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Labour  
Office



**UN.GIFT**  
Global Initiative to Fight Human Trafficking

# TRAINING MANUAL TO FIGHT TRAFFICKING IN CHILDREN FOR LABOUR, SEXUAL AND OTHER FORMS OF EXPLOITATION

## Understanding child trafficking

Textbook **1**





# **TRAINING MANUAL TO FIGHT TRAFFICKING IN CHILDREN FOR LABOUR, SEXUAL AND OTHER FORMS OF EXPLOITATION**

**Textbook 1: Understanding child trafficking**

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## Foreword

Trafficking in human beings and, more especially, trafficking in children has been high on the international agenda for more than a decade. The trafficking of children is a serious human rights violation. Only recently, however, has the international community recognized that child trafficking is also undeniably a labour issue.

While most people are now aware that children and women (and sometimes boys and men) are trafficked into the world's commercial sex trade, children's right to be free of exploitation is violated in many other ways. Children are frequently trafficked into labour exploitation in agriculture, both long-term and on a seasonal basis. They may toil in a variety of manufacturing industries, from large-scale sweatshops to small craft workshops. In some parts of the world, children are exploited in mining or in fisheries. Girls in particular are trafficked into child domestic labour. Children are also trafficked into the militia and into armed gangs in conflict zones and, while this may not strictly be 'labour', it is nevertheless true that the children are effectively put to work in these situations, not only as soldiers but in a variety of jobs such as cooking, acting as couriers and, for girls especially, providing sexual services to adult combatants.

Many children are moved away from their homes and are exploited in the informal economy, where they are even more difficult to trace and at high risk of many forms of violence. Criminal networks and individuals exploit children in begging, street hawking, car window cleaning and other street-based activities. Some children are exploited as drug couriers or dealers or in petty crime such as pick-pocketing or burglary.

Some of these activities may not immediately be seen as 'labour'. The reality is, however, that they have a commercial motive and the child is seen by those seeking to make a profit from

trafficking as easy prey to exploit. The same commercial motive is at work in the specific case of trafficking of babies for adoption and, although the element of 'labour' might be missing in this case, there are areas where programme responses of ILO, UNICEF and other agencies might coincide; for example the registration and monitoring of recruitment agencies is important in anti-trafficking efforts and similarly the registration and monitoring of adoption agencies is important in actions to prevent baby trafficking.

The ILO has thorough experience in the world of work. Its unique tripartite structure facilitates analysis and action that is anchored in the realities of labour markets and structures. For almost a decade, ILO's International Programme on the Elimination of Child labour (IPEC) and its partner organizations have worked to combat the trafficking of children as a 'worst form of child labour' and have built up considerable expertise in the vital links between child trafficking and labour exploitation. IPEC, together with the ILO's International Training Centre (ITC) in Turin, Italy, has pioneered training for a broad range of actors involved in combating child trafficking.

UNICEF is the United Nations' primary agency focusing on the rights of children and approaches trafficking as a serious violation of these rights. UNICEF's work in the area of child protection is based on the need to create a 'protective environment' that will reduce children's vulnerability to being trafficked, as well as increasing their protection from other threats to the full enjoyment of all their rights. Work within the framework of the 'protective environment' emphasizes the importance of prevention. By working to reinforce the protective environment for all children, UNICEF's approach strives to reduce the vulnerability of children to abuse, violence and exploitation of all kinds.

ILO-IPEC and UNICEF work together at many levels, including through field operations and at the level of policy. They work with governments, workers' and employers' organizations, non-government organizations (NGOs), researchers and academics and a range of other anti-trafficking actors. Through them, they work with families and communities, and with children themselves, in grassroots initiatives that strengthen resilience and mobilize strong community forces.

ILO and UNICEF both support the Global Initiative to Fight Human Trafficking (UN.GIFT). Under this initiative an Expert Group on Child Trafficking was created. It acknowledged the existence of a range of handbooks and guidelines on child trafficking, and identified the need to develop training tools. The expert group – led by ILO and UNICEF – initiated the process of developing a comprehensive training package to fight trafficking in children. In developing the package they have drawn from existing resources such as *'Combating trafficking in children for labour exploitation: A resource kit for policy-makers and practitioners'* (ILO, 2008), *'Guidelines on the protection of child victims of trafficking'* (UNICEF, 2006) and *'Combating child trafficking: Manual for parliamentarians'* (IPU and UNICEF, 2005) and a series of training tools that IPEC developed with the ILO's International Training Centre.

