-old Russian girls who have themselves decided to seek foreign husbands come into the same category

several inter-governmental organisations representing particular continents or regions have adopted their own conventions and declarations on human trafficking. In the cases of the Organization of American States (OAS) and the Organization for African Unity (OAU), the precursor of today's African Union, the provisions are important because they cover intercountry adoption as well as other forms of child trafficking

The OAS *Inter-American Convention on International Traffic in Minors* was adopted in March 1994 and entered into force in 1997. It defines international traffic in minors to include “the abduction, removal or retention, or attempted abduction, removal or retention, of a minor for unlawful purposes or by unlawful means”. By considering all cases that involve “unlawful purposes” or “unlawful means” to be trafficking, this Convention clearly covers trafficking for adoption, where the aim may be legal but the means are fraudulent. However, so far the Convention has been signed or ratified by only 12 of the OAS' 34 Member States and not by either Canada or the US, the main countries in the OAS region receiving children for adoption, nor by many of the countries supplying children, such as El Salvador and Guatemala.

The OAU's *African Charter on the Rights and Welfare of the Child*, adopted in 1990, deals with trafficking for both exploitation and adoption. Article 24, dealing with adoption, requires governments to “take all appropriate measures to ensure that in inter-country adoption, the placement does not result in trafficking or improper financial gain for those who try to adopt a child”. Article 29 requires governments to prevent children from being victims of “Sale, Trafficking and Abduction” and also to prevent “the use of children in all forms of begging”.

INTERNATIONAL GUIDELINES ON HOW TRAFFICKED CHILDREN SHOULD BE TREATED

The international conventions and protocols mentioned so far in this chapter focus mainly on what should *not* happen and what activities should constitute a crime in domestic law, but pay little attention to the rights that children (or adults) have once they have been trafficked. In contrast, a great deal of attention has been paid by several UN agencies to the techniques and procedures necessary to ensure that the rights of children who find themselves alone in a foreign country are respected, both trafficked children and unaccompanied minors more generally.

UN High Commissioner for Refugees Guidelines

The UN High Commissioner for Refugees (UNHCR) issued a set of *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum* in 1997. While these focus especially on under-18-year-olds seeking

What ‘forced labour’ and ‘debt bondage’ mean

“Forced labour or services” is a reference to an ILO Convention (No. 29) adopted in 1930 to prohibit forced labour, whatever types of force are used or threatened. “Slavery or practices similar to slavery” and “servitude” refer to similar situations involving coercion. The UN's *Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery* (1956) prohibits various forms of ‘servile status’, notably debt bondage (also known as bonded labour), the practice of requiring someone to work to pay off a loan – when the value of their work greatly exceeds the value of the original loan. As migrant children or their families often seek a loan to finance their trip, this is a very common form of restriction imposed on people who are trafficked. Many trafficked children are told by their exploiters that they must continue working until they have paid off a debt which is said to have been incurred to whoever paid the costs of transporting them in the first place. In other cases, the parents of a child leaving home to work accept a payment for the child's wages in advance, and it is this advance that ‘bonds’ the child to his or her employer.

The practice of bonded child labour is particularly common in South Asian countries, where there is little distinction between trafficking as now defined by the UN Trafficking Protocol and the recruitment of bonded children who are working away from home. The term ‘trafficking’ is still used in South Asia to refer primarily to cases of commercial sexual exploitation.

asylum, they set out a set of basic procedures to be followed in the cases of all unaccompanied children who come into the custody of law enforcement or other government agencies in a country other than their own and set a minimum standard by which children believed to have been trafficked should be treated. They cover issues such as identification, registration and documentation, appointment of a guardian or adviser, initial interviews, age assessment, interviewers, interpreters, consultation, confidentiality, tracking and keeping statistics in considerable detail. They also suggest how the authorities should respond when children are accompanied by an adult who is not their parent. On the question of assessing a person's age and deciding whether to consider them under 18 years old, the Guidelines suggest that “The child should be given the benefit of the doubt if the exact age is uncertain” ... “The guiding principle is whether an individual demonstrates an ‘immaturity’ and vulnerability that may require more sensitive treatment”.

UN High Commissioner for Human Rights' Recommendations and Guidelines on Human Trafficking

In May 2002 the UN High Commissioner for Human Rights issued a set of *Recommended Principles and Guidelines*

on *Human Rights and Human Trafficking*.³⁸ These apply to both adults and children who are trafficked. Most of the 17 Principles recommended by the High Commissioner apply as much to children as to adults. They stress that “the human rights of trafficked persons” should be “at the centre of all efforts to prevent and combat trafficking, and to protect, assist and provide redress to victims” (Principle 1). They point out that care must be taken to ensure that anti-trafficking measures do not have an adverse effect on the human rights and dignity of either trafficking victims, or of other migrants, internally displaced persons, refugees or asylum-seekers.

Two of the Principles concern the action that governments must take once children or adults are suspected of being trafficking victims. These provisions are rarely implemented at the moment. Principle 7 stresses that a person who has been trafficked should not be detained, charged or prosecuted for the illegality of their entry or residence in a country of transit or destination, or “for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons”. Principle 11 concerns the possible repatriation of adults or children who have been trafficked, stressing that their return to their country of origin must be safe and, if possible, voluntary. It stresses that if repatriation might pose a serious risk to them or their families (for example, if a trafficked child might fall back into the hands of her or his traffickers), they “shall be offered legal alternatives to repatriation”.

Principle 10 focuses on children, insisting that “Their best interests shall be considered paramount at all times”. A more detailed Guideline spells out what this entails, emphasising that all agencies or institutions must make the best interests of the child their primary consideration when deciding on what to do with a child who has been trafficked, whether they are “public or private social welfare institutions, courts of law, administrative authorities or legislative bodies.” Children who have been trafficked must “be provided with appropriate physical, psychosocial, legal, educational, housing and health-care assistance” and efforts must be made to protect their privacy and identity, notably “to avoid the dissemination of information that could lead to their identification”. Guideline 8 also addresses situations in which it may not be safe or possible for children to return home, or in their best interests to do so; in such cases governments and others are required to make “adequate care arrangements that respect the rights and dignity of the trafficked child”.

UNICEF’s Guidelines for Protection of the Rights of Children Victims of Trafficking

The UN’s specialist agency for children, UNICEF, has developed a set of *Guidelines for Protection of the Rights of Children Victims of Trafficking* concerned specifically with

trafficked children. These were drafted with respect to children trafficked in Southeast Europe and formally approved in April 2003 by an inter-governmental organisation focusing on Southeast Europe, the Stability Pact Task Force on Trafficking in Human Beings. While prepared with Southeast Europe in mind, the Guidelines themselves are of universal relevance. They cover 11 issues in considerable detail:

1. identification;
2. appointing a guardian for each trafficked child;
3. questioning by the authorities;
4. referral to appropriate services and inter-agency coordination;
5. interim care and protection;
6. regularisation of a child’s status in a country other than their own;
7. case assessment and identification of what is called a ‘durable solution’;
8. implementing a durable solution, including possible return to a child’s country of origin;
9. access for children to justice;
10. protection of the child as a victim and potential witness;
11. and training for government and other agencies dealing with child victims.

Point 2 of UNICEF’s Guidelines calls for a guardian to be appointed for every child who is suspected of having been trafficked, in order “to accompany the child throughout the entire process until a durable solution in the best interests of the child has been identified and implemented”. The Guidelines suggest the guardian should be present whenever police or law enforcement personnel question a child victim about their trafficking experience.³⁹

How intercountry adoption should occur

This study does not go into detail on 'good practice' as far as intercountry adoption is concerned. A report issued by UNICEF's Innocenti Centre in 1999 is clear on what ought to happen:

"A child's eligibility for intercountry adoption should be decided upon by the competent authorities of the State where the child habitually resides (the 'country of origin'). The procedure should be carried out by the authorities themselves or 'accredited' nonprofit professional bodies, not by other intermediaries. Strict regulations and procedures to protect those children's rights and interests are vital; prospective adoptive parents, in particular, must be helped to understand this and be warned against trying adopt without due regard for them."

Residence status and possible repatriation

The UNICEF Guidelines require the Ministry of Interior or other equivalent authority to ensure that child victims who are not nationals or resident in the country to be issued automatically with a 'Temporary Humanitarian Visa'. This ensures that the child has a valid legal status while a durable solution is found for them.

Point 8 concerns the 'implementation of a durable solution', including both local integration, return to country of origin, and settlement in a third country. The Guidelines specify that:

Child victims shall not be returned to their country of origin if, following a risk and security assessment, there are reasons to believe that the child's safety or that of their family is in danger.

This implies that a risk and security assessment should be carried out in every case. As trafficked children continue to be deported with alarming frequency, with few or no arrangements to receive the child concerned, Point 8 of the Guidelines stresses that:

Ministries of Interior or other relevant state authorities shall establish agreements and procedures for the safe return of child victims to their country of origin.

Chapter 9 Actors involved in stopping child trafficking and assisting children

Human trafficking is a pattern of abuse that no single agency can solve by itself, especially when children are trafficked across borders and two or more countries are involved. Even organisations which operate throughout a country, such as a national police force, usually lack the right expertise to take on all the types of work required at both ends of a trafficking chain, such as both prevention and providing care to children recovered from traffickers. Consequently, out of necessity counter-trafficking work involves several different organisations and requires coordination with others. A few transnational NGOs have established a presence at both ends of a trafficking chain (such as *Casa Alianza*, operating in several Central American countries) and some have initiated prosecutions of traffickers. This serves to underline the need for other agencies to be involved, both to provide adequate geographical coverage and to perform different functions. This chapter summarises the roles of the different organisations involved in counter-trafficking operations and then looks at the challenge of getting them to work together.



Albanian boy washing a car windscreen in Greece

NGOs and civil society

NGOs undertake a wide range of activities to prevent child trafficking and to assist child victims. Later chapters give examples of these activities. In theory, the one activity they cannot organise is the prosecution and punishment of traffickers, although some NGOs accompany branches of the security forces on raids to release children and, when law enforcement agencies have failed to take action, some refer individual cases to regional or international organisations in order to oblige the authorities to take action.

NGOs come in all sorts of shapes and sizes. At international level they include child rights organisations such as Save the Children and *Terre des Hommes*; NGOs focusing on a specific issue with branches around the world, such as ECPAT; and transnational NGOs operating throughout a particular region, such as *Casa Alianza*. At national level they include local NGOs, some connected to international ones and others autonomous, some focusing exclusively on child trafficking, but most dealing with other issues as well, such as child labour or other forms of child abuse, human trafficking, or violence against women in all its forms, of which trafficking in women and girls is just one. Some have religious motives, others are secular. They start out with very diverse ideas about what needs to be achieved and how to go about it, with some emphasising the need to 'save and rescue' children and others giving priority to helping children stand up for their own rights. Consequently, clear statements of what minimum standards need to be achieved by NGOs and other agencies, such as UNICEF's *Guidelines for Protection of the Rights of Children Victims of Trafficking*, are important in providing a common reference point.

A few NGOs concentrate uniquely on public campaigning and lobbying politicians for changes in the law or government policy. On the whole, it seems to be difficult to perform a useful 'advocacy' role (campaigning to stop trafficking and publicising the harm done to children) without having direct experience of practical work or

substantial information about it. On too many occasions counter trafficking measures which seem a good idea in theory do not work out in practice; this is vital to take into account in advocacy work.

Law enforcement agencies

Most government strategies to respond to human trafficking focus on prosecuting traffickers and assuming that long sentences of imprisonment will deter others. This approach has been encouraged by the recent UN Trafficking Protocol, intended to facilitate prosecutions, and by follow-up regional measures, such as the EU's *Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings*.⁴⁰ It seems fair to note that this approach has not yet proved its effectiveness. Perhaps, as numerous countries have only just adopted new legislation on human trafficking, it may prove more effective in the future than it has so far.

In order to have any chance of success, prosecution-based strategies have to be based on sensibly worded legislation and well trained police and prosecution teams specialising on trafficking. Prosecutions only succeed if strong enough evidence is available to secure a conviction. Evidence often consists of statements made by the children or adults who have been trafficked and who, by providing evidence, expose themselves and their relatives to a risk of reprisals (from their traffickers or their accomplices). Reprisals are sometimes reported far away from the court room, in a different country altogether, making it difficult for a single police force to provide protection.

The risk of reprisals means that prosecutions of traffickers should ideally not involve children having to give evidence. Some police forces have units specialising on children, either as victims or as perpetrators of crime, which are more likely to use child friendly methods than ordinary police units and whose members are consequently better qualified to interview children who have been trafficked and to assess whether their statements should be used as evidence. Witness protection schemes have been developed in relatively few countries to protect trafficked adults and children willing to testify. People who have been trafficked from another country mostly have no legal entitlement to be in the country where they have been exploited or to remain there. Only those who are willing to testify are allowed to remain in order to give evidence. Needless to say, if they are subsequently required to leave the country where they have helped the prosecution, they may well face reprisals when they arrive home. This seems a completely unacceptable risk to take with children. It is clear that the 'best interests' provision requires the authorities to take the possible consequences of a child testifying into account (including the consequences of traffickers suspecting wrongly that a child has testified against them) and to ensure that the child and her or his relatives are protected against the

likely consequences of testifying.⁴¹ As the UNICEF Guidelines suggest, it also requires someone to represent the best interests of a child about whom official decisions are being made.

Other statutory bodies

In addition to law enforcement agencies, a range of other agencies set up by government (referred to here as 'statutory bodies') play a role in preventing trafficking, assisting victims of trafficking and liaising between agencies. Statutory bodies responsible for residential care for children are important when it comes to ensuring the recovery of children who have been trafficked and helping them get a new start.

In recent years it has been something of a scandal that residential centres in EU countries run or financed by their governments have 'lost' foreign children who were placed in their care – children stopped by immigration officials because they were unaccompanied or who were picked up by the police and believed to have been trafficked or to be illegal immigrants. Because in most cases the centres do not prevent child residents from leaving, a significant proportion of children sent to such centres have simply walked out. While this could mean that the young people concerned feel they have had enough of institutional care, observers have expressed concern that many such children have 'disappeared' and their subsequent fate is not known; consequently they may have ended up in abusive situations. In some cases traffickers are known to have been manipulating immigration procedures; cases have been documented in which they programmed the children under their control to walk out of a residential centre after a number of days or weeks to meet up with their traffickers. There is a worrying, unanswered question about what has happened to the others.

The numbers of children involved are significant. For example, in the case of a special school in Athens (Greece) which takes in unaccompanied children referred there by a Public Prosecutor, between November 1998 and October 2001, out of the 644 children arriving there (543 of whom were from neighbouring Albania), 487 subsequently disappeared (75 per cent).⁴²

Governments have for many years been urged by international bodies, such as the UN's Commission on Human Rights, to appoint a single authority as a coordinator of their counter-trafficking activities, on the grounds that different law enforcement and social service agencies potentially take action in an uncoordinated or even contradictory way. Several countries have recently set up special counter-trafficking offices. Some are the result of a decision to centralise counter-trafficking activities, such as Nigeria's National Agency for Prohibition of Traffic in Persons and Other Related Matters, set up by a July 2003 law. Others, as in the Netherlands, have been established

to monitor counter-trafficking efforts by a range of government agencies and to identify obstacles to efforts to stop trafficking.

When a pattern of human trafficking was reported in the first half of the 1990s in China's Yunnan Province, bordering on Burma (Myanmar), a special Office for Combating the Trafficking in Women and Children in Yunnan was established in response, with a local branch in each of the province's 17 prefectures. The Office is credited with helping other branches of the security forces understand what human trafficking consisted of and how to stop it. By the late 1990s, the scale of trafficking had reportedly declined and the Office returned responsibility for counter-trafficking to ordinary law enforcement units.⁴³

Inter-governmental organisations

A large number of inter-governmental organisations are running counter-trafficking programmes. These are usually financed bilaterally by one or more governments. Some focus on teenage girls and adult women together, rather than just on children, on the grounds that women and girls aged between 15 and 25 constitute the majority of those trafficked for commercial sexual exploitation. Some deal with all adults and children and a few focus specifically on under 18-year-olds (mainly UNICEF and ILO-IPEC). Some work in a specific geographic area where trafficking is considered to be a major problem: UNIFEM, the UN Development Fund for Women, has been running a South Asian Regional Anti-Trafficking Programme since 2000, providing support to NGOs and other agencies.

Alongside the UN's numerous agencies, the IOM (International Organization for Migration), which is not part of the UN, has achieved a high profile for its counter-trafficking activities in several regions, although it does not usually focus especially on children. It is involved in designing large-scale campaigns to inform potential migrants of the risks of being trafficked, managing shelters for victims and organising the voluntary repatriation of people who have been trafficked. In Europe the IOM has played a lead role in focusing attention on unaccompanied minors and published a study on *Trafficking in unaccompanied minors for sexual exploitation in the European Union* in 2001.

Counter-trafficking programmes run by inter-governmental organisations are relatively autonomous: no single UN agency manages the UN's counter-trafficking activities or has responsibility for ensuring that appropriate action is taken when a pattern of trafficking is detected, or to check that UN agencies have an efficient division of labour, rather than duplicating particular activities or competing against one another. It is as if too many organisations had a mandate to work on human trafficking, without anyone

coordinating them. The lack of coordination between agencies at international level almost certainly has a detrimental effect on children.

There are exceptions, notably in Southeast Asia and Southeast Europe. In the Asia case, the UN Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region coordinates initiatives in six countries, involving 13 different organisations linked to the UN, one other international organisation (the IOM) and eight international NGOs.⁴⁴ In the Europe case, the Stability Pact (for Southeast Europe) Task Force on Trafficking in Human Beings was set up under the auspices of the Organization for Security and Co-operation in Europe (OSCE). The Task Force's web-site explains that it "is not an international organisation or institution, hence not in competition with IOs [International Organisations] and bilateral project assistance".⁴⁵

Elsewhere complications due to the multiplicity of inter-governmental organisations involved have not yet been resolved.

Even more startling is the fact that no UN agency has responsibility for detecting that a pattern of trafficking is occurring or for initiating counter-trafficking activities in response. This has been particularly tragic when it has been UN forces, or international personnel linked to inter-governmental organisations, whose presence in conflict or post-conflict situations has created a demand for commercial sex and thereby encouraged the trafficking of women and teenage girls.

Despite the lack of coordination, international initiatives have brought about progress and ensure that the response from governments begins to be based on UN guidelines, rather than on the anti-immigrant sentiments which shape most government's initial reactions to reports of human trafficking.

The international organisation established to ensure cooperation between national police forces, INTERPOL, has its own best practice manual (not disseminated publicly) on action it is appropriate to take in trafficking cases. This reportedly emphasises that considerations about the safety of trafficking victims should be paramount in all decisions concerning operations by a police force against trafficking. While recognising the need for different law enforcement agencies to be involved within a single country, the manual also reinforces the message that effective coordination is vital and is best secured by giving one agency a coordinating role.

Keeping the UN informed about child trafficking

The UN's Commission on Human Rights, where government representatives meet once a year to review

information about human rights abuse, acts as a formal channel for information about human rights violations to be presented to the UN, mainly by NGOs with formal status at the UN. The Commission has appointed individual experts, known as Special Rapporteurs, to collect information on particular human rights violation or problems in a specific country. Some are mandated to take action to investigate and try to stop human rights abuse. Two of the Commission's thematic Special Rapporteurs have reported on child trafficking in their annual reports to the Commission, although neither of them has dealt with the subject in its totality.

