

Press kit background paper 6

On the move: trafficking of children for sexual exploitation¹

Every day untold numbers of children are exploited in the commercial sex trade in many parts of the world. Some of them will be far away from their home communities when this occurs. They may have been abducted and coerced to move; they may themselves have moved to escape ill treatment, poverty or just to seek a better future, not knowing what awaited them.

Forced or voluntary relocation may have occurred for labour purposes more generally and the child may not originally have been sexually exploited. However working children are especially vulnerable to sexual exploitation, their dependence on their employer, their generally illegal situation and their often work-related frailty adding to the risk. They may have crossed international borders by land, sea or air. They may have travelled no farther than to the big city in their own country. Regardless of the details, when a child is sexually exploited and has relocated or been relocated as part of this process, then trafficking has occurred. It is difficult for trafficked children to seek help not just because they are children but also because they are often illegal migrants and have false or no documents.

After the Second World War, early international conventions relating to the trade in human beings (slave trade) were superseded by the United Nations *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* (1949). Like many of the early international instruments, this Convention emphasized the prohibition of prostitution rather than trafficking.

For the next four decades only limited attention was paid to trafficking in women and children. A renewed interest in trafficking took place in the 1980s in the wake of international developments regarding migration flows, the feminist and child rights movements, concerns about organized crime, the impact of tourism, and the spread of HIV/AIDS.

By the time of the first World Congress against Commercial Sexual Exploitation of Children in Stockholm in 1996, it was clear that the elimination of trafficking in children, a most heinous violation of their rights, was again firmly on the international agenda.

What has happened since 1996?

A number of important international instruments have come into existence since the first World Congress. These not only provide a framework for action but also reinforce the responsibilities of governments to act. Important to fulfilling this commitment is the usability of the definitions and terms used since, given the cross-border nature of much trafficking, it is vital that governments in sending, transit and receiving countries can work together with some common ground.

Among these, ILO *Convention 182 concerning the Prohibition and Immediate Action for Elimination of the Worst Forms of Child Labour*, adopted by the ILO Conference on 17 June 1999, requires Members to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. For the purposes of Convention 182, the term 'the worst forms of child labour' comprises:

- a. 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, including forced or compulsory recruitment of children for use in armed conflict;
- b. the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- d. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

An *Optional Protocol* to the United Nations *Convention on the Rights of the Child* on the sale of children, child prostitution and child pornography was adopted in May 2000 and reinforces the rights of children not to be trafficked. It obliges States Parties to prohibit the sale of children, child prostitution and child pornography. Article 2 defines the term ‘sale of children’ as any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration. Article 3 obliges States Parties to ensure that, as a minimum, the following activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally, on an individual or organized basis:

- offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation of the child, transfer of organs of the child for profit, or engagement of the child in forced labour;
- improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption.

In November 2000, a new *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (supplement to the United Nations *Convention against Transnational Organized Crime*) was adopted by the General Assembly and opened for signature. This instrument, which grew out of a consultative process with a wide range of governmental, intergovernmental and non-governmental actors, contains a definition of trafficking that has been widely accepted. It says:

- 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 the minimum, the exploitation or 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 articles;
- d. ‘Child’ shall mean any person under eighteen years of age.

In addition to these and other instruments of international law, there are also several important regional and sub-regional frameworks and agreements including in Europe the Council of Europe’s Recommendation No. 11 (2000) on action against trafficking in human beings for the purpose of sexual exploitation, and two draft framework Decisions submitted by the European Commission for adoption by the Council of Ministers, one concerning trafficking in human beings and the other concerning sexual exploitation of children.

In Asia, the Association of South-East Asia Nations (ASEAN) has identified the fight against trafficking in women as one of its priorities and, since 1999, Ministerial Meetings have stressed the urgent need to strengthen the regional capacity of ASEAN to combat such trafficking. The South Asian Association for Regional Cooperation (SAARC) has also agreed to cooperate to combat trafficking in women and children and to develop a convention to address the problem.

In the Americas, the Organization of American States launched a project called *International Trafficking in Women and Children in the Americas: Research on trafficking in women and children for purpose of labour and sexual exploitation*.

However, despite better awareness of the need to address trafficking and efforts to improve the range

of tools available to combat it at government level, there remain some serious challenges, not least taking full stock of the phenomenon, mapping its complexities, and making programming decisions fully informed by better knowledge and understanding.

How many children are affected by trafficking?

The exploitation of children who have been trafficked, and often their movement into exploitation, is always illegal and so almost always hidden. Statistics are therefore unreliable, although some 'ballpark' figures are often quoted. In its report on the Trafficking Victims Protection Act of 2000, the United States Congress estimates that at least 700,000 people, primarily women and children, are trafficked each year within or across international borders. Some 50,000 women and children are trafficked into the United States each year. The United Nations estimates that, in the last 30 years, trafficking in women and children in Asia for sexual exploitation alone has victimized more than 30 million people. None of these estimates is disaggregated by age or gender, nor is the result/purpose of the trafficking specified, so it is impossible to say what percentage of children are trafficked into commercial sexual exploitation (CSEC) or into, say, begging or sweatshop labour.

What are the main causes of trafficking?

Many commentators insist that poverty and the marginalization of women are the root causes of trafficking, but there are in addition many other 'push' factors that make children, families and indeed whole communities vulnerable to trafficking. Political instability, militarism, civil unrest, internal armed conflict, natural disasters, changed economic circumstances, discrimination and peer and family pressures are all regularly found as reasons why children become vulnerable to trafficking. The destabilization and displacement of populations increase their vulnerability to exploitation and abuse through trafficking and forced labour. War and civil strife may lead to massive displacements of populations, leaving orphans and street children extremely vulnerable to trafficking. In some countries, social or cultural practices increase children's vulnerability to trafficking -- for example, the devaluation of women and girls in society, and the practice of entrusting poor children to more affluent family members.

Some parents sell their children, not just for the money, but also in the hope that the children will be escaping poverty and moving to a place where there will be a better life and more opportunities. Some children themselves seek out recruiters and transport agents in the search for a better future. In this era of globalized advertising and consumer pressures, children as far apart as Indonesia and Hungary quote 'wanting to buy nice things' as the 'push' factor that drove them to move and resulted in their eventual exploitation.

The most important 'pull' factor is the demand for sex-related services and for child sex. As the sex industry grows, so does trafficking, including in children. The increase in tourism is also linked to the escalating demand for sexual services. As long as the demand is there, the traffickers will stay in business. Traditional and cultural male behaviour, myths in certain cultures regarding the rejuvenating power of sex with virgins and young girls, and ignorance of HIV/AIDS transmission, may also lead men to seek younger partners. Research has also clearly shown that prostitute users regularly seek to justify their behaviour by seeking out women and girls they can categorize as 'other', judging them as inferior beings who are 'asking to be exploited'. Women and children from different cultures, ethnic groups and poorer countries or regions are more easily seen in this light and this, too, fuels the trafficking trade.

How do women and children fall victim to traffickers?

Children are recruited into trafficking and the sex trade in a number of different ways. Procurement ranges from outright kidnapping of children to obtaining the children's or their parent's consent. Large numbers of children are the victims of deception: a recruiter will tell the child or family that there are good employment opportunities somewhere and that s/he can take the child to them. Thus the child and/or family may seem to be 'willing and active participants' in the trafficking, at least at the beginning of the process. Some women and children know that they are being recruited for prostitution but have

no idea of the often degrading and extremely exploitative situations in which they will end up. Trafficked children regularly report that they have been beaten, raped, deprived of food and water, locked in sub-standard accommodation and denied access to healthcare when ill.

A very common form of coercion is debt bondage, where women and children are told that they must work without wages until they have repaid the costs advanced by their employers for travel, documentation and other 'fees'. Huge interest is charged on this original debt, more debts accrue for accommodation and the such-like, and the possibility of paying back even a fraction of the debt recedes further. For women and children hoping to escape poverty and maybe earn money to begin a new life, this is among the cruellest deceptions.

In some cases, victims are eventually released from debt, but only after months or years of coercive and abusive labour. To prevent escape, employers take full advantage of the victims' vulnerable position: they may not speak the local language, are unfamiliar with their surroundings, and fear arrest and mistreatment by local law enforcement authorities. These factors are compounded by a range of coercive tactics, including constant surveillance, isolation, threats of retaliation against the child and/or family members at home, and confiscation of passports and other documentation.

Is trafficking big business?

Trafficking into the sex trade is more a series of events than a single phenomenon. Simplified, it can be said to comprise recruitment, transportation and sexual exploitation. It therefore involves a veritable army of exploiters, among them recruiting agents (often former trafficking victims who return to their communities and need money to survive); travel agents, transporters, accompanying agents, receiving agents; brothel owners and pimps. Each of these may profit financially from the transaction. In any instance of trafficking, different exploiters will be involved, but there are some patterns that emerge:

Women and children may be trafficked as part of the illicit activity of organized trafficking networks, which may also be involved in other forms of contraband. They may fall victim to smaller-scale local trafficking rings. Or their trafficking may be at the hands of 'occasional traffickers' who see an opportunity to make money and take it. In South Asia, local trafficking networks and occasional traffickers seem to dominate. In Europe and to some extent in South East Asia, there is more evidence of organized international criminal groups at work. Chinese, Japanese and Vietnamese criminal networks, Russian and Albanian gangs, and the Italian Mafia are all reported to engage in trafficking of people.