In 1990 the Commission appointed a Special Rapporteur to focus on the sale of children, child prostitution and child pornography, including "the adoption of children for commercial purposes". Three different individuals have been in the post so far. Since his appointment in 2001, the third person in the post, Juan Miguel Petit, has emphasised the significance of all forms of exploitation and refers in a fact sheet about his role to the definition of 'sale of children' in the *Optional Protocol on the sale of children, child prostitution and child pornography to the Convention on the Rights of the Child* ("any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration").

He has pointed out that this could be for purposes of commercial sexual exploitation, use in criminal activities, begging, use in armed conflict, sports, forced labour, adoption, marriage, use of their organs, or other purposes.⁴⁶

A different Special Rapporteur, dealing with violence against women, focused her report in 2000 on the topic of human trafficking but explained that she was confining her report to the predicament of adult women on the grounds that "the phenomenon of trafficking in children needs different, child-specific remedies that are likewise gender-specific."⁴⁷

Ensuring that different organisations work together

When trafficking involves frontiers being crossed, the authorities of individual countries cannot tackle the problem alone and must cooperate. While cooperation between governments is often difficult to engineer, even when inter-governmental organisations act as intermediaries, it seems easier to organise at 'non-official' level between NGOs.

Transnational NGO networks

Traffickers take advantage of the lack of cross-border police cooperation; they use distance and national differences to their advantage. The only way of combating them is to set up parallel networks to their own,

involving counter-traffickers in the zones where children are recruited and exploited and, if possible, in between. While government departments and law enforcement agencies find this difficult, representatives of civil society in the various countries along a trafficking route can link up more easily. The twinning of NGOs operating in areas of recruitment and exploitation cannot achieve the same as two police forces cooperating, but it can deliver many other benefits. The same principal applies when children are trafficked within their own country.

In West Africa, a network of NGOs concerned about child trafficking has developed over the past six years. From 1996 onwards *WAO-Afrique*, based in Togo, was aware that a substantial number of Togolese children were being taken to work in Gabon. While *WAO-Afrique* soon succeeded in making contact with organisations in neighbouring countries where children were also being recruited to work abroad, such as Bénin, Burkina Faso and Mali, it proved more difficult to find partners in the countries where their children were being taken to work: Côte d'Ivoire, Gabon and Nigeria. As in other parts of the world, NGOs were more concerned about what was happening to their own children than to children from other countries. In Gabon the rescue and repatriation of trafficked children was undertaken by Béninois and Togolese expatriates living in Libreville, who set up an NGO called ILEDA. First the NGOs in different countries shared information about what was going on and on techniques for finding out about trafficking. Then they passed information to each other when trafficked children were due to be repatriated and finally they became involved in repatriation operations.

The biggest impediment to this sort of transnational co-operation is when there are no NGOs present in the areas where trafficked children are taken, or a lack of interest by child rights organisations there in the predicament of foreign children. This has proved to be a particular obstacle to protecting trafficked children in the Gulf States.

NGOs working together in their own country

The advantages of NGOs based in the same country and with common concerns working together are obvious: a united front to lobby the government or government agencies for changes in policy or practice and a forum for exchanging information and identifying gaps in what is being done. When a government has no adequate counter-trafficking programme, NGOs can have a strong influence if they work together.

In Albania, this involved setting up *së Bashkuë Kundër Trafikimit të Fëmijëve (BKTF)*, All Together against Child Trafficking, a coalition of six NGOs when it started in late 2001 and nine by the end of 2003. BKTF set up an advisory board with representatives from UNICEF, IOM,

ILO-IPEC and a representative of the inter-ministerial group against the trafficking of human beings. The coalition began by organising a meeting of NGOs with two government ministries (Public Order and Social Affairs) on the issue of child trafficking. When the government drafted a new strategy in 2003 for dealing with child trafficking, BKTF coordinated a response within a few days.

Law enforcement working with NGOs

Even in countries with a tradition of NGOs wielding influence, government agencies sometimes baulk at developing a relationship with an NGO, especially when it comes to policing matters. However, a great deal can be achieved informally, especially once trust has been built up on both sides and officials in charge of law enforcement agencies recognise that an NGO has useful expertise on child trafficking. However, the relationship between government agencies and NGOs is inevitably an unequal one, with the police and others able to choose when and how they share information or refer individual children's cases to an NGO. Consequently it is preferable to proceed on the basis of a formal Memorandum of Understanding, to clarify what each side can expect of the other.

In theory there is an 'ideal' level to reach when NGOs work together with the authorities, usually involving regular coordination meetings at national level, for example once a month, attended by the main agencies involved: each law enforcement and statutory agency with a role and each NGO and inter-governmental organisation. This needs to be paralleled at whatever local level is best suited for exchanging information about specific cases; in countries where statutory agencies are involved in focusing on the cases of individual children considered to be at risk, this might involve representatives of local government, social workers, the education authority, health services and NGOs carrying out specific work on child trafficking.

In Thailand, the authorities have gone further than most other countries and adopted general guidelines to indicate how they expect to react and cooperate with NGOs and others in trafficking cases. *The Memorandum of Understanding on Common Guidelines of Practices among Concerned Agencies for Operation in case Women and Children are Victims of Human Trafficking* (BE 1999) is a non-binding legal agreement signed in 1999 by the Prime Minister's Office, the Police, the Ministry of Public Welfare and various NGOs.⁴⁸ It stipulates that foreign children who have been trafficked into Thailand should not be treated as illegal immigrants and that any who agree to testify against their traffickers can stay in Thailand and be housed in a shelter for its duration. It also entitles trafficked children (and adult women) to food, clothing, medical care and counselling.

Cooperation with the authorities in criminal investigations

NGOs running shelters or transit facilities for trafficked children potentially face a dilemma in deciding how much to cooperate (or to advise a child in their care to cooperate) with police investigations and prosecutions. They have a choice between being perceived as police informers, or asserting their independence and being criticised by the authorities for not cooperating properly. It is clear that an NGO's role as an advocate for children is incompatible with giving uncritical support to a government strategy of prosecuting traffickers: the NGO should place the child's best interests in front of other considerations, even if this means advising a child not to give evidence and thereby allowing a child trafficker to escape with impunity.

It can be difficult to find the right balance. NGOs that are aware of individual children at high risk of being trafficked, for example, can usually find ways of ensuring the police are informed without providing them with information directly. This tactic has the added advantage of helping protect NGO workers against reprisals from traffickers.

NGOs working with inter-governmental organisations and other governments

NGOs work with inter-governmental organisations, both as partners in a lobby to change government policy and as sub-contractors in programmes on child trafficking. Work is similarly sub-contracted by inter-governmental organisations to government departments, trade unions and others. The sub-contracting role risks being a subordinate one in which the organisation concerned implements plans devised by someone else.

From time to time the governments of countries in Europe or North America have taken a lead in financing initiatives against particular forms of exploitation or child abuse. In the early 1990s, for example, Germany focused attention and resources on child labour, financing the ILO's programme on child labour. In line with its traditional preference for bilateral rather than multilateral support, when the US made counter-trafficking programmes a priority in 2000, it channelled support through its official aid programme, USAID, to a wide range of NGOs and government agencies, rather than primarily through one inter-governmental organisation. Through its annual reports on the action taken by governments against human trafficking and via other direct approaches to governments, the US has already persuaded many governments to start new counter-trafficking initiatives.

While some activists working against child trafficking are unhappy at the US using its power in this way, others ap-

plaud it. The benefits when governments are persuaded to implement good quality counter-trafficking programmes are obvious. The danger, perhaps, for NGOs with relevant expertise is that their government now listens more carefully to US government representatives than it does to experts close to home. This means NGOs must ensure that the US State Department's Office to Monitor and Combat Trafficking in Persons is aware of their views on the sort of counter-trafficking initiatives that their government should be taking, as well as any shortcomings in the way government agencies currently respond.

This chapter reviews how the definitions and standards adopted at international level are reflected in practice in individual countries. It starts by looking at laws to punish child trafficking. It then reviews efforts to coordinate national responses by preparing ‘plans’. It concludes with references to various forms of action which have been taken to stop trafficking but which actually cause prejudice to the very children who they are supposed to help.

Enacting law

By definition laws are enacted by sovereign states; consequently they are usually ineffective at punishing offences which involve more than one country. In the case of trafficking, even countries which claim to cooperate closely, such as the members of the EU, have laws that vary a great deal from one country to another and find it difficult to cooperate. To complicate matters further, many countries have laws which are inadequate at suppressing the forms of exploitation that trafficked children suffer, let alone their prior recruitment and movement. The result is that even in countries where children are trafficked without being taken abroad and where the difficulties of cooperation between sovereign states governments do not arise, the law has not acted as an effective barrier to child trafficking.

The law can, however, be used for much more than just to prosecute traffickers. In the case of babies trafficked for adoption, ensuring that legal procedures for inter-country adoption are adequate is the first step towards ending abusive practices. Similarly, law can be used to put procedures in place to ensure that trafficked children do not experience further abuse once they are recovered from traffickers.

Getting the wording of the law right

Many countries are in the process of amending their law on human trafficking to bring it into line with the provisions of the UN’s Trafficking Protocol or are introducing an anti-trafficking law for the first time. This means it is a good time for counter-trafficking activists to lobby for new, well formulated laws. Getting the wording right so that it punishes child trafficking properly is difficult. Simply using the terminology that appears in international treaties is not likely to be helpful if it remains unclear to the police or the courts exactly what actions are prohibited. Depending on the legal system, therefore, either the wording of the law itself should specify what is prohibited or efforts must be made through jurisprudence to clarify what the wording of the law means in practice. It is important that a law should focus on actions for which evidence can be collected – so that it can be proved in

a court that particular forms of exploitation or coercion have been used or were intended. This is complicated by the fact that the Trafficking Protocol’s definition of trafficking focuses on the forms of control and coercion used by traffickers (“threat or use of force or other forms of coercion”, “deception”, etc.), but then discards these as irrelevant in the case of under-18-year-olds.

In the process of amending their laws, most countries so far (such as Italy – see Box on page 56) have not discarded the question of control and coercion when it comes to defining the offence of trafficking involving children. Instead, they consider the involvement of children to be an aggravating circumstance which increases the penalty, without changing the action that constitutes an offence. This approach seems to have the potential to miss out certain cases.

The question of whether children have been coerced, deceived or manipulated in the course of their recruitment are important in identifying cases of trafficking involving older teenagers who are mature enough to work away from home. What is important is that the forms of control and coercion should be defined and assessed appropriately in relation to the maturity and vulnerability of the child concerned. In the US, which started drawing up a new law against human trafficking before the UN Trafficking Protocol had been finalised, the Justice Department’s Involuntary Servitude and Slavery Coordinator, Lou DeBaca, has compared the forms of control and dependency involved in trafficking to those involved in domestic violence. “If the dependency switch has been turned on”, he has been quoted as saying, “the will is overborne by coercive forces”.⁴⁹ Children also have a will of their own and it is reasonable to expect laws to take this into account, as well as the circumstances in which their will has been ‘overborne by coercive forces’.

It is important that the law should prohibit the various activities which are components of trafficking, rather than requiring all of the separate activities which together constitute trafficking to have been carried out before someone can be convicted. Consequently laws prohibiting trafficking of children should spell out (or refer to other laws which spell out) the forms of exploitation to which children may not be subjected, in a way that law enforcement officials will be able to identify and collect evidence about. Some countries have done this after ratifying the ILO’s *Worst Forms of Child Labour Convention*. The ‘worst forms’ include most types of exploitation experienced by trafficked children. However, a comparison of national laws prohibiting these worst forms reveals a startling variety of definitions, leaving traffickers free to exploit the differences. While recent international treaties have tried

to ban the involvement in prostitution of anyone younger than 18, this has been interpreted in various ways by governments. Some have focused on the exploitation of prostitution, prohibiting anyone else profiting from an act of commercial sex involving an under-18-year-old, such as a brothel owner or pimp. In a few countries the focus has been on clients, with a ban on boys or men paying for sex with under-18-year-olds. In yet others, such as Germany, the authorities regard children over the age of sexual consent as entitled to earn money through commercial sex and a ban is consequently only enforced on cases involving children under the age of consent specified by national law, such as 15 or 16.

Amendments to domestic law on human trafficking open up other opportunities. In Switzerland *Terre des Hommes* saw this as an opportunity to press for limitations on prosecutions of people involved in trafficking children to be removed, such as the requirement that charges be brought within a limited time of the offence occurring. The organisation also pressed for crimes involving the use of children to be categorised as a ‘crime against humanity’, as this categorisation did not previously exist in Swiss law and, it was felt, would convey the gravity of the crimes involved.

Using prosecutions to provide compensation to trafficked children

Governments are usually preoccupied with punishing traffickers. This approach is often made a priority at the expense of assisting trafficking victims who have an urgent need for compensation and financial support to get on with their lives. The confiscation of traffickers’ assets should be made a priority, either to pay the remuneration that trafficked children had been promised but not received, or to compensate them for abuse. Italy’s August 2003 law provides for profits from trafficking to be confiscated and the proceeds to go to a new ‘Fund for anti-trafficking measures’, which in turn is to finance a pre-existing government programme of assistance for victims of trafficking. The new *Anti-Trafficking of Persons Act of 2003* signed into law in the Philippines in May 2003 also sets up a trust fund for confiscated assets. The rules concerning the implementation of this law only came into effect in January 2004 and provide for the establishment of an Inter-Agency Council against Trafficking which includes three representatives of NGOs.

Laws that are too harsh

It may seem a contradiction that organisations calling for more action against child trafficking should at the same time be concerned that some governments threaten to punish traffickers too severely. However, this is the case, mainly because governments that have introduced severe penalties, such as life imprisonment and the death penalty, seem to want the public to think they are taking action

on the issue, when in fact they are failing to develop any alternative counter-trafficking policies.

Bangladesh is one country in which the law against trafficking has been criticised for being too harsh. The *Women and Children Oppression Act of 1995 (Special Provision)* introduced the death penalty for anyone trafficking a child into prostitution. Five years after the new law came into effect, government statistics provided to the UN’s Special Rapporteur on Violence against Women by Bangladesh’s Ministry of Home Affairs showed that out of 7,000 cases registered under the sections of the Act that were punishable by death or life imprisonment, only 21 had resulted in convictions. Various observers have commented that the harsh penalties have made it more difficult to bring about prosecutions and that the introduction of the death penalty, instead of deterring traffickers, may have increased their impunity.

Extraterritorial jurisdiction

Various countries have already made it an offence for residents to commit specific offences abroad. It should be possible to build on this experience to punish those involved in trafficking or exploiting children. In various industrialised countries adults have recently been prosecuted for paying for sex with a child abroad. NGOs played a significant role in lobbying for such laws on extraterritorial offences to be adopted and have alerted the authorities to specific cases. For example, together with NGOs belonging to the Child Protection Alliance (CPA) in the Gambia, *Terre des Hommes* investigated a hotel in the Gambia which was reportedly used on a regular basis by men having sex with children. In August 2003 police from the Netherlands travelled to the Gambia to collect evidence and in October 2003 a 63-year-old man was charged in the Netherlands with committing an offence in the Gambia.

The UN’s *Convention against Transnational Organized Crime* provides for States to establish extraterritorial jurisdiction for trafficking-related offences, as well as allowing for the extradition of suspects. However, as the government representatives who prepared the Convention were preoccupied with catching major criminals – bosses of organised crime who plan offences committed in a country in which they never set foot themselves – it may be some time before its provisions are used to catch and prosecute the lower ranking individuals involved in cross-border trafficking who were mentioned in Chapter 5.

Implementing the law

As an example of the impediments to securing convictions, even in seemingly clear-cut cases, it is worth noting that the Captain of the *Etireno*, Oghototuya Lawrence Onome, and his second-in command have still not been brought to trial. Arrested in April 2001, they were kept in

detention for more than a year, but by the beginning of 2004 had been freed on bail to await trial. This case also illustrates the difficulties in incriminating or punishing those who profit from trafficking without getting directly involved themselves. Neither the owner nor the man who was chartering the ship and selling tickets to passengers were charged with any offence.⁵⁰

NGOs sometimes play a supportive role in bringing evidence to the attention of the police. They have to consider whether close collaboration with the authorities might be detrimental to their work as a whole, particularly if they want to be in close contact with communities whose children are being targeted by traffickers and where people resent the police.

NGOs are placed in a particularly difficult predicament when the police and authorities fail to carry out the work of detecting that children are being trafficked and arresting those responsible when they have evidence that crimes have been committed. This is occasionally the case in countries from which children are trafficked, but currently seems to be a more serious problem in the countries to which trafficked children are taken, where the authorities fail to recognise that the exploitation to which trafficked children are subjected constitutes a crime, or that trafficking is anything more than a form of illegal immigration.

In the case of cross-border trafficking, one option is for an NGO to persuade the authorities in a country involved at one or other end of the trafficking chain to open a formal investigation, in the hope that their inquiries will precipitate action by the police or authorities in the other country involved. Alternatively, they can ask an NGO abroad to submit a complaint to the UN or ILO, in order to persuade recalcitrant authorities to take proper action.

Agreeing other minimum standards at national level

An alternative to appointing a single agency to coordinate counter-trafficking activities is for the authorities to adopt a 'national plan' indicating who is to do what and by when. The last decade has seen the adoption of numerous national plans to combat the trafficking of adults and children and other plans to eradicate the worst forms of child labour. Some are serious attempts to coordinate the activities of different agencies and to reach specific objectives, while others are little more than paper exercises to impress audiences abroad. Those that specify (realistic) deadlines by which specific objectives are to be achieved (referred to by ILO-IPEC as 'time-bound programmes') are generally more effective than open-ended lists of good intentions. Albania's 2001 *Plan of Action of the National Strategy to Combat Trafficking in Human Beings* set deadlines for actions between 2001 and 2004; not all were met. In late 2003, the Albanian authorities were reported to be preparing a strategy focusing specifically on trafficking in

children and involving various NGOs in its preparation. Most other countries in the Balkans have adopted national plans on human trafficking; in contrast, the EU countries to which many children are trafficked from countries in Southeast Europe have not.

In addition to monitoring whether the activities mentioned in a plan are being implemented, it is also essential to monitor the actual impact of new measures, for this can be different in practice to the planners' good intentions. Researchers investigating the 'real world' impact of measures against child trafficking in Mali found that the police and others were making little or no distinction between traffickers (causing harm to children) and other intermediaries who actually help them. Furthermore, as a result of measures to prevent trafficking, Malian migrants below the age of 18 are required to show a large number of official documents to police and immigration officers. In reality it is virtually unfeasible to acquire all these, so they have to resort to asking intermediaries to help them cross frontiers illegally or to pay bribes.⁵¹

There are other initiatives which governments can take to help stop child trafficking. In countries all around the world, the issue of corruption is mentioned in the same breath as human trafficking. It is clear that action to halt corruption and connivance between police or border guards (on one hand) and traffickers (on the other) is an essential first step if trafficking is to be stopped. Indeed, in the case of Mali, teenagers migrating to work in Côte d'Ivoire complain that harassment and extortion by police in both Côte d'Ivoire and their own country is a serious obstacle and a reason why they often have to depend on intermediaries who the authorities now regard as traffickers.⁵²

Avoiding causing harm to children

Human rights activists, police officials and others have all been dismayed at how many actions by governments that are taken in the name of 'stopping trafficking' have had negative effects for the very people they are supposed to help. In the worst cases, politicians refer to trafficking and the need to combat it as a justification for measures which have quite different goals, such as expelling irregular migrants or suppressing prostitution. Here are three examples of 'bad practice'.

1. Blanket responses which violate human rights

Several countries have tried to ban girls and women of specific ages from travelling abroad to work (such as Nepal) or from working in specific countries. In the case of children it seems reasonable to ban children below the minimum age for entry into employment (in their country of origin) from going abroad to work, but unreasonable to prevent them from travelling altogether. However, the result may simply be that teenagers who want to work abroad are exposed to even more extortion than before.

It seems unreasonable to ban older children from working abroad, but appropriate to ensure that the countries to which they migrate have adequate safeguards in place to prevent the young people's exploitation.

2. Criminalising trafficked children

In most countries to which children are trafficked for forms of economic exploitation, the authorities continue to hold them responsible for breaking the law, even when they have only done so because others took them across frontiers illegally or involved them in illegal activities. The Committee on the Rights of the Child set up by the *Convention on the Rights of the Child* and other UN human rights bodies have stressed that children who are victims of trafficking and sexual exploitation are to be "treated as victims and not as offenders".⁵³ This is because some teenagers earning money for others from commercial sex have been arrested for violating laws on prostitution and children trafficked across borders are routinely detained as illegal immigrants.

3. Summary deportation

In many countries it remains standard practice for the authorities to deport foreign nationals who have no legal status in the country, children as well as adults, and to do so without seeking a court order. In Greece, for example, trafficked Albanian children have been deported under an administrative procedure which circumvents (and effectively undermines) the law on trafficking. This is a violation of their rights. Furthermore it exposes them to the risk of falling straight back into the hands of traffickers, who watch how the authorities behave and respond by ensuring that someone is on hand at the frontier where trafficked children are being dumped – to take control of them again. Deportations are facilitated by 'readmission agreements' between two countries. The authorities of the countries signing such agreements regard them as useful, as they reduce the bureaucratic red tape involved in deporting people. They sometime claim this is in the interest of people who have been trafficked, as it reduces the delay before they return home. In practice, readmission agreements seem to be favoured because they can be used to circumvent legal procedures and prevent victims of trafficking from exercising their rights.

Italy's Law No. 228/2003

Italy adopted a law to punish human trafficking in August 2003, based on definitions of trafficking in the UN Trafficking Protocol. This included amending Article 600 of the Penal Code on enslavement, as well as Article 601 on trafficking. The new law specifies the forms of exploitation which are punishable ("Placing or holding a person in conditions of slavery or servitude") and the means that are prohibited, such as deception or the threat or use of violence. It covers both cross-border trafficking and trafficking within Italy. The new law uses terminology from the Trafficking Protocol (which Italy has not yet ratified), but does *not* state that deception or coercion are irrelevant in the case of children. It specifies that penalties of imprisonment are to be more severe if children (under-18s) have been trafficked or exploited, rather than adults.

Even before 2003, Italy had been more active than other EU countries in prosecuting child traffickers. Article 600 of the Penal Code had been used to punish traffickers who brought Roma children to Italy especially to beg. Italian law appears progressive as it allows suspected victims of trafficking to remain in Italy if supported by particular NGOs. However, a 'catch 22' was introduced into Italian law in 1998 which requires children suspected of having been trafficked to have been taking part in an NGO programme for more than three years by their 18th birthday: otherwise they will be expelled on reaching 18. Many people believe that 'acting in the child's best interest' means they should register a trafficked 16-year-old as an adult in order to avoid being expelled later on. By introducing complications like this, the law is failing children!

Initiatives to stop child trafficking often start with publicity about a few known cases. Facts and figures are brought to the attention of the general public and policy makers in order to provoke a reaction. The quality of the information used varies widely. As a UNESCO project focusing on statistics about trafficking has noted, “Trafficking of girls and women is one of several highly emotive issues which seem to overwhelm critical faculties” (see Box on page 60). This makes accurate fact-finding all the more important and means that programmes focusing on prevention or protection should often also include a component that involves collecting up-to-date information. This is especially important as patterns of child trafficking change rapidly and it is important to detect changes to ensure that programmes respond to current problems.

At the outset, details about a few cases give the issue of child trafficking a human face and play a useful role in spurring policy makers to acknowledge the importance of the issue. However, accurate information on patterns and trends is soon needed if effective interventions are to be planned: information about the different types of trafficking and exploitation occurring, the numbers of children involved and their ages, the routes used and accomplices involved. All of this helps identify the opportunities for intervening and changing things for the better, already mentioned in Diagram 6 in Chapter 7.

Organisations trying to find out if children are being trafficked have to consider whether focusing their research narrowly on children being trafficked is the best approach, or whether the assumption that migrant children are being trafficked distorts their findings. Unless it is already clear that trafficking is occurring, it is probably more appropriate to collect information about ‘migrant children’ in general and to find out whether just a few or many migrant children are being trafficked. This approach has the advantage of identifying the needs and difficulties of a wider group of children, some of whom may experience abuse similar to trafficking, without being trafficked according to any formal definition.

Techniques for collecting information

Avoiding risks

Investigating the situation of children whose status in a country is often illegal, whose occupation may also be illegal and who may be under the control of criminals, brings many risks. Those asking questions are in some danger themselves if they upset traffickers or their accomplices, including corrupt local officials. However, the risks that trafficking victims run by answering investigators’ questions are invariably greater. They are still at someone else’s mercy after the investigators have gone and may

still be when the investigators’ findings are publicised. Anyone collecting information about child trafficking consequently has a key responsibility not to place children in danger and not to reveal their identities if this could cause the children any prejudice. This means being wary about showing the ‘human face’ of trafficking victims in any genuine way, in case the face might be identified by traffickers or others who could cause the child prejudice, including relatives and neighbours who might stigmatise the child for having been trafficked. This is important for counter-trafficking organisations to bear in mind if they encourage journalists to report on the predicament of trafficked children, as journalists may not even realise that they are exposing children to danger.

Investigators also have a responsibility not to raise a child’s hopes in vain. Children who are still being abused when contacted by investigators almost automatically assume they will receive some sort of help. Children who have reached a transit centre and who are questioned by outsiders are also likely to feel they are being promised a reward by answering questions.

A recent report published by the World Health Organization (WHO) identifies 10 basic principles to guide the ethical and safe conduct of interviews with adult women who have been trafficked. While these are designed for interviews with women of 18 or over, most apply equally to teenage girls and are important for all researchers investigating child trafficking to bear in mind. Point 5 about ensuring anonymity and confidentiality is important for NGOs which intend to inform the public about child trafficking and are accustomed to featuring individual cases in their publicity materials on the grounds that this is more effective than mere facts and figures. It is already acknowledged as good practice to substitute a child’s name with a fictional one when mentioning individual cases (and to make it clear that the name has been changed).

There is also general agreement that the faces or other identifying features of children subjected to sexual exploitation should not be shown in photographs (it is one of the points made in UNICEF’s *Principles for ethical reporting on children*, described in more detail in the next chapter). However, there is no corresponding consensus that photographs and videos should not show the faces of children subjected to other forms of exploitation. Clearly, each organisation has a responsibility to assess the possible risks and it is good practice to keep a record of the reasons it was judged safe to reveal a particular trafficked child’s face. In the case of trafficked women, there have already been tragic consequences when journalists assumed wrongly that traffickers would never see the

films or photographs they made public.

Consulting children

Although the principle that children have opinions which should be listened to and taken into account is gaining wider acceptance, it still seems to be common for investigators and counter-trafficking organisations to assume that they know what is harmful or beneficial for children without checking with the children concerned, particularly children who have received assistance from their organisation. Many reports have described cases of child trafficking, but in most it is difficult to detect the voice of the young people concerned and to find out what they thought about the actions that others took on their behalf, either to stop them being trafficked, or to rescue them and provide them with assistance subsequently.

Members of the International Save the Children Alliance have developed research methods for focusing on what children themselves consider to be abuse and what solutions they propose, a technique they call 'Participatory Action Research' (PAR). A report focusing on children from Burma migrating to parts of China defines PAR as "people in the organisation or community under study will participate actively with the researchers throughout the research process from the initial design to the final presentation of the results and discussion of their action implications".⁵⁴ Commenting on the diverse situations in which migrant children find themselves, it notes that:

"Their voices and perspectives are easily lost in traditional research models often developed in a framework, culture and language that are foreign to them ... PAR offers opportunities to listen to communities, youth and children

W.H.O.'s Ten Guiding Principles for the ethical and safe conduct of interviews with women who have been trafficked

1. DO NO HARM

Treat each woman and the situation as if the potential for harm is extreme until there is evidence to the contrary. Do not undertake any interview that will make a woman's situation worse in the short term or longer term.

2. KNOW YOUR SUBJECT AND ASSESS THE RISKS

Learn the risks associated with trafficking and each woman's case before undertaking an interview.

3. PREPARE REFERRAL INFORMATION - DO NOT MAKE PROMISES THAT YOU CANNOT FULFILL

Be prepared to provide information in a woman's native language and the local language (if different) about appropriate legal, health, shelter, social support and security services, and to help with referral, if requested.

4. ADEQUATELY SELECT AND PREPARE INTERPRETERS, AND CO-WORKERS

Weigh the risks and benefits associated with employing interpreters, co-workers or others, and develop adequate methods for screening and training.

5. ENSURE ANONYMITY AND CONFIDENTIALITY

Protect a respondent's identity and confidentiality throughout the entire interview process – from the moment she is contacted through the time that details of her case are made public.

6. GET INFORMED CONSENT

Make certain that each respondent clearly understands the content and purpose of the interview, the intended use of the information, her right not to answer questions, her right to terminate the interview at any time, and her right to put restrictions on how the information is used.

7. LISTEN TO AND RESPECT EACH WOMAN'S ASSESSMENT OF HER SITUATION AND RISKS TO HER SAFETY

Recognize that each woman will have different concerns, and that the way she views her concerns may be different from how others might assess them.

8. DO NOT RE-TRAUMATIZE A WOMAN

Do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to a woman's distress and highlight her strengths.

9. BE PREPARED FOR EMERGENCY INTERVENTION

Be prepared to respond if a woman says she is in imminent danger.

10. PUT INFORMATION COLLECTED TO GOOD USE

Use information in a way that benefits an individual woman or that advances the development of good policies and interventions for trafficked women generally.

Source: World Health Organization *Ethical and Safety Recommendations for Interviewing Trafficked Women*, 2003

describe the impact of migration in the broader context of their lives and to explore with them the best means of providing support, given their frequently changing circumstances.”

A different form of consultation involves learning from families whose children have not been trafficked what factors may have been relevant in preventing trafficking from occurring. In Nepal, Save the Children and a local District Development Committee developed what they call a ‘Positive Deviance Methodology’ for learning in such circumstances (the families concerned are ‘deviating’ from a norm).⁵⁵

Indirect indications that child trafficking may be occurring

Because of the difficulties of getting into direct contact with children who have been trafficked, organisations concerned about trafficking have looked for indirect indicators that trafficking may be occurring. A potentially important one in Europe has been the number of unaccompanied minors recorded arriving in a country and what happens to them. In Switzerland, for example, a review of statistics issued by the country’s federal office for refugees confirmed that there had been a significant increase over several years in the number of unaccompanied minors arriving in Switzerland and applying for asylum, particularly teenage boys. A surprisingly large proportion said they were from just one country, Guinea in West Africa, implying that their arrival in Switzerland was being organised systematically (along the same lines as the arrival in France of Romanian teenagers from Oas, mentioned in Chapter 3). In 2001 1,387 unaccompanied minors applied for asylum, of whom more than 95 per cent were 15 to 17-year-old boys.⁵⁶ Just 10 were recognised as refugees, 104 were given special permission to remain in the country, while a further 1,273 had their applications refused, but did not necessarily leave the country. Some were found subsequently to be involved in various forms of petty crime, prompting concern that they were being brought to Switzerland especially to earn money for others in illicit activities.

Collecting information systematically

After the first piecemeal reports indicating that children are being trafficked, better quality investigations are needed to identify the various patterns of trafficking and exploitation, and the opportunities for intervening to stop them. Research also needs updating regularly to detect changes in the patterns, which may themselves be the traffickers’ way of responding to initiatives by government or non-governmental agencies. The techniques available vary from concentrating on the qualitative side to wider surveys that produce quantitative data. In pursuit of qualitative information, *Terre des Hommes* asked a Canadian woman (a former police officer) to conduct several investigations in Albania and Greece between 1999 and

2001. Her findings were the basis of a report published in 2003,⁵⁷ supplemented by details acquired from children involved in programmes run by *Terre des Hommes* and the two local NGOs it works with, *Ndihmë për Fëmijët* (NPF), Assistance for Children, in Albania, and ARSIS in Greece.

To obtain quantitative information, organisations have commissioned professional researchers to survey, for example, a single district in a town to find out how many migrant children are employed as live-in domestic servants, of what age and in what conditions. In theory it is possible to extrapolate from the specific findings and make an accurate estimate of how many children are in such employment in the city as a whole, or how many such children have been trafficked and from where. In practice accurate extrapolation is difficult.

ILO-IPEC has developed a technique known as ‘rapid assessment’, using a combination of research techniques, to make general observations about patterns of child trafficking or exploitation. The techniques include testimonies from individual children and mini-surveys.

Common difficulties

Researchers seeking information about child workers and children subjected to the exploitation associated with trafficking usually find it easier to contact teenagers than younger children, who are harder to reach. There is consequently a danger that young children may be unintentionally overlooked. In countries where some children are trafficked into forms of exploitation practised openly or in public (such as begging), it is easy to overlook the children who are trafficked into criminal activities, or into a closed environment, such as a sweatshop or a brothel, who are harder to contact. On the one hand, omitting them from an inventory of trafficked children risks excluding them from the benefits of future action to assist trafficked children; on the other hand, simply repeating claims that such forms of trafficking may be occurring, without having specific evidence, risks perpetuating inaccurate myths. This sort of repetition has occurred a great deal in the case of trafficking of children and adults for organ transplants, making it difficult to identify cases in which trafficked children have genuinely had body parts removed and sold.

The risks of estimates and statistics

The illicit nature of trafficking makes it hard to come up with meaningful estimates of the numbers of children trafficked within a country or into or out of a particular country or region. The value of existing statistics is further undermined by the fact that different countries and organisations still use different yardsticks to assess who should be counted and have different ways of gathering information. Some estimates are based on specific cases that are reported and represent a minimum number. Others are extrapolated from known cases and

are probably inaccurate. Yet other estimates appear to have been conjured out of thin air, often in response to requests from journalists or government decision-makers for more specific information.

Researchers responsible for collating statistics do their best. However, on occasion they either double-count or misinterpret information given to them, or the information itself is full of inaccuracies. At one level, agencies trying to plan their counter-trafficking activities are simply misled. However, there can be more dangerous consequences. For example, a government agency worried about statistics suggesting the number of people trafficked is higher than they believe, and the proportion of trafficking-related arrests correspondingly lower, may respond by taking an action which serves to 'improve' statistics in the short term, but which is counter-productive in terms of respect for human rights, such as ordering the arrest of women and girls suspected of involvement in prostitution.

In some situations the minimal estimates based on the number of children intercepted by the authorities may be an appropriate basis for decisions on counter-trafficking policy. In Bénin statistics from the special police unit dealing with children showed that the police were aware of 3,061 children trafficked out of the country or intercepted while being trafficked over the five year period from 1995 to 1999, an average of just over 600 a year. However, the numbers varied greatly from year to year (from just over a hundred in 1995 to over a thousand in 1998). A count of children involved in 1998 revealed that over 80 per cent were girls, confirming that it was vital to disaggregate the statistics by gender, as well as age and other criteria.⁵⁸ Even so, it remained unclear what criteria were used by the authorities for assessing that a particular child was being trafficked. It was also unclear whether these were used in a consistent way by the police themselves.

The number of children intercepted does not tell the whole story and may give a quite inaccurate impression of the total number. NGOs and inter-governmental organisations have invested heavily in research techniques designed to produce more meaningful data. In Nepal an ILO-IPEC rapid assessment in 2000⁵⁹ concluded that "12,000 children are trafficked every year from Nepal"; about a quarter (3,000) before they reached 14. The technique does not always work, however, and a more recent ILO-IPEC rapid assessment in Bangladesh (2002) concluded that "Child trafficking in Bangladesh has increased, although the magnitude of the problem cannot be authentically verified".⁶⁰ One ministry had reported that half a million children had been trafficked from Bangladesh into brothels in India and Pakistan. A different official source estimated that just 4,500 woman and children were trafficked out of Bangladesh each year.

In a different part of the world, an official in Albania's social services told *Terre des Hommes* in May 2002 that she

estimated that there were 5,000 unaccompanied Albanian children abroad and a further 7,000 Albanian young women and girls involved in prostitution outside the country.⁶¹ Here, as in other European countries, the number of unaccompanied children was interpreted as an indication of the number of children being trafficked. Unlike the more precise estimate for Nepal quoted above, this figure did not indicate how many children were being trafficked abroad each year or over how many years the 5,000 children had left. It seems clear that in practice the Government of Albania has as much difficulty as NGOs in coming up with meaningful estimates: statistics on the number of children who have left their home town reportedly come from local police stations. All of this demonstrates that statistics are not dependable if common standards on data collection and analysis are not clearly defined.

If the numbers at national level are difficult to come up with, then those advanced as totals at regional or international level are even less reliable, in particular because it is often unclear who is being counted. Does the number refer to children leaving their own countries, or all those being trafficked into particular countries? Do the figures refer to the children moved in the course of just one year, or to all the children who have been trafficked and not yet known to have returned home? Statistics about the number who have not returned home can show that significant numbers are unaccounted for; for example after being taken into custody by the authorities, escaping, and disappearing off the official record. However, it is also possible that the children concerned are no longer being exploited and have decided not to return home.

In most cases it is clear that statistics refer exclusively to cross-border trafficking. Researchers usually baulk at trying to estimate how many children are recruited to work away from home within their own country in circumstances that amount to trafficking. Unfortunately, this has the effect of confirming the assumption that a case only constitutes trafficking if a frontier is crossed.

UNESCO's Trafficking Statistics Project

"When it comes to statistics, trafficking of girls and women is one of several highly emotive issues which seem to overwhelm critical faculties. Numbers take on a life of their own, gaining acceptance through repetition, often with little inquiry into their derivations. Journalists, bowing to the pressures of editors, demand numbers, any number. Organizations feel compelled to supply them, lending false precisions and spurious authority to many reports."

From: www.unescobkk.org/culture/trafficking

The dangers of exaggeration and speculation

When the issue of the commercial sexual exploitation of children started receiving more attention in the 1980s, there were good reasons for the estimates of the numbers involved to increase rapidly: research was at last being carried out. However, there was also a negative reason: activists and politicians had found an emotive issue and no-one seemed to object to the scale of the problem being portrayed without regard to accuracy.

The practical disadvantage of exaggeration is that, while it may provoke a reaction, the response proposed is likely to be out of proportion with the problem that needs addressing. It is consequently essential for organisations designing programmes to protect children to tailor their interventions to the scale of the problem they are tackling. Similar to the danger of exaggeration are risks associated with speculation. It has been primarily in countries of the EU where considerable numbers of unaccompanied minors are known to be arriving that there has been speculation that such children may be exploited in extremely abusive ways: children leaving care may end up working in brothels; adopted children may end up in the hands of paedophiles, and so on. It is right to worry about such possibilities and to investigate them, but wrong to speculate too publicly and risk precipitating unnecessary action which might itself do harm to children. Clearly there is a difficult boundary between not being complacent and over-reacting.