Trafficking routes are constantly shifting. Changes in national legislation, political changes that result in a greater willingness of governments to implement international obligations, the opening of new markets, conflict situations and relations between countries in conflict can all affect the ease with which traffickers can operate.

Is trafficking a global problem?

Trafficking not only happens in every region of the world, it links regions and countries in a constantly changing, complex web.

Europe: In recent years there has been a substantial increase in the trafficking of women and children from Central and Eastern Europe to Western Europe. There are signs of a new, fourth, wave of female victims of trafficking coming from Central and Eastern Europe. The first wave was composed of Asian women (basically Thai and Filipinos); the second, of South Americans (Dominicans and Colombians); and the third, of Africans (Ghanaians and Nigerians). Until 1992 there were virtually no known cases of trafficked women from Central and Eastern Europe in Belgium and Netherlands, for example. By 1994, in the Netherlands alone, nearly 70 per cent of trafficked women were from Central and Eastern European countries. This form of trafficking also involves the recruitment of women from the poorer Eastern European countries to Central Europe, making the countries of Central Europe both sending and destination countries for trafficked women. Increasingly 'women' includes adolescent girls.

Trafficking in children from Eastern Europe to Western Europe has increased because it is easier and cheaper for traffickers to bring them from Central and Eastern Europe to Western Europe than to

recruit them from developing countries. The transition to a market economy in Central and Eastern Europe has resulted in huge job losses and an increase in poverty. Women and children have been particularly affected.

Trafficking in Europe involves 'East to East' movement as well as 'East to West', with countries having stronger economies (mainly Hungary, the Czech Republic and Poland) becoming countries of destination for others less well off in the region. Countries such as these may act as transit points for Western Europe or North America. Concern over the problem has prompted Hungary to take the important step of penalizing trafficking in persons as a crime in its own right and a violation of personal freedom and dignity. In Israel, as well, there has been an influx of young women brought in by criminal networks illegally from CIS countries, Eastern Europe and developing countries (especially from Central and southern Africa) to work in brothels.

Africa: Trafficking in children occurs in many countries of Africa. For a long time there has been movement of children into labour in neighbouring countries in the region, for girls particularly into domestic service. There is also a time-honoured tradition in West and Central Africa of poor parents sending a girl child to live with a family member who can care for her better. While many such children do, indeed, benefit from the move and are provided with education, care and attention, some are exploited both for work and for sex.

For example, children from Togo, Benin and Nigeria are moved by sea to Gabon, where they are put to work mainly as domestics. Malian children are taken as cheap farm labour to Côte d'Ivoire, which also receives domestics and fishermen's apprentices from Ghana. African culture allows for children to work within the family, the extended family and often the community. But the region's economic woes, compounded by HIV/AIDS and by natural and man-made disasters, have distorted traditional forms of child work into exploitative practices. The dissolution of families as a result of HIV/AIDS-related deaths increases the vulnerability of children to recruitment into exploitative labour. Sub-Saharan Africa outranks the rest of the world for the proportion of its children in the labour force: an estimated 41 per cent of children aged five to 14 are at work and vulnerable to or already in CSEC.

Asia: Trafficking of women and children for sexual exploitation in South East Asia has been extensively recorded since the 1980s. For example, girls and women have long been recruited from the poorer provinces in the north and northeast of Thailand for commercial sex work in the cities, but in the 1990s the trafficking of women and children from Myanmar, Laos, Cambodia and Yunnan Province of China eclipsed this. Besides being a receiving country, Thailand has also remained a source country for migrants. As the international labour market for Thai workers changed, the demand for Thai women expanded from domestic workers to brides and sex workers. Destination countries for Thai women expanded from Singapore and Malaysia to, primarily, Japan, Taiwan, Europe, North America, South Africa and Australia.

The trafficking of girls and women appears to have become a thriving industry in South Asia too. The primary purpose of trafficking in the region is for forced prostitution, but girls, boys and women are also trafficked for domestic service, organ harvesting, begging, forced labour in sweatshops, work as camel jockeys or for marriage.