Being aware of different patterns of child trafficking

Both governmental and non-governmental organisations trying to put an end to trafficking in Bangladesh – of children and adults – have worked together to identify the different variables involved in trafficking, cooperating in what is known as the ‘Bangladesh Thematic Group’ (see Diagram 6 in Chapter 7). Their aim is not to suggest that the phenomenon of trafficking is too complicated to tackle, but to distinguish between patterns of trafficking that require different remedies. In the case of adults, the Group started by analysing patterns of migration in general, within which trafficking was occurring. In the case of under-18s, they swiftly concluded that trafficking of young children (up to 12 years of age) had significantly different characteristics to the trafficking of older adolescents and required correspondingly different solutions.

The Bangladesh Thematic Group is involved in assessing data about trafficking rather than conducting primary research. Its experience shows how important it is for different agencies to pool their information and compare their assessments of why particular trafficking patterns are occurring, as well as on the differing responses needed. Elsewhere, many organisations have discovered independently that it is important to collect details from

trafficked children about their families and background in order to build up a detailed profile on the types of children who are at greatest risk (statistically) of being trafficked. In some cases this confirms the preconceptions that activists have: for example, that girls from polygamous households are more likely to be trafficked than girls from monogamous homes (a finding of one investigation in Bénin), or that most Albanian children trafficked under the age of 12 belong to the Jevgjit community. In other cases they contradict preconceptions.

Challenging preconceptions

The facts about trafficking sometimes speak for themselves. But facts often need interpreting. In order to reach meaningful conclusions about the factors that were encouraging children aged from six to 17 to migrate from villages in rural Burkina Faso, information collected by *Terre des Hommes* and a World Bank consultant in Burkina Faso⁶² was subjected to regression analysis, a statistical technique designed to establish if there is really a meaningful relationship of cause and effect between different variables. The analysis concluded that a number of standard assumptions were wrong. Children who were leaving home and being trafficked did not come from the poorest families in their villages (although ‘better off’ households in rural Burkina Faso are still poor in absolute terms); children with older mothers (rather than older fathers) were more likely to migrate; and, much less expectedly, girls whose mothers were literate and among the better educated members of the community were more likely to migrate than those with uneducated mothers.

New definitions of what constitutes trafficking have led researchers to look for different categories of children and revised the idea that it is only girls who are trafficked (even if it is essentially girls who are trafficked for sexual exploitation). In the case of Nepal, it has been well known for many years that tens of thousands of girls were being trafficked to work in brothels in India. A Nepali NGO focusing on girls and women, the Women’s Rehabilitation Centre (WOREC), intercepted a group of 25 boys at a train station in 2001 and found that they were on their way to work in Mumbai (India). Subsequent research by the NGO revealed a very substantial pattern of trafficking of Nepali boys to India, but they were being trafficked to work (often as bonded labourers), not into the sex industry⁶³.

‘Campaigning’ is usually associated with NGOs, especially when it involves lobbying for government action or publicity. Government departments and international organisations also organise public information ‘campaigns’ to warn people about the dangers associated with trafficking: these are considered in Chapter 14. Campaigns come in all sorts of shapes and sizes: they can be short, with specific objectives, or much longer, with an evolving set of goals. In this sense, the US government launched a ‘campaign’ when it adopted a law against trafficking in December 2000 and embarked on a series of initiatives to reduce trafficking all over the world.

This chapter starts by looking at some of the questions which campaign planners have to consider. It then explains what campaigns in several specific countries have tried to achieve. It ends by describing the international campaign which *Terre des Hommes* launched in 2001.

Campaigns on child trafficking are nothing new, although, as noted earlier, they have not always used the term ‘child trafficking’. For the past decade and a half the issue of the commercial sexual exploitation of children has been the focus of campaigns by ECPAT and others. Even before the adoption of the ILO’s *Worst Forms of Child Labour Convention* in 1999 and the UN Trafficking Protocol in 2000, a range of NGOs were campaigning to end cases in which children were being moved across frontiers to be exploited, not just in prostitution, but in a variety of other ways.

Choosing the aims of a campaign

Some campaigns are launched as a form of protest, for example against the very fact that children are being trafficked, either anywhere or in a specific country. However, protests can consume a lot of time and resources without achieving much. Consequently there has been a clear trend over several decades towards campaigns which have more specific and achievable objectives. In the case of

child trafficking, specific objectives could include persuading specific governments to incorporate international standards, such as UNICEF’s *Guidelines*, into domestic law and practice, or tackling more specific aspects of the trafficking problem, such as trying to reduce the stigma attached to children who have been trafficked or ending the summary deportation of trafficked children. The techniques to be used in each case are bound to vary.

Measuring success

Either way, in order to be effective, campaign organisers need to know what they are trying to achieve. A campaign differs in some important ways from other projects to bring about social change, but many of the same questions arise when checking whether it has been effective. Is it clear enough who the campaign is trying to influence and what it is trying to influence them to do? Is it feasible for a campaign to achieve its objectives? Has enough thought been given to the individual steps that are required to reach long-term goals? Most of these are questions to consider when a campaign is at the planning stage.

In order to assess whether progress is being made during the campaign towards meeting its objectives, it is good practice to identify indicators of success in relation to particular objectives, so that these can be measured to see if the campaign is having the desired impact. The challenge, of course, is to measure intangible factors such as ‘public opinion’ and to assess whether popular acceptance of the forms of exploitation experienced by trafficked children is decreasing.

Campaigning techniques

In addition to publicity, which is associated with most campaigns and is considered separately in the next chapter, a wide range of other techniques have been used to mobilise public opinion and to influence both the general public and specific audiences such as government officials or those employing children. Just one technique is considered here, as it has been a feature of campaigns on child trafficking all over the world: the involvement of well-known personalities.

Campaign organisers often recruit people who are famous or whose views are respected by the public they want to influence. When UNICEF’s national committee in the United Kingdom (UNICEF-UK) wanted to provide information about child trafficking to the public in the United Kingdom, they asked the British pop star Robbie Williams to take part in publicity and duly secured a high level of media attention.



‘Stop Child Trafficking’ poster used by Terre des Hommes and its partners in Latin America

While this technique has often been used in Europe and North America, it is less familiar to developing countries. In Mozambique, *Terre des Hommes* secured public attention and support for its campaign from both Graça Machel, the widow of Mozambique's first President, and her husband, Nelson Mandela. Both had attracted public attention successfully to other sorts of abuse suffered by children, both in their own countries and elsewhere.

In Indonesia, a campaign against the trafficking of both children and women was launched in June 2003 by two organisations, the International Catholic Migration Commission (ICMC) and the American Centre for International Labor Solidarity (ACILS). They asked a radio and television personality, Dewi Hughes, who was well-known in Indonesia, to act as the country's first National Spokesperson for the Campaign to Eliminate the Trafficking of Indonesian Women and Children. The idea of involving a media personality was not only to secure media coverage, but also because she is also regarded by many Indonesians as a more trustworthy source of advice than officials who speak out on this issue. At the press conference launching her role, Dewi Hughes addressed Indonesians who were thinking of migrating and the parents of children who might work abroad:

Let me start this dialogue with two simple messages. First, to people thinking of migrating abroad or within Indonesia to look for work: find out as much information about your recruiter, the job, the employer, addresses, and migration process BEFORE you migrate ... The second message I want to deliver is to parents. Children under 18 should not migrate for work. Let's work together to find ways to keep them at home and in school.⁶⁴

Pressure on a government abroad

The initial objective of numerous campaigns has been to persuade a specific government to recognise that children are being trafficked into (or out of) its country, in the expectation that the government will take appropriate action once the problem is acknowledged. Several governments in the EU and elsewhere have had difficulty in acknowledging that unaccompanied children entering their countries are actually being trafficked. Others had no difficulty in recognising that children were being trafficked, but objected to the use of particular terminology, notably when campaigners claimed children were 'slaves'. In Bénin, for example, since the *Etireno* case the Government has reacted with hostility each time this label has been used. At one level this reflects the extraordinary power of the word 'slavery', due to its historical connotations (especially in Africa), and the shame it imposes on a country or government which allows a case of slavery to occur on its territory. Most human rights activists acknowledge that it does not matter what terminology is used, as long as the government concerned agrees to take the steps

necessary to end the pattern of abuse that is occurring. Indeed, objections to the use of the term 'slavery' to denounce cases of child trafficking in countries as far apart as Côte d'Ivoire and the United Arab Emirates (UAE) show that it can be positively harmful to the children concerned to insist on using it, if it delays the remedial action to help them.

United Arab Emirates

Campaigns have been organised by NGOs concerned about child trafficking in their own country and also elsewhere. A major feature of the campaign concerning the UAE is that few protests have been voiced within the country, while NGOs in both Europe and South Asia have campaigned against trafficking into the UAE and other Gulf countries.

The UAE authorities were presented in the early 1990s with evidence about young boys being trafficked from both Africa and South Asia to the UAE to ride in camel races. They responded, but the response failed to resolve the problem and was viewed by some as window dressing. The Government instructed the national office in charge of racing to increase the minimum weight for jockeys, so that small children could no longer be involved. The rules were indeed changed, but no reduction in the number of foreign child jockeys below the weight limit was noticed by observers. Arrivals of young boys continued, unimpeded by the authorities, and no prosecutions were reported.

Faced with government intransigence, in this case NGOs passed information to trade unions, which in turn submitted the information formally to the ILO, alleging a violation of the ILO's convention prohibiting forced labour. After being criticised at the ILO's annual conference, in 2003 the UAE Government reportedly agreed to allow a group of ILO experts to visit the country in order to see how the issue could be resolved. Nevertheless, foreign journalists visiting the country continued to witness children riding in races.⁶⁵

Undoubtedly one of the disadvantages of this campaign is that it has been orchestrated from outside the Gulf. Television or newspaper pictures of child jockeys have had the shocking effect they were intended to have, but on audiences far away in Europe and Australia, rather than on any closer to home who actually influences government policy in the UAE.

Terre des Hommes' International Campaign against Child Trafficking

The 'International Campaign against Child Trafficking' launched by *Terre des Hommes* in 2001 was designed to combine three elements: increased awareness of child trafficking by both the general public and by policy makers and legislators; specific projects to prevent

child trafficking, protect individual children from being trafficked and provide protection and assistance to children who have been trafficked; and amendments to laws along the lines of the UN Trafficking Protocol. The three elements are regarded as inter-dependent, in the sense that specific projects could not make progress unless the public and government decision makers were more aware of the problem, but the awareness raising campaigns also depended on projects to generate detailed information about what was actually happening and what methods were most appropriate for responding to it.

The campaign was launched at international level, coordinated by *Terre des Hommes* in Germany with four general demands calling for the ratification of international treaties on trafficking, for specific measures to ensure the protection and rehabilitation of trafficked children, for greater cooperation between governments and for action to prevent trafficking. The campaign was then developed and re-launched by a set of regional campaigns in Latin America, West Africa, Southern Africa, South Asia and South East Asia. It is scheduled to continue into 2005.

As long as it was an international initiative to intensify the attention being given to the issue of child trafficking all around the world, *Terre des Hommes'* campaign did not have to focus on particular target audiences. However, once the campaign was developed at regional and country level, it was given specific objectives and its style and messages were tailored to suit these. In Southeast Asia, for example, the priority has been to develop child protection networks in villages where children are believed to be in danger of being trafficked.

The international campaign has seen activities in more than 30 countries so far, in Africa, Asia, Europe and Latin America. Some 25 research projects have been carried out in different parts of the world. In a number of countries lobbying has contributed to laws being tightened up (for example in Chile, Colombia and Mozambique) and protection measures have been improved (notably in Albania). Some 900 other organisations have taken part in joint activities concerning child trafficking and a number of organisations involved have been given awards for their work in the campaign

Fine-tuning the campaign message for Germany

As *Terre des Hommes* developed the campaign in individual countries or countries involved at both ends of a trafficking chain (such as Albania and Greece or Mozambique and South Africa), the demands became more specific. By the time the campaign started, basic information about children being trafficked into

Germany was already available, showing that unaccompanied minors were arriving in Germany, principally from Romania but also from several other countries, and being exploited systematically by organised criminal gangs to commit theft or act as drug couriers⁶⁶. Members of these gangs evidently believed that this reduced their personal risk of being caught and prosecuted and that the youngsters involved, if arrested, were unlikely to be brought to court. Most of the children were found to come from parts of northeast Romania. Their recruiters reportedly used a mixture of persuasion and deception, telling them they ran no risk and that, if they were arrested, they would simply be put into a care centre which they could leave. Little specific information about the total number of children trafficked to Germany were made, but in 1998 some 250 children were estimated to have been brought to Germany from Romania to take part in thefts.

Terre des Hommes focused on German legislation concerning child trafficking and on the ambiguous and vulnerable status accorded to unaccompanied minors arriving in Germany. It mobilised its members throughout the country to disseminate information about child trafficking to the public. In early 2002 it published a short report explaining the weaknesses in the existing law and suggesting improvements. The campaign also aimed to persuade the German Government to withdraw a reservation it had registered to Article 22 of the *Convention on the Rights of the Child*, which entitles children applying for refugee status to receive "appropriate protection and humanitarian assistance" in order to enjoy their rights as recognised by international law.

The campaign has involved some 1,600 *Terre des Hommes* members organising events to inform the public in Germany about child trafficking and to persuade them to put pressure on their members of parliament. At the time of parliamentary elections in September 2002, all the candidates received a list of *Terre des Hommes'* demands. Soon after this, several German states (*Länder*), including Mecklenburg-Vorpommern and Schleswig-Holstein, lodged formal requests for Germany's reservation of Article 22 to be withdrawn; one state, Bayern (Bavaria) opposed this proposed change. Alerted to the issue by *Terre des Hommes* campaign, members of Germany's Federal Parliament organised hearings on the issue and in January 2004 a parliamentary commission called on the Federal Government to withdraw the reservation. Later the same month the request for the reservation to be withdrawn was reiterated by the Committee on the Rights of the Child, at the end of its formal review of Germany's implementation of the *Convention on the Rights of the Child*.

Fine-tuning the campaign message for Mozambique

In Southern Africa the issue of child trafficking has only received attention over the past couple of years. In contrast to regions such as Southeast Asia, where child trafficking has provoked concern for many years, and even West Africa, where patterns of cross-border trafficking were identified from 1996 onwards, neither the nature of the problem, nor the appropriate solutions receive much attention until this decade. Indeed, the HIV/AIDS pandemic tended to drown out other issues. By the time *Terre des Hommes* launched its campaign against child trafficking in 2001, however, a diverse set of issues were already receiving attention in the Southern Africa region, such as the commercial sexual exploitation of children and the abuse in South Africa of migrants from neighbouring countries, both adults and children.

The fact that South Africa is a magnet for migrants from neighbouring countries made it logical for a campaign against child trafficking to be organised for the Southern Africa region as a whole, rather than in just one country. Mozambique is just one of the countries involved in the campaign. Activities there have varied from the general to the specific, involving awareness raising, lobbying politicians and both prevention and protection projects. The campaign was planned in 2001. Its launch in 2002 coincided with a general campaign in the country to promote respect for children's rights. On 16 June 2002 (formerly Soweto Day, now the African Day of the Child), 7,000 children marched through Maputo demanding recognition of children's rights and protesting against child trafficking. They were accompanied by Graça Machel (the widow of Mozambique's first President) and her husband, Nelson Mandela, and also Mozambique's Prime Minister, Pascal Mocumbi. In addition to providing the media in Mozambique with information about child trafficking, the campaign has included:

- Lobbying a Parliamentary Commission to take action to provide protection for trafficked children in South Africa and Mozambique;
- Training police on the issue and on ways of protecting children's rights (three police stations were given training as a pilot project on both child trafficking and other violations of children rights);
- Providing legal assistance for child victims of sexual abuse and trafficking in Mozambique;
- Identifying trafficked children at a centre for street children in South Africa;

- Working with others to set up a shelter for children deported from South Africa near Ressano Garcia, the main crossing point between Mozambique and South Africa, where the South African authorities dump deported children and adults.



Marching against child trafficking in Maputo on 16 June 2002

Well focused publicity is a key part of most successful campaigns. It is considered in this separate chapter, rather than together with other aspects of campaigning, because its impact can be so great (both in a positive and a negative way) and because decisions to publicise child trafficking are often linked in with the process of collecting and analysing research information.

Achieving a break-through with publicity

In several parts of the world, reports compiled by investigative journalists about the commercial sexual exploitation of children have played a major role in changing public policy and improving protection for children.

In the first case, Gilberto Dimenstein's book, *Meninas da Noite. A Prostituição de Meninas-Escravas no Brasil*⁶⁷, published in 1992, focused on girls trafficked into Brazil's Amazon to work in brothels near mining and construction camps. The impact of Dimenstein's newspaper articles and book provoked a Brazilian Congressional Commission of Inquiry the following year – resulting in government estimates that about half a million girl children were being subjected to commercial sexual exploitation around the country. Both the government and others began addressing the issue as a result.

In the second case, also dating from 1992, Belgian journalist Chris De Stoop published *Elles sont si gentilles, Monsieur. Les trafiquants de femmes en Belgique et en Europe*.⁶⁸ While the book did not focus especially on under-18s, it reported on the enslavement of adult women and teenage girls alike, focusing on the leading role played by Belgian traffickers and brothel owners. This initiative also resulted in a parliamentary inquiry and eventually in new laws being passed and new procedures adopted in Belgium for assisting victims of trafficking.

Both reports catapulted the issue of trafficking into the public arena – specifically of children trafficked inside the country in the case of Brazil, and of non-European women and girls trafficked into Europe in the case of Belgium. Both resulted in major new initiatives to end the exploitation that had been highlighted.

Shaming governments into taking action against trafficking

The US law against human trafficking that was adopted in December 2000 required the US State Department (the country's foreign ministry) to publish a report each year containing detailed reports of human trafficking on a country-by-country basis, and also commenting on

whether the measures taken against trafficking by each government were adequate and pressing governments to do more. In 2002 the US State Department began publishing this annual report. The two reports published so far have categorised government responses at three levels, from the adequate to completely inadequate. The US has now threatened governments that are failing to take appropriate action with a withdrawal of economic or military aid. In addition to the impact of this threat, however, the US report also represents a classic use of the 'name and shame' approach to human rights abuse, based on the assumption that being named publicly (as not doing enough) will shame a government into reacting more positively. Despite the scant detail contained in the country chapters of the reports published so far, they do appear to be having the desired effect.

Predicting the effects of publicity

However, the reaction that publicity provokes is not easy to predict or control, as an example from West Africa illustrates. In 2000 British journalists filmed a group of teenage boys from Mali working on a cocoa farm in neighbouring Côte d'Ivoire in conditions of slavery. The film was broadcast in Britain just a few days after the two countries had signed a bilateral agreement to stop child trafficking. The broadcast jolted Western cocoa importers into action. The result of their interest, however, was to focus attention narrowly on children involved in the production of just one export commodity, cocoa, and to sideline initiatives being taken by local activists to prevent children from Mali (and also Burkina Faso) being trafficked into any forms of exploitation in Côte d'Ivoire.

Organisations providing protection to girls who have been trafficked have found that publicity has encouraged prejudice against victims of trafficking in general and of commercial sexual exploitation in particular, exacerbating the difficulties caused by the social stigma associated with prostitution, rather than helping overcome it. In Albania, this became a reason for some counter-trafficking NGOs to refuse to give interviews or information to local journalists, or to do so only by e-mail, so that they had an accurate record of exactly what information journalists had been given, in case they felt the media subsequently misreported or distorted anything said to them.

Particular questions arise when journalists or cameramen accompany police and NGO activists on raids to try and rescue children who are being trafficked or exploited. The publicity could obtain badly needed public support for such operations. It may well also boost the public profile of an NGO or its leader, as 'crusaders' against child abuse. But it can also make the predicament of children worse

– and in the worse cases publicity shortly before a raid has resulted in children being hidden and the whole operation sabotaged. The film and programme editors involved have a responsibility to make sure that publicity does not have a negative effect on the children concerned and that a cameraman or journalist does not act in a way that frightens children or intrudes on their privacy. NGOs, both individually and collectively, have a responsibility to ensure that abused children are not used by NGO activists to boost their own standing.

In addition to the WHO Guidelines already mentioned, UNICEF has also issued its own *Principles for ethical reporting on children*, which NGOs should follow themselves, in addition to urging journalists to observe them. These *Principles* suggest that the name of a child should be changed, and his or her visual identity obscured, if the child is identified as:

- a) a victim of sexual abuse or exploitation;
- b) a perpetrator of physical or sexual abuse;
- c) HIV positive, living with AIDS or has died from AIDS, unless the child, a parent or a guardian gives fully informed consent;
- d) charged or convicted of a crime.

In the case of trafficked children who have not been subjected to sexual exploitation, there are some additional considerations which may still make it unwise (and unethical) to reveal a child's identity. Sensitive situations include:

- showing the child in a degrading situation, particularly one that could cause them prejudice later in life;
- showing a child who is extremely upset, for example, after bursting into tears, again if this demeans the child concerned.

In the first case, it would be reasonable to use a photograph to illustrate the way that trafficked children are made to beg in public, but perhaps not when they are being shouted at by members of the public or by their trafficker. In the second case, photographs of children crying in pain or grief can be a good illustration of tragedy, but care needs to be taken not to intrude on a particularly sensitive moment of privacy.

A host of other dilemmas face NGOs caring for children, which should be resolved systematically in favour of an individual child's best interests. This may mean not allowing journalists to question trafficked children directly, or at least taking precautions to ensure that a child does not divulge information which could cause her or him prejudice. This may sound like censorship and be criticised

by journalists as such! However, the aim is not to prevent the horrors of trafficking being publicised, but rather to protect the children involved.

Most organisations that provide protection to children have adopted codes of conduct or other internal rules to resolve such dilemmas. In the immediate aftermath of the *Etireno* affair in 2001, *Terre des Hommes* was besieged by journalists seeking access to the children in its *Oasis* centre in Bénin who had been on the ship. The NGO decided:

- The children's anonymity should be preserved. In case the testimony given by an individual child could have negative consequences for the child, his or her face should be rendered unidentifiable in a film or photograph.
- The producer of a radio or television programme would have to allow *Terre des Hommes* to view the programme before its transmission, in order to identify other problems which could cause prejudice to the children.
- Interviews with the children should not be broadcast until after the case of the *Etireno* was brought to court and resolved.

The last two points were difficult ones to insist on, for journalists are rarely willing to concede that anyone can look at their stories or films before publication, regarding this as an infringement of their independence. NGOs cannot dictate to journalists what they should do: all they can do is *try* and influence them, having thought through the possible unintended and counter-productive effects that publicity, or certain types of publicity, could have, before seeking any.

Fictional representations of child trafficking in films

While the importance of basing campaigns on accurate information was stressed in the last chapter, this does not mean that fictional representations of child trafficking have no role to play in campaigns. It is simply that fiction should not be confused with factual reporting.

Experience seems to show, however, that although film makers and television programme directors seeking information about child trafficking tell the NGOs they contact that they want to make a positive contribution, in reality their projects are so expensive that they take on a momentum of their own and it is difficult or impossible for NGOs to influence the messages the films convey.

Mira Nair's film *Salaam Bombay!* made a considerable impact when it came out in 1988, mainly because it highlighted the issue of child prostitution. However, the boy hero of the film has been sold (to a circus) himself, and the film presents the cruel world of street children and child exploitation, illustrating issues closely linked to child trafficking. While a film like this is fiction, it can

potentially convey much more about the day-to-day experiences of children who are trafficked than either a film documentary or photographs of trafficked children, both of which have to protect the identity of real children.

More recently, Lukas Moodysson's film *Lilya 4-Ever* came out in 2003 and also had a strong message. The film recounts the story of a 16-year-old girl living in desperate straights in Russia, who accepts an offer to travel to Sweden, only to find that she has been trafficked into prostitution. The film is reported to have had an impact on the way members of Russia's *Duma* voted on a proposed new law concerning prostitution.

This chapter reviews the efforts made to prevent children from being trafficked in the first place, along with initiatives to prevent them from being exploited in the places where they are taken to. It starts by looking at efforts to prevent trafficking organised in areas where trafficked children come from, as well as some less specific measures to address the general causes of children leaving home. The second part of the chapter looks at initiatives in areas where trafficked children are exploited. These different preventive strategies have been designed to have an impact on some of the specific factors mentioned in Diagram 6.

Near to home – Preventing trafficking where children are recruited

The causes of trafficking are tied up with both social and economic structures and inequalities. Confronting these structural causes requires long-term initiatives which are not directed specifically at trafficking, but which seem likely, among their other effects, to reduce the chances that children will be trafficked. The first three preventive measures listed here (birth registration, education and increasing household income) fall into this category.

Birth registration

The introduction of birth registration is a basic measure to allow a range of children's rights to be implemented. In the specific case of trafficking, having a formal record of a child's birth, age and identity enables the age and nationality of trafficked children to be established more easily than when no formal record of a child exists in his or her home country. More than 15 years ago, the Human Rights Committee established by the UN's *International Covenant on Civil and Political Rights* stressed the importance of birth registration in the context of trafficking:

“The main purpose of the obligation to register children after birth is to reduce the danger of abduction, sale of or traffic in children, or of other types of treatment that are incompatible with the enjoyment of the rights provided for in the Covenant.”⁸⁹

Education

Both attendance at school and informal forms of education help ensure that children do not end up in exploitative



A play at a Bénin school to deter parents from sending their children abroad

forms of employment. They also enable children to look after themselves more effectively. The lack of priority given to keeping girls at school has been a significant factor resulting in them entering the employment market when they are too young. Lack of education, as well as upbringing and culture, keeps many girls docile and obedient, by reducing their self-esteem and confidence to a low level and limiting their knowledge about alternative ways of making a living. It also limits their potential, once they have been trafficked, to resist their exploiters and assert their independence.

In addition to basic education, schools and other youth centres play an important role in making young people aware of the sorts of exploitation to which they, or other children, could be subjected. Taboos on sex education are a handicap in this context, in industrialised countries as well as developing ones; these include the sensitivities surrounding sex education, which delay it until it is too late to help children who are trafficked into commercial sexual exploitation. Some specific ways in which children have been presented at school with information about trafficking are described below.

Increasing household income

In the case of families which are in extreme poverty and see no economic opportunities for their children in their own communities, the development of new income generating opportunities is a way to reduce the pressure on people to migrate and potentially to stop trafficking. This is easier said than done, for in most cases it means finding solutions to the structural causes of poverty!

However, once detailed research has been carried out to identify the communities, families, or even individual children who are most likely to be trafficked, targeted efforts to increase the income of the households concerned become feasible. In Albania, this allowed *Terre des Hommes* to focus its activities on the Roma communities living on the outskirts of the towns where most children trafficked to Greece come from.

In other cases, it is not the whole community which appears vulnerable to trafficking. A review of previous cases shows that specific categories of children are most at risk, notably those in families which have experienced economic breakdown (including as a result of deaths caused by HIV/AIDS), or domestic violence, including sexual abuse of the children themselves. In parts of West Africa, it is children in polygamous households who appear to be at risk. As Chapter 10 indicated, such patterns only become apparent as a result of detailed research.

Information campaigns to increase awareness of the risk of trafficking

A great deal of money has been invested in campaigns to disseminate information about the realities of trafficking and the risks to young people who migrate (of being trafficked and exploited). The information has been aimed at different groups of people who are believed to be able to influence the situation, such as:

- The children known (from other cases) to be most at risk;
- School children in general;
- Young people who may be considering migrating;
- Parents in communities from which children have been trafficked;
- Other influential adults in communities from which children have been trafficked;
- Social workers and others who may detect signs that children are about to be trafficked;
- Professionals who may come into contact with trafficked children: counter-trafficking police, immigration officials, doctors and other health professionals.

The assumption underlying most information campaigns is that, once presented with information about the risks and abuse associated with migration, potential migrants or

their relatives will think again or at least know better how to avoid the dangers. In countries in Central and Eastern Europe and elsewhere, information about potential danger sometimes falls on deaf ears because the media has so often been used for propaganda purposes by the government and is not trusted. It is consequently important that information campaigns should be based on accurate data about risks, not scare stories which ordinary people soon work out are exaggerations and disregard as irrelevant, and that individuals who are regarded as trustworthy should be asked to relay the message (as in the campaign in Indonesia mentioned in Chapter 12).

Information can be targeted quite specifically on areas where traffickers recruit, or among groups of young people who may be thinking of migrating. In small towns in the southwest of Bénin, just one of many areas in the country from which children have been trafficked abroad, theatre groups have put on plays in schools and villages to demonstrate what can happen to children who go abroad. The photograph on page 69 shows a scene from a play in which a rich-looking relative comes to a village in search of children to take abroad. The relative turns out to be much less nice than expected by the parents or child. The theatre group was supported by a local NGO, *Enfants Solidaires d'Afrique et du Monde* (ESAM).

Ideally, it is not just parents or teachers or even political leaders in a community who are mobilised to stop children being trafficked, but the community as a whole. There have been attempts to do this along the same lines as 'child protection networks' designed to prevent children leaving home in other circumstances which are likely to result in abuse and exploitation, such as their recruitment to be child soldiers. In Southeast Asia *Terre des Hommes* and other NGOs have embarked on a programme to mobilise the inhabitants of 5,000 villages and urban communities in protection networks, using the slogan 'Our village supports its children'. In situations where the whole community is going to be mobilised to prevent abuse such as child trafficking, it is important to engage members of the community on terms that they understand and to use arguments they are likely to sympathise with. In the specific case of child trafficking, this means finding out what criteria adults and children take into account when weighing the pro's and con's of leaving home or allowing their children to do so. This involves a 'bottom up' approach, rather than the 'top down' one of imposing a slogan or message devised by an international organisation or a government ministry.

Most people know there are risks and regard migration as a gamble, not as a 'road paved with gold'. Much depends on their assessment of the opportunities at home, as well as the risks elsewhere. If there are few prospects for earning a good living near to home, organisations should provide those intending to leave home with advice and assistance, rather than simply trying to dissuade them.

Much also depends on what local people think is reasonable – in terms of the age at which children are expected to attend school or at which people think it is reasonable for children to start working away from home. In the absence of any consultations with the communities concerned about what people consider appropriate, there is a strong likelihood that information campaigns will preach a message that has little to do with the reality of people's lives, and will consequently be ignored.

The wish to consult local people and understand the reasons prompting children to migrate led *Terre des Hommes* activists in Burkina Faso to organise discussions in three pilot villages. These involved traditional leaders, parents, former child migrants, villagers who had employed children and local people who had worked abroad. This gave programme planners an insight into local perspectives on child migration.

The message here is that while anyone can come up with an idea that sounds like a good way of preventing trafficking, it is difficult to predict what the impact of disseminating information will be and also difficult to evaluate its impact afterwards. The solution is not to stop organising information campaigns, but to evaluate their impact more carefully, even if this is expensive, and to incorporate any lessons learnt in future campaigns.

This in turn means persuading organisations to share the conclusions of their evaluations, whether they think an initiative has been successful or not.

Information for specific audiences

Information campaigns and training exercises are two ends of the same effort to influence people who are in a particular position of influence to prevent trafficking or to assist children who have been trafficked.

In several countries, NGOs have targeted transport workers whose vehicles were reported to be used in the process of trafficking, both to ensure the drivers or other workers are aware of what is happening and to enrol their support in preventing it. In Mali, it was possible for Save the Children Canada to sign a formal agreement with the trade union representing lorry drivers, designed to ensure that drivers would inform the police and the NGO if they spotted children being moved in suspicious circumstances. In Nepal, a well known counter-trafficking NGO, *Maiti* Nepal, contacted men who pull rickshaws in areas along the frontier with India where children were known to be taken across the border. Eventually the trade union representing transport workers became involved as well. With other target groups, simply providing information may not be



Albanian children living in Athens (Greece)

enough and organising a training session is probably more appropriate, for example to the police, military and customs officials, the judiciary, social workers and journalists.

Social work

Social workers are not active in all countries, particularly not in the rural areas where traffickers do their recruiting. Where information about patterns of recruitment is sufficiently detailed to identify individual families or children at risk, social workers have an obvious role to play, whether they are employed by a government agency or an NGO. In Albania, *Terre des Hommes* case workers visit families where a child is reckoned to be either 'at risk' or 'at high risk' of being trafficked. The techniques tried in cases of high risk have included providing families with material assistance in kind (such as food), made conditional on the child (judged to be at risk of being trafficked) remaining at school. Such cases generally require close liaison with other local authorities. In the Albanian situation, *Terre des Hommes* concluded that it would damage their social workers' chances of success if families suspected that the NGO passed information to the police, either about cases of trafficking which had already occurred, or about insipient cases, even if close collaboration with anti-trafficking police units seemed appropriate in order to defend the child's best interests. In such circumstances NGOs have to consider carefully how to position themselves in relation to local officials, in order not to compromise the effectiveness of their work.

Difficulties to overcome

The various initiatives mentioned here show that selecting a preventive technique that is effective can be something of a gamble. Virtually all the organisations involved conclude that some of their initiatives have been ineffective (or significantly less effective than others). An obvious example of good practice in coming to terms with this is to be found in an evaluation of several ILO-IPEC programmes concerning trafficking for sexual exploitation, published in 2001.⁷⁰ This identifies initiatives that have been successful and calls for them to be replicated elsewhere. It also lists areas where programmes have not proved successful and need adjusting. These included various initiatives whose impact could not be measured clearly. It also criticised "*Untargeted information campaigns and materials, and expensive educational materials that are simply handed out with no strategy, follow-up or feedback*" and "*Prevention programmes in a context in which there is no attempt to simultaneously deal with demand*".

There is a risk, of course, that a preoccupation by donors and evaluators with being able to measure impact may reduce the funding available for preventive action. This would be a pity. However, there is an obvious need for more evaluations of preventive initiatives, for more

funding to be ear-marked for such evaluations and for more discussion between organisations to identify and encourage the methods that have proved most effective.

Away from home – Prevention in places where children are exploited

The biggest obstacle to effective action in areas where trafficked children are being exploited is *denial* that a problem exists, or an inclination to minimise its seriousness ('it's *just* child labour'). There are plenty of other obstacles: knowing where and how trafficked children are being exploited, getting access to them and being able to do something useful on their behalf. In the cases of teenage girls trafficked for commercial sexual exploitation, where there is clearly a market of local men and boys who are paying for commercial sex, an additional obstacle seems to be the reticence of local organisations to target such men and boys to persuade them not to pay for commercial sex with girls or women who may have been trafficked, or at least to do so in a way that convinces them.

Many trafficked children are *invisible* as far as most members of the public are concerned in the countries where they are exploited. In the worst cases, children may be kept in secret captivity by paedophiles or confined to brothels, along with other young adults, for commercial sexual exploitation. However, it is quite common for trafficked children to be working openly, when they are not easy to distinguish from other young people in the area. A particular problem concerns children recruited to work as domestic servants, who spend most of their time in the privacy of someone else's home, where neither their working conditions, nor their physical state can be assessed by others.

Help-lines

Telephone help lines are primarily a way of allowing victims of exploitation to seek help once they are experiencing abuse and need help in escaping from it (along with drop-in centres, mentioned in the next chapter). Help-lines do not prevent trafficking from occurring, but by announcing their existence to potential migrants, including children, before they find themselves being abused, potential migrants are warned that abuse might take place and given a potential line of communication.

Educating employers

Initiatives in areas where children are recruited generally aim to stop trafficking from taking place at all, while efforts in areas where trafficked children are exploited can try to reduce the demand for trafficked children by targeting potential employers or consumers of products or services that involve trafficked children. In some cases,

this involves tackling the demand for *any* sort of child labour, whether the children involved have been trafficked or not.

Employers are a very diverse group. They vary from those who consciously take advantage of children, putting them to work in brothels or making them work in inhuman and degrading conditions, to those who are well intentioned and genuinely believe they are acting in the best interest of the trafficked children whom they employ. The second of these groups is usually a better target for attempts to change employers' attitudes and to persuade them, for example, not to employ children below a certain minimum age.

Employers of child domestic servants have been the target of attempts in various parts of the world to influence their attitudes. The NGOs and other agencies involved usually try to end the recruitment of young children (under 14) and to improve the treatment of older children who continue working in the privacy of a household. These attempts have been made in countries as far apart as Bénin, Bangladesh, Haïti and the Philippines. Some child domestics work part time and still live at home; almost by definition, however, children trafficked for this sort of work are live-in servants, at the beck and call, night and day, of the family they work for. It is rare for such children to have formal contracts setting out what they have to do and the remuneration they are to receive. Some are trafficked into situations where they are not free to leave, however badly they are abused.

NGOs trying to assist child domestics, whether or not they have been trafficked, have to choose between different strategies: to remove children from the households they are working for, or to leave them in place and try and improve their conditions. As a first step towards improving matters, NGOs have contacted employers, for example to ask for the young employees to be given some hours off to attend non-formal education classes. In Bangladesh's capital, Dhaka, in the mid-1990s an NGO called *Sboishab* decided that influencing employers was a high priority and tried to persuade them to agree formal contracts with their child servants, limiting the hours they work and giving them at least minimal rights to time-off. By 2001, 5,000 employers were reported to be involved. A *Sboishab* poster aimed at employers shows the picture of a well-to-do woman (an average employer of child domestics in Dhaka) saying: "I am educated, so I understand the importance of education".⁷¹

Other employers of trafficked children are more difficult to recognise as 'employers' in any normal sense. They include the adults (or older children) who control child beggars and take all or some of their takings, the bosses of brothels and massage parlours where children make money for them through commercial sex and the owners of a wide range of sweatshops and small production units

around the world who choose deliberately to employ children who are away from home and easier to manipulate than either local children or adult workers. Few of these look likely to be open to polite persuasion to stop exploiting children, so law enforcement and rescues are probably better ways of helping the children under their control. However, in each case the trafficked children are producing a service or product that other people pay for and it may be possible to influence these consumers.

Educating 'consumers' (tackling 'demand')

When it comes to influencing people who benefit directly or indirectly from the work of trafficked children, there is clearly an important distinction to make between children subjected to commercial sexual exploitation and others.