Americas and Caribbean: In the Americas and Caribbean, trafficking has not been recognized as a separate issue until quite recently and studies have therefore been fewer. Children are trafficked within the countries of Latin America (internal) and also out to other countries and regions. Internal trafficking generally involves poor children being moved for exploitation in urban centres, in both labour and sex. There is also trafficking of children from some countries to more affluent parts of the world, and some of this is linked to the drug trade. Within the region, trafficking reflects inequalities in the economic status of different countries of the region.

For example, there is evidence of trafficking of young women and some girls for the purposes of commercial sexual exploitation from the Dominican Republic to Curaçao, Haiti, Panama, Puerto Rico, Venezuela, the West Indies, and in Europe to Austria, Germany, Greece, Italy, Netherlands, Spain and Switzerland. The trade seems to be well organized, for example young women trafficked to the

Netherlands often enter as the offspring of a Dutch national, since Dutch law permits recognition of children born to its nationals overseas and grants citizenship on this basis. There is a thriving business in the Dominican Republic in forged papers for this purpose.

The same patterns of exploitation, recruitment and trafficking appear in Mexico, Costa Rica, Brazil, Colombia, Guatemala, Nicaragua, Honduras and El Salvador. In Mexico, children from El Salvador and Guatemala have been identified working in commercial sex and have reported arriving in the country under duress or false pretences. Some report that they travelled with adults who had paid for assistance with illegal migration into the United States and who had transited Mexico. Because of its geographical position, Mexico is also a major transit country. The US Department of State's July 2001 Trafficking in persons report says that children from Central America, China and Eastern Europe have been trafficked through Mexico to commercial sex work in the United States, Canada and Japan. There is also considerable internal trafficking of girls, in particular, to work in commercial sex in tourist resorts in Mexico. Tourists and expatriates come mostly from the United States and Canada, although not exclusively.

Children are also trafficked from Haiti. Male and female adolescents are trafficked into the United States, Canada and the Dominican Republic for labour and sexual exploitation. Both Canada and the United States are receiving countries for children trafficked from Latin America and the Caribbean, as well as from Asia and Africa. The US Department of State estimates that between 45,000 and 50,000 women and children are trafficked into the US every year.

Middle East and Gulf States: Both adults and children are trafficked into Bahrain. While adults and children of both sexes travel to Bahrain to work in a wide variety of menial jobs, adult and adolescent women are employed both in general labour and in commercial sex. Women and girls come from a number of regions, pulled by the high demand for commercial sex and the wide economic disparities that make the Gulf States in particular a profitable market for traffickers and exploiters. There are reports of trafficking from Asia, Africa and Eastern Europe and the CIS not only to Bahrain but also to Qatar and the UAE.

There is also trafficking of young women into commercial sex in Lebanon, and there are numerous and regular reports of trafficking of women and children into the commercial sex sector in Israel, where the hybrid nature of society creates demand for women from many different regions for exploitation in the sex trade. The Israel Women's Network estimates that some 2,000 women and girls are trafficked annually for exploitation in commercial sex, largely by criminal groups. Trafficking is facilitated by the fact that Israel has no laws against trafficking and prostitution is legal. As a result, women arrive from the former Soviet bloc, Turkey, Brazil, Asia and South Africa.

Are there national laws against trafficking?

Most countries have not adopted specific legislation dealing with the issue of trafficking, but have chosen to deal with the problem using, for example, existing laws prohibiting the facilitation of illegal sexual activities, constraint, procuring, and prostitution of persons. However, in recent years an increasing number of countries have introduced specific legislation.

However, penalties in legislation dealing with the issue of trafficking in children are sometimes too lenient to be effective. It is necessary to establish trafficking in children as a serious criminal offence, making its punishment proportional to the gravity of the crime. This will also facilitate mutual legal assistance, extradition, use of special investigative means and confiscation of proceeds.

Administrative sanctions in addition to criminal sanctions, aimed particularly at deterring the sale and/or trafficking of children, should also be considered. These might include the suspension of operation or outright closure of establishments involved in any phase of the trafficking, and confiscation of proceeds of the transactions as well as properties such as vehicles or computers used in the production and falsification of illegal documents.

Given the cross-cutting nature of many of the issues surrounding trafficking, some countries have found it effective to establish inter-departmental working groups or task forces to ensure the flow of

information and co-ordinate approaches. In Thailand, the National Committee on Combating Trafficking in Women and Children brings together actors from a wide range of sectors, to co-ordinate a common approach towards the issues. Government entities such as the Office of the Prime Minister, the Department of Public Welfare, and the Police Department are represented in the Committee, as are international agencies such as the IOM and ILO, and NGOs.