In the cases of products made by children who have been trafficked, along with those subjected to bonded labour or illegal child labour, it is reasonable to assume that most members of the public who buy them are unaware who makes the article they are purchasing. In these circumstances, it seems appropriate to start by making consumers aware of the abuse, by providing them with information. This was the aim of a campaign in Europe in the late 1980s and early 1990s, which highlighted the exploitation of bonded and illegal child labour used in making hand-knotted carpets in India and other South Asian countries. Eventually, campaigners in both Europe and India worked out a scheme for monitoring carpet factories (which were often just huts in isolated villages) to check whether any children were working there, and attached a label, known as 'Rugmark', to each carpet made in a unit that was monitored, guaranteeing that no child labour had been used. The use of such labels has been bitterly contested by some South Asian exporters (and importers in Europe and North America), who claim it is impossible to provide a meaningful guarantee. More relevantly, perhaps, for campaigners concerned about children who are trafficked or bonded, the scheme's designers either thought it was not viable to distinguish between children who were bonded labourers and other children working below the legal age for employment, or not desirable to do so.

In the case of children who are trafficked so that they can beg for money in the streets or outside places of worship, people who give out of generosity and a sense of charity have to be approached carefully, so as not to undermine their sense of charity. In Thessalonica, in northern Greece, the Greek public was initially generous when, in the late 1990s, Albanian children began turning up at traffic lights and begging from motorists. Once members of ARSIS had understood what was going on, they set about influencing the public in order to make people aware that their donations were going to traffickers who controlled the child beggars. The campaign had significant success. By 2003, Albanian youngsters were no longer

being paraded in tattered clothing to generate pity, although smaller numbers continued to sell small items to diners in pavement restaurants and play music to them in order to collect money. As in so many other places, the adults who hand over money to children act out of good motives, but seem unaware that their money is probably destined for someone other than the child they take pity of.

Influencing men who buy sex

In the case of commercial sexual exploitation, the men (and it is mostly adult men, along with some older boys) who buy the sexual services of girls or boys are aware from the beginning that they are paying for sex. Some campaigners think this is morally outrageous and denounce prostitution in general, along with all the men and boys who frequent prostitutes. At the same time, others in favour of sexual liberation argue that adult women and even girl children above the age of sexual consent are entitled to accept money or favours in return for sex and call for laws criminalising prostitutes or their clients to be dropped. Neither of these two factions makes it easy for counter-trafficking organisations to focus attention on the fact that buying commercial sex has different implications when it involves someone in slavery to when it is with a sex worker who has chosen this way of earning money. In theory it should be possible to persuade some men who pay for sex with women or girls that they may be condoning and encouraging both trafficking and the enslavement suffered by victims of trafficking. This is a difficult message to get across, but at the same time failing to convey it looks like a missed opportunity.

When a new law on trafficking in human beings was under discussion in Greece during 2002, there was a proposal that men paying for sex with trafficked women should be penalised. The proposal was rejected, reportedly on the grounds that too many men in the country engaged in commercial sex and would potentially be penalised. The law eventually adopted makes it an offence (punishable by six months' imprisonment) to knowingly accept the services of a trafficked person. It was also made an offence to pay for sex with a child of any age, with the offence being considered more serious if the child concerned was under 15, and most serious if under 10.⁷²

Chapter 15

Identifying and rescuing children who have been trafficked

This chapter considers how law enforcement agencies and others can identify children who have been trafficked and what can be done on behalf of trafficked children while they are in transit (and have not yet reached the destination where they will be exploited) or once they are being exploited. It looks at initiatives to 'rescue' children and at whether it is sometimes more appropriate to let them continue working but provide them with support, without assuming that they should be 'rescued' and sent home.

Recognising children who have been trafficked

The task of recognising particular children who have been trafficked, the first step towards taking them out of the control of traffickers or exploiters, should be performed by government agencies involved in immigration, policing and labour inspection.⁷³ However, government agencies in most countries perform this task poorly. The exceptions are government agencies which have acquired specific expertise on trafficking or the worst forms of child labour.

The routine problem when law enforcement officials come into contact with trafficked children is that they react as if the children concerned were criminals, not victims of abuse. Consequently, trafficked children are frequently detained, either because of the illegal work they are involved in, or because they are considered to be illegal immigrants, in which case they may also be deported. In neither case are they given the assistance they need and which international conventions and guidelines require governments to make available.

This is a terrible indictment of government inaction. It contrasts to the impressive public statements and commitments made by diplomats and politicians. The obvious conclusion is that the political will of governments to take the right sort of action for trafficked children need strengthening – by campaigning and lobbying. Another conclusion is that more must be done to share the expertise that has been accrued by a few government agencies (about appropriate techniques and procedures for identifying trafficked children and responding to their plight) and to persuade other governments to train their police and other agencies accordingly.

Efforts can be made to identify trafficked children both while they are in transit and once they are being exploited. In the case of children being taken from one country to another, particularly by air, it is primarily immigration officials who come into contact with them – sometimes

early on, when they apply for a visa before even leaving their own country, sometimes on their arrival at an airport or other border post. Unless they have been instructed to look out for trafficked children and know what the tell-tale signs are, immigration officials and police assume the information contained in identity documents is reliable. This means there are numerous cases in which trafficked children are treated as adults because their documents state that they are 18 or over. This occurred to a West African teenager who arrived at a British airport by herself; as was required by law, she was referred to a local social services residential centre. After a few days, she left the centre and rejoined her traffickers, as she had been instructed to do before arriving in the United Kingdom. She was put in a car to be taken across the Channel to another country. When the car was stopped by British police, she was arrested and detained – because her traffickers showed the police a false passport indicating she was an adult.⁷⁴

While law enforcement agencies have a virtual monopoly of guarding border crossing points where traffickers and children transit from one country to another, they play a much less significant role in policing key transit points within a country. It is in places such as ports, railway stations and bus stations that NGO personnel have a good opportunity to identify and come to the assistance of children being trafficked within their own countries. Either way, recognising and identifying the children concerned is just a first step. Not only do the children need identifying and rescuing, but there is then the difficult process of tracing their relatives and assessing where the children should be living.

While identifying and stopping illegal immigrants is a high priority for governments around the world, once children start being exploited, government agencies tend to be relatively ineffective in detecting them. This is true, at least, in the countries where numerous children are being exploited in the worst forms of child labour and law enforcement agencies are not yet being deployed systematically to detect cases or to intervene on behalf of the children involved. Consequently, it is often NGOs which become aware of the predicament of trafficked children who are in the phase of being exploited.

The ability of any agency to get access to children who are being exploited depends on whether the exploitation is socially acceptable and taking place openly, or unacceptable and taking place in secret. In the case of children working as domestic servants, beggars and street vendors in West and Central Africa, they are both visible,

at least some of the time (when domestic workers leave the privacy of a house to fetch water, for example, or to go to market), and accessible to agencies which make an effort to reach them. In contrast, children in the hands of criminal gangs or pimps in EU countries are harder to reach. Identifying trafficked children means finding out where they might be and sending someone to the places involved to make discrete inquiries, work that NGOs and investigative journalists seem better at doing (or more willing to take on) than officials. However, this may simply be because governments do not instruct law enforcement agencies to make this a priority.

Unaccompanied minors

The arrival of unaccompanied minors in EU countries has already been mentioned as a cause for speculation about whether they are being trafficked and the suggestion in some countries that it is reasonable to assume that all or most unaccompanied minors are victims of traffickers. Once again, there is a danger here of adopting the point of view of government agencies preoccupied with immigration status, rather than focusing on the experience of children who have left home and on the exploitation they are subjected to. From the latter perspective, it is a mistake to view every unaccompanied minor who ends up making money illicitly in a country in the EU (or anywhere else) as a victim of trafficking. Boys and girls who are brought to EU countries especially to take part in burglaries, begging or prostitution and to pass their earnings onto others should indeed be viewed as trafficked. However, teenagers involved in irregular migration who end up earning their living in the informal economy of EU countries (more often than not, illegally) are not necessarily being kept under someone else's control or having their rights abused. Their status is undoubtedly troubling for immigration agencies, but criminalising the various intermediaries as 'traffickers' does not seem sensible when those involved in helping a child migrate believe that they are helping a young person to get on in the world. The problem here lies in the rich world's fears of the poor and in the categories now embedded in international law ('trafficking' versus 'migrant smuggling') which seek to distil the cases of all unaccompanied children who are refused asylum into these two categories, instead of focusing more specifically on how the human rights of the young people concerned are affected and whether they are being subjected to sexual or economic exploitation.

Interception while children are in transit

When an earlier UN convention on human trafficking was drawn up at the end of the 1940s⁷⁵, it recognised that ports were a key point for intercepting people being trafficked from one country to another. This is no longer the case as far as international trafficking is concerned (as air travel has largely replaced ships for intercontinental travel), but holds true for children being moved within

and between countries where river and sea routes are still important, such as the Philippines and Indonesia. Elsewhere, railway and bus stations offer similar opportunities for intercepting possible trafficking victims.

The Visayan Forum Foundation (VF) is an NGO in the Philippines, active principally in Metro-Manila and Davao City. During the second half of the 1990s, VF developed its work on behalf of children (mainly adolescent girls) employed as 'household helps' in the cities. They realised that some three to five million passengers were passing through Manila's North Harbour each year, with more than half estimated to be women and children in search of work. VF saw this as an opportunity both to intercept trafficked children and to provide young people who were arriving in the capital with information which could protect them later on, such as emergency help telephone numbers. In August 2000, VF opened a 'halfway house' on Pier 8 in the Harbour, providing information about travel, employment and possible support networks, and emergency temporary shelter and legal advice to those who needed it. VF staff also embarked on a project to involve shipping crew and port workers, as well as law enforcement personnel such as coast guards and police, in efforts to identify and intervene on behalf of children who might be trafficked. The strategy of involving port and transport workers in the fight against trafficking has already been mentioned.

Intervening on behalf of children being exploited

Once trafficked children are being exploited, their predicament resembles that of other children caught up in what are now generally called 'the worst forms of child labour'. While international standards are clear that no children should remain in any of the forms of exploitation mentioned in the UN's Trafficking Protocol, in practice the dividing line between these sorts of exploitation, on the one hand, and more acceptable cases of child employment on the other is often unclear. Occasionally it turns out that government agencies and NGOs cannot offer trafficked children a better alternative than the predicament they are already in. An added complication is that many working children, including some working a long way from home, who have been 'trafficked' according to the technical definition, state clearly that they do not want to be 'rescued' or returned home; they want to remain where they are (or at least remain in the country in which they find themselves) and seek a better future there. Statements along these lines should not be interpreted as consent to human rights abuse by children whose knowledge of the world is too limited to know what alternatives are open to them. But in the case of children whose situation is not clear cut, their views should be given due consideration. Cases of this sort involve children who investigators think may have been trafficked, but it is not clear, and they may simply be migrant workers; alternatively, it may be clear

that they were trafficked, but are no longer being subjected to unacceptable exploitation and are now old enough to be earning money for themselves. In such cases, it may be much more helpful to provide young people with support, to empower them, without trying to extract them from the jobs they are doing.

The classic option for getting in contact with street children and others who are able to move around freely is to establish a 'drop-in centre' where they can stop for a little while. In the case of trafficked children, this offers an opportunity to check up on their well-being and offer them support. This strategy recognises that the employer of a child working away from home does not have the same role (in law or in practice) as a parent, and there is an urgent need for someone (or a group of people) to perform some of the functions associated with guardianship and to keep an eye out for each child's best interests. To start with, taking a look at them periodically to ensure they have not been abused physically or mentally is a useful first step.

In some cases a short visit can eventually be prolonged, for example so that children employed as domestics can attend a social club or non-formal education regularly. In Mumbai, a church offers the use of its premises once a week to girls of all ages working as domestic servants in the city. While trafficked children and young children are less likely to attend than teenagers, it does allow some victims of abuse to be identified and to start receiving help.

Both drop-in centres and other social centres have been used to advertise telephone help lines. The challenge in this case is to ensure that children being subjected to exploitation realise that they are indeed victims of abuse and that the public message they see actually concerns them, rather than only other children who are even worse off. A further challenge is to convince them that the benefits of contacting a help-line will outweigh the risks. NGOs have used both posters (in Bangladesh) and television adverts (in India) portraying child domestics as victims of abuse to get a message across to such children that help is available.

'Rescues'

Once particular locations have been identified by police or NGOs as harbouring children who have been trafficked or are being exploited, in principle the children concerned should be rescued and moved. However, the terms 'raid' and 'rescue' have acquired a bad reputation among many counter-trafficking activists. This is in part because acts of rescue have been televised or photographed in a way that comes across as self-promotion for the rescuers, while demeaning the children (or adults) being rescued (for example, showing them on television cringing away from the cameras or trying to run away). It is also because the victims of trafficking (again, both children and adults), once rescued, have been deposited in residential centres where

they feel they are still being detained and still subjected to abuse.

There are a few cases in which NGOs have been able to rescue trafficked children without involving law enforcement officials, but this is relatively rare. In France, the *Comité contre l'esclavage moderne* (CCEM), Committee Against Modern Slavery, once it is informed by a neighbour that a young African or Asian is incarcerated in someone's flat, in effect as a domestic slave, has found ways of contacting them secretly and arranging to get them out.

More conventionally, NGOs that suspect trafficked children are being confined against their will tell the police, sometimes accompanying officials on a subsequent raid. In countries such as Brazil and the Philippines, the authorities themselves concluded that police corruption and leaks were resulting in abused workers being moved elsewhere before a raid took place; special police units were set up as a result, which have proved more effective. In the worst cases, where law enforcement officials work hand-in-glove with traffickers, or consider the exploitation of trafficked children too banal to worry about, the police refuse even to register complaints brought by NGOs or others. Once again, political pressure is needed to halt such complacency.

The technique that has created more controversy than any other concerns the use of money to 'buy' victims out of debt bondage and other forms of slavery. It came under close scrutiny in Sudan, where several NGOs claimed that paying large amounts of cash was an effective way to secure the release of children and women who had been abducted and enslaved. Critics of the scheme complained that the use of money simply encouraged the abduction of more victims; some even suggested the entire scheme was bogus and that little of the money had actually been used to secure releases. The same technique has been used in several other countries to free adults or children controlled by traffickers or pimps, when no other technique seemed available. It seems clear that 'buying out' or paying a ransom to secure the release of a victim of trafficking should never be adopted as policy or used as the main technique for securing the release of children from exploitation, although it would be understandable if relatives or others resorted to it in desperation.

This chapter looks at what must be done to protect children who have been rescued or who have managed to escape on their own. It considers the sort of protection children should be given once they are removed from the hands of traffickers and are living in a transit home and how they can best be helped to recover from their experience (including their physical and psychological health) before starting life afresh.



Nepali girl recovering from trafficking experience

Once again, governments have the major responsibility for protecting children from abuse. The guidelines issued by the UNHCR, the UN High Commissioner for Human Rights and by UNICEF all spell out what governments and statutory agencies should do to protect anybody who has been trafficked and how children who may have been trafficked should be treated.⁷⁶ However, the gap between their requirements and what actually happens is very wide. Indeed, governments often refuse to take the most basic step of all, one which only an agency with governmental authority can take, that of regularising the legal status of a child who has been trafficked across borders into a country where he or she has no legal right to be. Deliberately or not, the ambiguity in trafficked children's legal status and rights to remain in a country is at present exploited systematically to deport them. As the various UN guidelines spell out with great clarity what governments and statutory agencies should do, this chapter concentrates instead on what NGOs can do for trafficked children once they have escaped from the control of traffickers.

As far as both recovery and returning home are concerned, girls who have been subjected to commercial sexual exploitation face specific obstacles, in particular because of the social stigma associated with prostitution; indeed, in many societies the very fact that an unmarried girl is reputed to have had sexual intercourse is a cause of stigma. NGOs can work with others to change popular prejudice, both gender-based stereotypes and ignorance of the coercion and violence to which trafficked children are subjected. However, it will probably take decades to make a difference; in the meantime practical ways have to be found of coping with stigma and prejudice.

Protecting children who have been rescued

Once ‘rescued’ by the police, another government agency or an NGO, trafficked children, like all children in care, have an immediate need for lodging and food and usually also for medical attention and other treatment.

They also need protection to ensure that they are not subjected to further abuse. This means protecting them from intimidation by the individuals who trafficked or exploited them and stopping such people from contacting them at all. It also means protecting their privacy (from intrusions by journalists or others) and ensuring they are not subjected to abuse by the care workers or other children or adults who now surround them. In some countries, the authorities considered in the past that the easiest way of providing protection was to lock up trafficked children and women, keeping them in what is called ‘protective custody’, usually indefinite administrative detention. Needless to say, this is a serious violation of their human rights.

In the case of children who have been exploited sexually, while it is important that they should be given a medical check-up to establish if they have caught any sexually transmitted diseases, it is also important that teenagers who are mature enough to understand the implications should *not* be subjected to compulsory testing to see if they have HIV/AIDS.⁷⁷

Shelters, transit centres and residential care

Residential centres taking in children, whether run by statutory organisations or NGOs, require a formal legal status in order to do so and to protect themselves against accusations that they too are abusing children. In countries where the authorities refuse to acknowledge that trafficking is occurring, the status of institutions established to look after orphans, street children or other abandoned children can usually be used to take in trafficked children on a temporary basis. While children generally benefit from mixing with others of their own age, placing trafficked children alongside children who are accused of breaking the law may make things worse by encouraging their own feelings of guilt; this needs avoiding. As in the cases of other transit centres for children, there are clear benefits in involving members of the local community in running the centre, to ensure that it is not seen either as a den of inequity or a place where children receive privileges that neighbouring children are deprived of. However, this has to be done with great care and without jeopardising the children’s safety.

The mere existence of a residential centre for children is not sufficient to ensure that trafficked children are better off than they were before. As with all children put in residential care, it is important that managers have a clear idea of what they plan to achieve for each child. Residential

centre managers also have to distinguish clearly between their responsibilities (to look after the best interests of each child) and those of the police or authorities, who may think priority should be given to carrying out a criminal investigation.

Protection from traffickers and other threats outside

Trafficked children are at risk of being enticed back by their traffickers. They may also be at risk of retaliation, particularly if they are asked to give information to the authorities that might be used in the course of a prosecution. For these reasons, managers of residential centres often decide to restrict the free movement of children in and out of a centre, as well as of outsiders coming in. When it is considered safe for children to go out, many managers nevertheless consider that they should be accompanied by an adult to give them extra protection. The degree of intrusive security and the degree to which it is reasonable to deprive a child (or anyone else) of their freedom of movement on the grounds that this is for their own protection are questions that every organisation running a residential centre for trafficked children has to consider carefully, weighing factors that differ according to the perceived risks. They also have to bear in mind that children who feel imprisoned are likely to resent this and look for ways to escape.

Protective Custody

It is principally in South Asia that trafficked women and children have been locked up in ‘protective custody’. The assumption underlying this practice seems to be that it is acceptable to deprive poor people of their freedom of

Care standards

Quality care is a basic right of all who enter a caregiving facility, whether it is for medical treatment or psychosocial treatment. Quality of care standards are developed and used for three basic purposes: to provide the most effective and responsive care for survivors [of trafficking]; to maintain professional, transparent and accountable care practices; and to support caregivers in their work.

Quality of care standards are adaptable to individual cultural settings, but basic standards cannot be compromised. The indigenization of caregiving practices should not justify harmful practices, such as physical discipline or denial of the rights of the child.

John Frederick (Ray of Hope, Nepal), ILO-IPEC consultant, at a consultation for South Asian practitioners on the issue of the Psycho-Social Rehabilitation and Occupational Integration of Child Survivors of Trafficking and Other Worst Forms of Child Labour, quoted in *Creating a Healing Environment, Volume I*, 2002

movement, when it is obviously not. NGOs have also been accused by children of acting in a heavy handed way. Research carried out in Bangladesh for ILO-IPEC revealed that 70 per cent of the trafficked children who had experienced residential care felt they had been re-imprisoned in the controlled environment of NGO shelters.⁷⁸

In 2003 the UN's Committee on the Rights of the Child expressed its concern to the Government of Bangladesh that child victims of abuse or exploitation were being placed in 'safe custody' and deprived of their liberty for up to 10 years.⁷⁹

If children are requested to provide information for the authorities to use in charging or prosecuting suspected traffickers, the authorities themselves should provide ways of protecting them (and their close relatives) that seem full-proof. Needless to say, as soon as one trafficked child in a particular transit centre makes a statement used as evidence, others are likely to fall under suspicion of doing so as well.

Protection from abuse while in a transit home

Children in residential care have been subjected to many different sorts of abuse, and victims of trafficking are no exception. The most infamous cases involve sexual abuse. These cases resulted in a group of international humanitarian agencies (mainly inter-governmental organisations) establishing the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises. The Committee published a Plan of Action⁸⁰ in 2002, which serves as a point of reference for NGOs working both in humanitarian crises and with other victims of abuse. It suggests six points to be

NGOs codes of conduct for staff

The *Terre des Hommes Foundation* in Switzerland has a code of conduct for its staff which requires them (among other things) not to:

- be alone with a child;
 - use any form of physical 'punishment' including hitting, physical assault or physical abuse;
 - enter any form of sexual relations with children;
 - engage in any form of inappropriate physical behaviour such as, kissing, hugging or touching a child;
 - use language or act in a physically or sexually provocative and inappropriate manner;
 - stay overnight, in the same room, with any child;
 - invite a child/children to their place of residence.
- Other branches of *Terre des Hommes* have codes containing similar provisions, as do many other NGOs.

incorporated into every organisation's code of conduct, notably that "Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment" and that "Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally"

Most international NGOs that take care of children have adopted strict codes of conduct for their own staff and anyone else coming into contact with the young people in their care. *Terre des Hommes* was one of the first to learn the importance of this, in the early 1990s, as a result of a scandal in Ethiopia concerning one of its staff abusing children in care. Among smaller, locally based NGOs, standards sometimes seem lax and the strict codes adopted by large organisations are deemed too rigorous to implement. Some local organisations voice the concern that codes of conduct require care staff to be so distant from the children in their care that they cannot show the children any affection.

Recovering from physical and psychological harm

Various forms of harm inflicted on trafficked children were mentioned in Chapter 6. Some can be treated by health professionals in a clinical way, while others require psychosocial attention from other professionals. NGOs and other agencies helping children to recover can aim to help children recover in three distinct ways:

- i. Arranging medical attention and treatment;
- ii. Addressing social behaviour and the child's ability to interact with other people and society in general;
- iii. Providing catch-up education or vocational training.

In theory all three can be provided to children while they live in the community. In practice, the lack of alternative residential arrangements and the need to protect children from both traffickers and others mean that children are usually placed in a residential centre, either near to the place where they have been rescued, or when they initially arrive back in their country or area of origin. NGOs working on behalf of children have realised that their period in residential care should be kept as short as possible, in order to avoid a child becoming 'institutionalised' and finding it even harder to adapt to the real world as a result.

This means that it is not in the interests of children in residential care to give them a level of material comfort that is better than anything they are likely to experience outside, as this would make their environment seem even more false. The day-to-day routine of residential care brings some return to normality to children whose routines may

have been warped by working 18 hours a day or living in a brothel. The stability of relationships with care staff is also helpful. However, none of this should disguise the fact that life in residential care is artificial and it should be kept as short as possible.

Emotional support and attention are essential to enable children to recover from abuse, but by themselves they are not enough. These days it is reasonable to expect both NGOs and other agencies providing assistance to trafficked children to provide a professional level of care (see Box). If possible, minimum care standards in residential centres should be agreed at national level and spelled out explicitly, so that staff and others know what is expected of them. This is evidently impossible when a pattern of trafficking has barely been recognised and staff at an existing transit centre are responding on an *ad hoc* basis to the needs of children who turn up at their door. This was the situation in Libreville, the capital of Gabon, in the late 1990s, when a religious community began looking after West African children who had run away from their abusive employers.

Organisations providing care have noted the importance of being as clear as possible at the outset about what needs to be achieved in relation to children who have experienced particular types of exploitation and to set objectives for the cases of individual children.

Clinical treatment is not always available or affordable, but the physical harm inflicted on trafficked children is usually relatively straightforward to diagnose. The most tragic cases concern children who have caught a life-threatening disease for which no remedies are available to the child, such as HIV/AIDS. There is much less agreement about the best techniques for tackling the psychological state of trafficked children, their social skills and behaviour. The general approach has involved 'counselling', enabling a child to talk alone, or with other children with similar experiences, with a trained adult about the trauma she or he experienced. Most agree that it is vital to give each child a sense of security, predictability and control and that it is more important to develop a child's sense of self-esteem by encouraging good behaviour, than criticising negative or deviant behaviour. However, residential centres go about this in different ways. Sometimes the differences seem almost ideological: some residential centres believe the key is recreating a family-like atmosphere, in which they hope children will respond positively. Others aim to 'empower' children, helping them to understand the social and economic context in which they have been victims of abuse, giving them the skills necessary to forge their own futures and creating a sense of solidarity and responsibility for preventing other children from being abused.

The residential centre run by SACCS (South Asian Coalition on Child Servitude) in New Delhi, the *Mukti Ashram*,

provides affection and attention to former child labourers who have experienced various forms of exploitation and abuse. There are regular sessions of chanting and individual children recount their experiences of being exploited to others. In addition to enabling them to understand the social and economic context in which they have been exploited, this is intended to give them information about how they, and other children whom they meet, can avoid falling victim in the future. The agenda is supplemented by reading and writing skills, vocational training, leadership development and education about Indian culture and human rights.⁸¹

Treatment of children subjected to commercial sexual exploitation

The needs of children who have been subjected to commercial sexual exploitation are not just an 'add on' to the attention and support needed by all trafficked children; they differ substantially and are specific to the exploitation they have suffered. Children subjected to commercial sexual exploitation are likely to have suffered harm to their health, but once again it is more obvious what forms of clinical treatment are needed, to deal, for example, with sexually transmitted infections, than what the best treatment is for addressing a child's psychological state. ECPAT-International has distilled the expertise it has acquired about children subjected to commercial sexual exploitation in a guide available on its web-site.⁸² Some of their conclusions apply equally to children who have been subjected to other kinds of exploitation and abuse. For example, ECPAT notes that children who enter residential care after suffering sexual abuse or exploitation usually go through four distinct phases, which it labels the 'honeymoon phase', the 'adjustment phase', the 'settling phase' and the 'moving on phase'. It is in the adjustment phase that children demonstrate behavioural difficulties, such as resisting discipline, becoming angry, and bizarre behaviour, such as hoarding food or hiding their possessions. It is during this phase that children require the closest attention and support.

Education and training

Trafficked children require a future like any others, and their needs to acquire the knowledge and skills that will enable them to generate an income are much the same as those of other children whose normal development has been arrested (such as child soldiers or children living and working on the streets).

Children's needs evidently vary a great deal according to the age at which they have been trafficked and the age they are when they are recovering and receiving support from others. They need self-confidence and the basic knowledge and skills to survive, particularly older children, who will soon have to manage by themselves. In some

cases this means reintegrating them into formal schooling and persuading reluctant schools to accept a child who is older than the other pupils studying at the same level. In other cases it means providing non-formal education, with a focus on life skills, such as being able to count and deal with money and being able to make decisions for themselves. In the case of children who have been regimented and required to follow orders, virtually without thinking, this can be a slow process, and a greater priority than learning to read and write. An NGO in Togo reckoned that the best way for a 10-year-old child who had become a virtual robot after working for several years as a live-in unpaid domestic was to ask an ordinary family to foster her and develop her social skills.

Catch-up education is provided by many residential centres, as are various forms of vocational training. Involving children in work in a residential centre is widely regarded as a useful form of therapy. In such cases, it is important to distinguish between therapy and training which is expected to actually help a young person generate an income after they move on.

It is not surprising that organisations running residential centres and training schemes in relative isolation do not base the vocational training they provide on any deep analysis of the local economy and likely potential of different income-earning activities, but rather on local assumptions and common sense. The problem with this is that it tends to generate too many children with skills that are difficult to market: numerous teenage girls who have learnt to cut and style hair, for example, or to sew and make clothes, in a market which is already saturated by others. The answer in such cases is for organisations providing training to children to work out with others what different vocational skills are likely to be in demand in the future.

ECPAT's list of life and social skills needed by sexually exploited children

- Health education - including nutrition and hygiene
- Sex education - including family planning and HIV / STD
- Literacy skills
- Numeracy and financial management – e.g. budgeting
- Vocational training / education to give access to employment
- 'Home making' skills
- Interpersonal skills - to be able to relate to others appropriately and form 'healthy' adult relationships
- 'Keep safe' skills - including assertiveness
- Problem solving skills
- Ability to deal with and manage emotions - including anger
- Sense of self worth, confidence and motivation

From: The Psychosocial Rehabilitation of Children who have been Commercially Sexually Exploited - A Training Guide, 2003.

This chapter concerns the question of whether children who have been trafficked should return home – whether, if they have been taken to another country, they should be repatriated and, in whichever country they are, whether they should rejoin their original family. It also addresses the predicament of children who have been trafficked as babies and who have no memory of their original family.

It seems obvious that young people should be consulted and involved in any decisions about their future, whether it concerns the possibility of their returning to their own country or the profession they would like to learn skills for. Undoubtedly when schemes to repatriate and reintegrate trafficked children have failed in the past, it has frequently been because of a failure to involve the children concerned adequately and the attitude of bureaucrats (both governmental and non-governmental) who assumed they knew what was best for a child.

Returning home

It seems an obvious assumption that children who have been taken away from their homes by traffickers should be helped to return home once they are able to do so. Indeed, when it comes to cross-border trafficking, this is the premise on which most governments' policies are based. This is the conventional model of

=> arrival in residential care => treatment => recovery
=> family reunification

However, in real life, a host of questions arise. Children who were trafficked when they were very young (under the age of five, for example) may have no memory of their original family and no knowledge of their original language or culture. Those who have been trafficked as teenagers after deliberately leaving home to make their fortune elsewhere probably want to make a success out of migration rather than returning home; indeed, they are likely to feel guilty for returning empty-handed and will want to leave home again straight away.

The risk of both reprisals from traffickers and the stigma attached to prostitution need taking into account as well. The stigma attached to prostitution means that girls who have been subjected to sexual exploitation, or even just suspected of having been, may be persecuted or marginalised in their home community.

All this means that decisions about individual children and groups of children who have been trafficked should be based on their particular circumstances and on what is

assessed as being in their best interests. Assumptions by either a government or an NGO that there is a standard solution for all trafficking cases almost always need challenging. NGOs should not have to make decisions about a child's future unless they have been given legal guardianship of the children concerned, but in many countries the government's framework for protecting children is so weak that NGOs end up making decisions by default.

Government policies on repatriation

Governments generally assume that any adult or child who has been trafficked from one country to another must automatically be returned to their country of origin. Many governments remain unwilling to allow trafficking victims to remain on their territory, even for a short period, to receive medical attention or to decide whether they are willing to testify at the trial of a trafficker.

In the worst cases, law enforcement officials receive orders to deport anyone found in their country illegally, adults or adolescent children, without any legal proceedings, yet alone a specific investigation to find out if the person concerned has been trafficked. This practice remains common in both developing and industrialised countries. In Greece, for example, although the law on trafficking provides protection for anyone suspected of having been trafficked, it is still the norm for the Greek authorities to deport Albanian teenagers who come into their custody and do not have any legal entitlement to be in Greece. The main improvement obtained by child rights NGOs is that the authorities now inform them when a deportation is about to occur (although often with only a few days' notice), so that an NGO in Greece can inform its counter-part NGO in Albania that a child in need of assistance is about to arrive at the frontier.⁸³

NGO approaches to repatriation

While there is only a limited amount that NGOs can do to challenge official policy, in many individual cases NGO representatives argue that it is not in a trafficked child's best interests to be returned home. When it comes to *how* children should be repatriated, most NGOs think that the only acceptable form is voluntary assisted return.

However, feelings of national pride play a role and it is noticeable that NGOs based in the countries which children are trafficked from or organisations composed of the nationals of such countries tend to act on the assumption that 'their' children will automatically be better off back home, when this may not necessarily

be the case. Children trafficked to Gabon from West African countries such as Bénin, Togo and Nigeria have been given different options, depending on their nationality. A Gabon-based NGO composed mainly of West Africans living in Libreville acted on the assumption that children from Bénin and Togo should automatically be helped to return to their country of origin. This assumption was shared by the consuls representing their two countries. However, the consul of Nigeria, in contrast, had a policy of consulting young Nigerians who had escaped from exploitation in Gabon, and evidently felt that teenagers could make an informed choice about their future; a significant number opted to remain in Gabon. The difference here may have been that most of the Nigerian children were boys, whereas those from Bénin and Togo were mostly girls. Of course, such decisions are only an option if the authorities of the host country do not insist on repatriation. Elsewhere in West Africa, there have been similar experiences, with only 6 per cent of children brought to Côte d'Ivoire from Ghana and Togo to work as domestic servants who then received assistance from an NGO opting to return to their country of origin in one 12-month period.

Family reunification

Just as it is not automatically in children's best interests to return to their country of origin, so it may not be in their best interests to return to their own community or family home.

Issues concerning family reunification for children trafficked when very young

Repatriation and family reunification are intended to be remedies for children who have suffered serious human rights abuse, restoring them to the situation before their rights were violated. However, for children who have little or no recollection of where they came from, this process may subject them to even more trauma and therefore be undesirable. Consequently NGOs generally concentrate on stopping the trafficking of children for adoption from occurring in the first place.

Preparing the family and home community

It is desirable that a social worker employed by either a government agency or an NGO should investigate the specific circumstances of each trafficked child's family to make a risk assessment and advise whether family reunification is the right option. In the countless parts of the world where there are no social workers and where NGOs do not have the resources to send someone to investigate the specific situation of each household, evidence is sometimes available that most trafficked children returning to a particular village or district are 're-trafficked', that is to say, are sent away within a short time to be exploited once again. This should make NGOs wary, at least, of assuming

that family reunification is the best option.

While respect for privacy and the importance of avoiding children being stigmatised usually make it better to avoid publicising the return of trafficking victims, government officials sometimes organise publicity without much thought to the consequences. In a few cases, government officials or NGOs calculate that publicity is justified because it will have a useful deterrent effect. At the beginning of December 2003, 160 of the 190 children repatriated from Nigeria to Bénin several months earlier were returned to their parents in Zakpota (northeast Bénin) in an official ceremony at which the Minister for the Family and Social Protection presided. The arrival home of such a large number of children was not going to pass unnoticed, and by participating personally, the Minister conveyed a message to local leaders that they should do more in future to avoid letting young children go abroad to work.

Protecting children who are at risk of being trafficked again

A child trafficking victim's need for support does not come to an end just because the child concerned has returned home or found somewhere to live independently. Ensuring that young people are not re-trafficked is important as a form of both prevention and protection. Once again this can be achieved most easily by involving social workers who can monitor an individual child's (and household's) situation and assess what support, or what other measures, are needed, along the lines of those already mentioned in Chapter 14. However, as this is often impossible to arrange, the important principle is that NGOs should follow up individual cases and check up on what has happened to the child they have visited, even if they do not have the resources to provide further training or material support.

In West Africa, investigators found early on that an astonishingly high number of children who were accompanied back to their villages by NGOs or others, with the best of intentions, had left again within only days or weeks. This could be put down to the attitude of the child's parents (wanting him or her to earn money elsewhere) but suggests strongly that the 'solution' was neither durable nor reached with the informed consent of the children concerned and their communities. Even if returning children do settle down at home again, it is questionable how long they should be expected to stay there. In Albania, if a returning child stays at home for 12 months, this is regarded as an indicator of success by *Terre des Hommes*. However, this is regarded as a crude indicator to demonstrate that the children concerned definitely have not left for Greece again and generally concerns children of school age who are expected to continue attending school; it would not be an appropriate indicator for children who have left school.

When the 23 children living in the *Oasis* centre left in September 2001, *Terre des Hommes* developed a ‘solemn undertaking’ (*Engagement sur l’honneur*) to be signed by both the parent or other adult taking charge of a child and a local official, such as a village head or mayor. In signing this, they agreed not to send the child away to work before he or she reached the age of 14. A total of 14 out of the 15 parents to whom children were returned signed the undertaking. In addition to accompanying each child to the place where he or she was going to live, *Terre des Hommes* also arranged to visit each child on four more occasions.

Alternatives to family reunification

There are so many circumstances in which young people either do not want to return to their home community, or it is not in their best interests, that NGOs routinely have to abandon the conventional model of returning children to their own families and look for other solutions instead.

Of course, this creates a challenge for NGOs in terms of their own ‘exit strategy’. At what point do they decide that a child who has *not* returned home has reintegrated sufficiently successfully to require no further assistance or monitoring? And that the NGO is under no obligation to respond positively to further requests for material assistance when there are hiccoughs in a child’s reintegration? Once again, the answer lies in setting clear objectives at the outset, and distinguishing between an NGO’s role in enabling someone to recover from trafficking and meeting someone’s material needs over the long-term. The indicator of success in all these cases is that a child should not end up back in the clutches of traffickers

This study is far from complete. It simply reflects work in progress. Throughout the world governments are in the process of changing their legislation on human trafficking and reassessing what patterns of abuse they intend to stop with legislation prohibiting trafficking. So far, the signs are not encouraging that governments are committed to respecting the human rights of children (or adults) who have been trafficked. Similarly, organisations of many different types are adjusting their work and trying to work out which target groups of children and adults they should be focusing on and what it is most appropriate to do on their behalf.

The progress being made at the moment is not nearly fast enough for more than a million children who, today, are suffering abuse after being trafficked.

Many of the observations about the advantages and disadvantages of different initiatives described in the study are still tentative and require further discussion by NGOs and other counter-trafficking specialists. However, it is fairly easy to conclude that some policies implemented in the name of counter-trafficking are counter-productive for the people they are supposed to help and should be stopped. It is also reasonable already to make a number of recommendations, addressed to the international community for inter-governmental organisations to adopt, to governments for action in their countries, to organisations which provide funding for counter-trafficking activities (whether they are governmental or private) and to NGOs.

TO THE INTERNATIONAL COMMUNITY

Many different organisations within the UN system have programmes against human trafficking and are working to stop child trafficking. However, the lack of coordination between them (and between them and other international and inter-governmental organisations) is hampering their effectiveness.

Recommendation 1

The UN should introduce more effective coordination into its counter-trafficking programmes and operations. The appointment of a high level mechanism or coordinator in the office of the UN Secretary-General on human trafficking would enable the UN's multifaceted work on trafficking to be coordinated properly. In the cases of counter-trafficking work by inter-governmental organisations, this mechanism should be empowered to recommend any initiatives required to ensure that inter-governmental organisations work together more effectively.⁸⁴

As far as co-operation between different governments, and between governments and inter-governmental organisations, is concerned, a high level mechanism of this sort should be given a mandate to find out what factors are impeding cooperation and progress in action against trafficking and to recommend any changes necessary.