In the Philippines, a project *Coalition against Trafficking in Human Beings* has been undertaken by the Philippine Government and the Centre for International Crime Prevention (CICP) of the United Nations Office for Drug Control and Crime Prevention (ODCCP) in cooperation with the United Nations Interregional Crime and Justice Research Institute (UNICRI). The project aims at improving the effectiveness of law enforcement functions and criminal justice responses in several ways, including the support of a national coordination mechanism and closer cooperation between law enforcement agencies and prosecution.

What are others doing to combat trafficking and protect children at risk?

Many children and families are tricked into exploitation by lies, deceit and trickery. Their own ignorance of what might happen abets this. Increased awareness and understanding are therefore important protection tools. A number of non-governmental and inter-governmental agencies, as well as governments themselves, have been active in awareness-raising activities all over the world. For example, the IOM has carried out a number of successful information campaigns in Romania, Albania, the Philippines, Vietnam, Ukraine, Bulgaria, Hungary, and the Czech Republic.

In Thailand, NGOs have been involved in prevention activities through awareness-raising, education and career development. These have included vocational training initiatives and community development projects. In many regions, NGOs such as World Vision International, Save the Children, Terre des Hommes and myriad national organizations working at local and national level, work not only to reduce the risk of children from being trafficked but also to help those who have escaped from exploitation in the commercial sex trade to build a future.

UNICEF programmes aimed at preventing trafficking of children include increased educational opportunities for disadvantaged children, particularly girls, support to families at risk, social welfare projects, and the training of law enforcement officials and judicial authorities.

ECPAT has launched a *Prevention Project Against Child Prostitution in Northern Thailand*, which aims to prevent young people from the north of Thailand entering the commercial sex industry. ECPAT funds local organizations that reach children at risk in hill tribe villages, lowland Thais and street children, to give them employment options and reduce their risk of entering the commercial sex industry. These activities include school sponsorship, informal education, vocational training and income-generation assistance where appropriate. The project also aims to provide training to adult facilitators including teachers, social workers, and youth leaders.

Addressing the root causes of the problem, however, remains the major challenge. These include poverty and social development, employment and labour-market inequalities, gender-based discrimination, the dissolution of family and community, and demand-driven pull factors such as increased prostitute use and violation of children's rights not to be exploited.

As an example: in June 2001, the Council of Europe Parliamentary Assembly demanded urgent action to help Moldova reduce poverty, which is a major cause of trafficking in children. Aid to pay for education, training and employment, free compulsory schooling, proper health care, and a minimum wage were among measures put forward by the Assembly. The Assembly agreed that funds should be unblocked to help the country, for example through the Council of Europe Development Bank. In social development efforts, the Assembly stated, Moldova should be helped to reintroduce free primary education, a minimum level of healthcare and family support services.

Conclusion

In short, responses to trafficking in children need to be as complex as trafficking itself. Recognizing that trafficking comprises a number of different stages, involves a wide range of different actors, and works in many different ways is vital to planning how to combat it.

But action even has to go beyond addressing the root causes, stopping the actions involved in trafficking, pursuing the criminals involved and protecting children and communities at risk. It also has to address children who have already been trafficked into CSEC and who, in addition to the health, social and emotional impacts of CSEC, also face the problems of being away from home, sometimes in an entirely different country.

At the bilateral level, countries of origin and destination can work to establish programmes to facilitate the voluntary return of victims of trafficking. In many countries, return or conversely permission to stay in a country depends on the trafficking victim's willingness to give evidence against a trafficker or pimp – a particularly difficult thing to ask of a child who has been ill-treated and yet dependent on an exploiter for survival.

States have to ensure that trafficked children have access to assistance that meets their needs, such as legal aid, protection, secure housing, economic assistance, counselling, health and social services, and physical and psychological recovery services, and that they are not discriminated against. Special help should be given to those who have HIV/AIDS and it has to be recognized that such children, in particular, may be rejected by their families or communities of origin and may not be able to return. While emphasis should be placed on family and community-based rehabilitation, placement in foster families or specialized halfway communities may be necessary.

In short, trafficking of children challenges every sector, from regional groupings of national governments to an NGO in a small border community that takes responsibility for caring for a handful of girls who have been trafficked. The challenge has now largely been recognized, but the response has barely begun.

¹This summary is based in part on: *Trafficking in Children for Sexual Purposes*, one of six theme papers prepared as background reading for participants at the 2nd World Congress against Commercial Sexual Exploitation of Children, Yokohama, Japan, 17 – 20 December 2001. The paper was compiled by UNICEF. Note that all references to research and other source documents are given in the original paper. This summary also borrows in part from the first draft of *Trafficking of children: the problem and responses worldwide*, ILO, December 2001.