Recommendation 2

The Guidelines for Protection of the Rights of Children Victims of Trafficking prepared by UNICEF in relation to South-east Europe should be reissued as global guidelines, and both these Guidelines and the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* issued by the UN High Commissioner for Human Rights in 2002 should be endorsed by the UN Commission on Human Rights or General Assembly, with a view to being implemented by governments without delay.

Recommendation 3

A UN agency which has substantial expertise on the issue of child trafficking, such as UNICEF or ILO-IPEC, should be asked to promote respect of child rights and good practice in the techniques used in preventing child trafficking and protecting trafficked children. This would mean identifying criteria for assessing whether particular practices constitute 'good' or 'bad' practice. Evidently an agency preoccupied with law enforcement or immigration would adopt very different criteria to an agency concerned with child rights. Consequently it is essential that 'good' or 'bad' practice be assessed in terms of the impact on the human rights of the children concerned: most UN agencies are now required to do this under the terms of the 'Statement of Common Understanding' on a 'Human Rights Based Approach' developed at a UN Inter-Agency Workshop in May 2003⁸⁵.

The UN agency concerned should facilitate the process of assessing what constitutes good practice and enabling practitioners to exchange information on techniques and thereby learn from one another. Part of promoting good practice should entail efforts to persuade all the different inter-governmental organisations and government departments engaged in counter-trafficking efforts to start using the same yardsticks for assessing which cases constitute trafficking and for presenting statistics of trafficking cases. This would reduce the confusion which is occurring at the moment because of divergent definitions and techniques for estimating the number of both victims and of children at risk of being trafficked.

TO GOVERNMENTS

Recommendation 4

Governments which have not yet done so should ratify key new international treaties against trafficking, such as the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, and implement the provisions of international treaties that they have ratified but are not implementing fully (such as the general provisions of the UN *Convention on the Rights of the Child* mentioned in Chapter 7).

Recommendation 5

When introducing amendments to bring the law in line with the UN Trafficking Protocol, Governments should take special care to ensure that the offence of trafficking a child is defined in an appropriate way. This means taking into account that the levels of coercion required to control children (and keep them in exploitation) are less severe and less noticeable than those used to control adults. Consequently, any new law on human trafficking or child trafficking should make it clear that the same abusive means of control which have to be proved in cases of adults do not have to be proved in the case of children in general (particularly in the cases of young children).

Governments should also check that traffickers are not escaping with impunity because the law prohibiting child trafficking is too complicated to enforce, or the penalties for child trafficking are so harsh that it is difficult to persuade courts to convict child traffickers.

Recommendation 6

Every government should conduct a review to assess how its current procedures and practices compare to those recommended in the guidelines issued by UNICEF and the UN High Commissioner for Human Rights. A review panel which includes representatives of both statutory agencies and NGOs with experience of assisting trafficked children should be asked in every country to recommend specific measures to bring national practice into line with these international guidelines.

As the gap between government policy and practice, on the one hand, and these guidelines, on the other, is so great, the recommendations here do not attempt to mention all the specific measures which UN guidelines indicate governments should be taking with respect to children who may have been trafficked.

Recommendation 7

Governments should avoid any of the policy responses identified in Chapter 10 as counter-productive for trafficked children, that is to say:

- blanket responses to deal with human trafficking which result in violations of human rights of the very people they are supposed to protect;
- laws or practices which have the effect of criminalising

- children who have been trafficked;
- the routine deportation of children who may have been trafficked, following either summary or administrative procedures.

Recommendation 8

In order to stop the exploitation of children which is associated with trafficking, governments should intensify their action against all the types of exploitation of children occurring under their jurisdiction, that is to say, those specifically outlawed by the UN Trafficking Protocol and also those targeted in the ILO's *Worst Forms of Child Labour Convention*.

Special priority should be given to stopping trafficked children from being subjected to torture or to other forms of cruel, inhuman or degrading treatment or punishment, notably by enforcing bans on the use of corporal punishment against all children (if such bans already exist) and (if they do not) introducing legislation to prohibit adults for using violence or inflicting physical harm on children.

TO DONORS FINANCING COUNTER-TRAFFICKING WORK

Recommendation 9

Government departments and other organisations which donate funds to organisations involved in counter-trafficking work (whether the recipients are inter-governmental organisations or NGOs) should make funds available on a systematic basis for the evaluation of both prevention and protection activities, in order to identify initiatives which are effective and which constitute good practice.

TO NGOs

The remaining recommendations are addressed to NGOs and cover five different areas of their work: investigations, publicity, prevention, evaluation and cooperation with others.

Recommendation 10 (Investigating child trafficking)

In addition to ensuring that they brief their own staff about the risks that trafficked children are exposed to if they are contacted by investigators asking questions about trafficking, NGOs should ensure that journalists and anyone else they contact to alert them to trafficking cases are aware of these risks and advised to take appropriate precautions (such as those suggested in the WHO Guidelines) if they seek to talk to trafficked children.

Recommendation 11 (Publicity)

Organisations which publicise cases of trafficked children should do as much as possible to protect the dignity of the children involved and ensure that their staff are aware

of the possibility that both publicity and other initiatives could be counter-productive. Whenever they decide to reveal a trafficked child's face (or other identifiable features) or identity in publicity materials, they should keep a formal record of the criteria taken into account, so these can be checked if anything goes wrong subsequently.

Recommendation 12 (Prevention)

Efforts to prevent the exploitation of trafficked children should include initiatives to influence members of the public who are 'consumers' of services provided by trafficked children or of products made by them, including sexual services in the case of children subjected to commercial sexual exploitation.

Recommendation 13 (Evaluations)

Both NGOs and other organisations involved in counter-trafficking work should ensure their work on child trafficking is subjected to regular evaluation to enable them to learn, both as individual organisations and collectively with others, what initiatives prove most effective and most appropriate. NGOs should pay particular attention to seeking the views of the children who have been the targets of their initiatives, notably once the children have had enough time to develop some perspective on the initiatives taken on their behalf and can give comments on these.

Recommendation 14 (Cooperation with others)

Whether they are campaigning against child trafficking or taking practical action to protect trafficked children, NGOs should ensure that they cooperate with other organisations whenever this is in the best interests of children, both in their own countries and abroad. They should take steps to ensure that their own work does not have (possibly unintended) counter-productive side-effects for other organisations carrying out effective work against child trafficking. They should avoid competing with other child rights organisations for media coverage whenever this could be to the detriment of children who have been trafficked. International NGOs involved in work to stop child trafficking should develop opportunities to exchange information with others. In addition to exchanging information on good practice, questions for consideration in the near future include:

- i methods for enabling trafficked children to participate in the formulation of counter-trafficking techniques;
- ii. methods for monitoring the unintended side-effects of counter-trafficking initiatives (which are harmful to children);

- iii. and a discussion about the age at which it is generally reasonable for children to migrate. This would require child rights advocates to review whether the criteria they advocate as a basis for determining whether it is reasonable for individual children or groups of children to migrate are too complex or nuanced to be the base of government policy and, if so, what could be done to give a clearer message without compromising on the need to ensure that the best interests of the child remain the primary consideration.

Endnotes

1. Notably in Panudda Boonpala and June Kane, *Unbearable to the Human Heart – Child Trafficking and Action to Eliminate It*. ILO-IPEC, 2002.
2. *The Trafficking Victims Protection Act* (2000).
3. Mainly from USAID.
4. *Terre des Hommes* means ‘a World for People’ in French. Antoine de St Exupery, a French author, is reported to have uttered this phrase when flying over a desert; it became the title of one of his works.
5. Their headquarters are in Canada, Denmark, France, Germany, Italy, Luxembourg, Switzerland (where there are two organisations, *Terre des Hommes Switzerland* and the *Terre des Hommes Foundation* in Lausanne, Switzerland) and Syria. The network works in partnership with *Terre des Hommes* organisations in Spain and the Netherlands. Altogether *Terre des Hommes* member organisations support 840 development and humanitarian aid projects in 71 countries.
6. Chapter 8 includes the definition of child trafficking in international law.
7. Generally 14 or 15 in developing countries and 15 or 16 in industrialised countries, but some countries have not stipulated a particular age.
8. To “physical, mental, spiritual, moral and social development” in the words of the UN *Convention on the Rights of the Child* (Article 27); see Chapter 7.
9. Such cases are generally referred to as ‘false adoptions’.
10. The term ‘paedophile’ is used here to refer to adults or adolescents who experience sexual arousal towards a child that has not yet reached puberty, rather than towards an adolescent.
11. Nevertheless, most organisations combating child trafficking in French- and Spanish-speaking countries continue to refer to it by the terms ‘trafic’ in French and ‘trafico’ in Spanish, rather than accepting the UN Protocols’ distinction and using the terms ‘traite’ and ‘trata’.
12. The Coalition to Stop the Use of Child Soldiers campaigns against this : <http://www.child-soldiers.org>
13. ILO, *A Future without Child Labour*, 2002, p. 18. In a leaflet issued on 12 June 2003 to mark World Day Against Child Labour, ILO-IPEC modified this estimate to suggest that 1.2 million children were being trafficked every year.
14. ILO, *A Future without Child Labour*, 2002.

15. Asia ACTS, *Asia's Children in Peril – A regional study on Child Trafficking*, 2002.
16. Video by the Taiwan Women's Rescue Foundation, *The selling of Chen Chen: the Trade in native Taiwanese Children*, 1991, quoted in Anti-Slavery International, *Enslaved Peoples in the 1990s*, Copenhagen, 1997. Prostitution was legal for women above the age of 21, but indigenous non-Han Chinese parents were reported to send much younger girls to work in brothels in return for payments made to them in advance.
17. *Report on the mission to Guatemala*. Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms Ofelia Calcetas-Santos. UN Doc. E/CN.4/2000/73/Add.2, 27 January 2000.
18. Ibid. Paragraph 29.
19. Ibid. Paragraph 102.
20. Albania in 1992, Georgia in 1997 and Romania in 1991 (after the departure of more than 10,000 children in the space of 18 months - see UNICEF, *Inter-country Adoption*, 1998) and again in 2001, following protests by the European Parliament's Rapporteur on Romania that the way intercountry adoptions were being organised was resulting in serious abuses of the UN *Convention on the Rights of the Child*.
21. In 2000 319 unaccompanied minors from Romania were brought to court in the Paris area alone (16.5 per cent of the juveniles appearing in court that year). *Mineurs « isolés » d'Oas en France: Analyse de situation en vue d'une intervention de prévention*. Terre des Hommes and la Voix de l'Enfant. 2003.
22. *The Bellagio Task Force Report on Transplantation, Bodily Integrity, and the International Traffic in Organs*, extract from *Transplantation Proceedings*, (1997; 29:2739-45) published by the International Committee of the Red Cross on its web-site <http://www.icrc.org>
23. Anne Kielland and Ibrahim Sanogo, Burkina Faso, *Migration de la main d'oeuvre enfantine d'origine rurale – ampleur de facteurs déterminants*, 2002.
24. Daniel Stoecklin and Vincent Tournecuillert, *Child trafficking in South East Europe: the development of good practice to protect Albanian children*, (forthcoming).
25. Alison Boak, Amy Boldosser and Ofonamu Biu, *Smooth Flight: A Guide to Preventing Youth Trafficking*, 2003.
26. Asia ACTS, *Asia's Children in Peril – A regional study on Child Trafficking*, 2002.
27. Ibid. (concerning both Thailand and Vietnam).
28. *Factores psicosociales e institucionales facilitadores del tráfico de niños en Cochabamba*, Infante, in *Del Abuso al Olvido, Tráfico de Niños y Niñas*, Terre des Hommes Germany, 2001.
29. Terre des Hommes, *The Trafficking of Albanian Children in Greece*, 2003.
30. INCIDIN Bangladesh, *Rapid Assessment on Trafficking in Children for Exploitative Employment in Bangladesh*, 2002.

31. A recent report by the London School of Hygiene and Tropical Medicine goes into more detail on the harm caused by trafficking to adolescent girls and adult women in Europe: C Zimmerman et al, *The health risks and consequences of trafficking in women and adolescents. Findings from a European study*, 2003.
32. ECPAT-International, *The Psychosocial Rehabilitation of Children who have been Commercially Sexually Exploited - A Training Guide*, 2003.
33. The full text of the Convention is available from <http://www.uncrc.info>
34. The text of both the Convention and the Protocols can be found at http://www.unodc.org/unodc/en/crime_cicp_convention.html#final
35. The Trafficking Protocol definition represents an evolution of the definition of ‘child servitude’ in the UN’s 1956 *Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery* which banned “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”.
36. Full text can be found at <http://www.hcch.net/e/conventions/text33e.html>:
37. G. Parra-Aranguren. *Explanatory Report on The Convention on Protection of Children and Co-Operation in Respect of Inter-country Adoption*. 2003.
38. These can be obtained from the Office of the High Commissioner’s web-site <http://www.unhchr.ch>
39. The *Guidelines* are available at <http://www.seerights.org> _
40. Which requires all the EU’s Member States to make offences identified in the UN Trafficking Protocol an offence in their domestic law, punishable by a minimum of eight years’ imprisonment, by August 2004.
41. The authorities of an EU country who are considering allowing a child who may have been trafficked to remain in their country temporarily will be required to take the best interests of the child into account under the terms of a draft Directive of the Council of the EU issued on 17 December 2003 (*on the residence permit issued to third-country nationals who are victims of trafficking in human beings ...*); Article 10 concerns minors. Ireland and the United Kingdom both opted not to implement this Directive.
42. *Terre des Hommes, The Trafficking of Albanian Children in Greece*, 2003, quoting information from Greece’s Directorate for Child Protection.
43. Kritaya Archavanitkul, *Combating the Trafficking in Children and their Exploitation in Prostitution and Other Intolerable Forms of Child Labour in Mekong Basin Countries*, 1998.
44. In Cambodia, China, Laos, Burma, Thailand and Vietnam.
45. From <http://www.stabilitypact.org/trafficking/default.asp>
46. From the Office of the High Commissioner for Human Rights’ web-site <http://www.unhchr.ch>

47. *Report of the Special Rapporteur on violence against women, Ms. Radhika Coomaraswamy, on trafficking in women, women's migration and violence against women*, submitted in accordance with Commission on Human Rights resolution 1997/44, 29 February 2000, UN Doc. E/CN.4/2000/68.
48. Elaine Pearson, *Human Traffic, Human Rights: Redefining Victim Protection*, 2002.
49. *Des Moines Register*, 1 August 2003.
50. The *Etireno* was owned by a Nigerian sportsman playing for a German football team who claimed that he had no idea that his ship was being used for illegal activities.
51. Sarah Castle and Aïsse Diarra. *The International Migration of Young Malians: Tradition, Necessity or Rite of Passage?* 2003.
52. Ibid.
53. Committee on the Rights of the Child, General Comment, July 2003.
54. Save the Children [UK], *Breaking Through the Clouds. A Participatory Action Research with Migrant Children and Youth in Cross-Border Areas of China, Myanmar and Thailand*, 2001.
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58. Alain François Adihou, *Le trafic des enfants entre le Bénin et le Gabon*, 1999.
59. ILO-IPEC: *Trafficking girls in Nepal with special reference to prostitution – A rapid assessment*, Geneva, 2001, quoted in Panudda Boonpala and June Kane, *Trafficking of Children: The Problem and Responses Worldwide*, Geneva, 2001.
60. INCIDIN Bangladesh, *Rapid Assessment on Trafficking in Children for Exploitative Employment in Bangladesh*, 2002.
61. Terre des Hommes, *The Trafficking of Albanian Children in Greece*, 2003.
62. Anne Kielland and Ibrahim Sanogo, *Burkina Faso, Migration de la main d'oeuvre enfantine d'origine rurale – ampleur de facteurs déterminants*, 2002.
63. WOREC, *Cross Border Trafficking of Boys*, 2002.
64. From the ICMC web-site <http://www.icmc.net/docs/en/programs/indostate>
65. See Box in Chapter 3 for a case reported in October 2003. NGOs channelled information to the ILO via trade unions as they are not entitled by the ILO's procedures to submit the information directly to the ILO body monitoring whether ILO conventions are being respected.

66. In reports compiled by Uwe Pollman: *Handel mit Kindern in die Bundesrepublik Deutschland, Ergebnisse einer Recherche, Terre des Hommes*, February 2001, and *Country Report - Germany in Trafficking in Unaccompanied Minors for Sexual Exploitation in the European Union*, IOM, May 2001.
67. 'Girls of the Night. Prostitution involving Girl-Slaves in Brazil'.
68. 'They are so nice, Sir. Traffickers in women in Belgium and Europe'.
69. Human Rights Committee, General Comment No. 17 at its 35th session, 1989.
70. ILO-IPEC, *Action against Trafficking and Sexual Exploitation of Children. Going where the children are ... [An Evaluation of ILO-IPEC Programmes Thailand, Philippines, Colombia, Costa Rica and Nicaragua]*, 2001.
71. Maggie Black, *Child domestic workers: A Handbook on Advocacy*, 2002.
72. Information about Greece's Law 3064 of 15 October 2002 from a lawyer in Thessalonica.
73. The UN High Commissioner for Human Rights' *Guidelines* note that "While the additional elements that distinguish trafficking from migrant smuggling may sometimes be obvious, in many cases they are difficult to prove without active investigation. A failure to identify a trafficked person correctly is likely to result in a further denial of that person's rights. States are therefore under an obligation to ensure that such identification can and does take place" (*Guideline 2*).
74. Carron Somerset, *What the Professionals know: The trafficking of children into, and through, the UK (United Kingdom) for sexual purposes*, 2001.
75. The UN *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* (1949).
76. In addition to the Guidelines issued by UN High Commissioner for Human Rights and UNICEF on how trafficked children should be treated, other organisations have issued guides on how any unaccompanied children should be treated, which are relevant to trafficking cases. See, for example, Celia Petty, Mary Tamplin and Sarah Uppard, *Working with Separated Children: Field guide, training manual and training exercises*, 1999.
77. On the basis that "There is no public health justification for such compulsory HIV testing. Respect for the right to physical integrity requires that testing be voluntary and based on informed consent.", Section C, point 9 in *Guidelines on HIV/AIDS and Human Rights*, Annex 1 to UN document E/CN.4/1997/37 of 20 January 1997
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78. INCIDIN Bangladesh, *Rapid Assessment on Trafficking in Children for Exploitative Employment in Bangladesh*, 2002.
79. Concluding remarks of the Committee on the Rights of the Child: Bangladesh. UN document CRC/C/15/Add.221. Committee on the Rights of the Child, 34th session, October 2003.
80. Available at <http://www.humanitarianinfo.org/iasc/publications.asp>
81. SACCS web-site, <http://www.saccsweb.org/rehabilitation.php3>

82. ECPAT-International, *The Psychosocial Rehabilitation of Children who have been Commercially Sexually Exploited - A Training Guide*, 2003. Available on <http://www.ecpat.net/eng/index.asp>:
83. *Terre des Hommes, The Trafficking of Albanian Children in Greece*, 2003.
84. At the time of going to press the UN has decided to appoint a new Special Rapporteur on trafficking in persons, especially in women and children.
85. Quoted in UNICEF, *State of the World's Children 2004*, 2003.

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