This package is composed of three textbooks and an exercise book that target governments, workers' organizations, employers' organizations, and NGOs and international organizations, and a facilitators' guide for use by trainers and facilitators.

A draft of this training package was validated during a workshop in July 2008, by a range of experts in fighting child trafficking and in training and communication. These included representatives of the Council of Baltic Sea States, ILO-IPEC, ILO-ITC, IOM, OHCHR, OSCE, Save the Children UK, Terre des Hommes, UNICEF, UNICRI, UNODC, and Union Générale des Travailleurs. Further field testing of the training materials took place in the Mekong sub-region – with representatives of governments, and workers' and employers' organizations of Cambodia, China, Lao PDR, Malaysia, Thailand and Viet Nam, and during a global training in Turin with representatives of governments, workers' organisations and NGOs from across the globe.

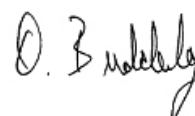
In putting together this training manual and the related guide for facilitators we aim to make a valuable contribution to the work of governments, workers' and employers' organizations, international organizations and NGOs in ending child trafficking.



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## Structure and target groups of the training package

The training manual is composed of three textbooks, an exercise book and an electronic guide for facilitators (see CD-ROM).

The training manual is aimed at four groups of end users: governments (G), workers' (W) and employer's (E) groups, and NGOs and international agencies working for children (N). It can be used in a training environment and as a stand-alone resource for those who wish to hone their understanding and skills in efforts to end child trafficking.

The accompanying guide for facilitators is aimed at individuals and agencies delivering training courses using the manual; it includes suggested answers to the various assignments, and ideas on customizing the contents of the training manual to satisfy participants' and agency needs. The facilitators' guide follows the same structure as the training manual.

The training manual is structured to move from understanding to action, and is composed of three books:

**Textbook 1** covers definitions of and approaches to child trafficking, and aims to outline the main concepts involved so that there is clarity and common understanding. It includes facts and figures designed to give a 'snapshot' of child trafficking across the world, and looks at how statistics and data can be gathered and used so that such a snapshot is clear and usable. Finally, it explores the people involved in anti-trafficking efforts. These elements – a common platform of understanding, data and statistics, and mapping of actors' strengths and weaknesses – are essential prerequisites to effective action and are the key ingredients of National Action Plans (NAPs), a country's blueprint for combating trafficking.

**Textbook 2** is tailored to the specific needs of participants from governments, workers'

organizations, employers' organizations, UN agencies and NGOs. The principal sectoral roles and responsibilities of each group are examined in detail and, for each different group, there is detailed information on the actions that can be taken to combat child trafficking. It is generally organized around the actions that can be taken by the various groups in four categories: protection of children to prevent them from being trafficked; prevention of trafficking; law enforcement; and victim assistance.

**Textbook 3** focuses on 'matters of process' to underline the message that it is not only what you do that is important, but how you do it. It covers areas such as advocacy and mobilization, working with the media, building partnerships, child participation, monitoring and evaluation, and learning and sharing lessons.

In addition to the textbooks there is also a separate **Exercise book**. This book includes exercises that relate to the various sections in the three textbooks.

The manual includes specific references to: *Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, (ILO, 2008). In addition to developing the issues covered in this training manual, the resource kit provides access to more than 170 resources – documents, good practice notes, international legal instruments, examples, guidelines and websites – that users of this manual can consult to continue developing their expertise in the field of child trafficking. The section on victim assistance also provides specific references to: *Guidelines on the protection of child victims of trafficking* (UNICEF, 2006).

A typical schedule for the ITC training programme follows as an illustration of how the material is organized:

## Five-day training schedule and organization of the training manual

	Textbook 1		Textbook 2		Textbook 3
	Day 1	Day 2	Day 3	Day 4	Day 5
Theme	UNDERSTANDING CHILD TRAFFICKING		ACTION AT POLICY AND OUTREACH LEVELS		MATTERS OF PROCESS
Session					
1	Definitions Approaches to child trafficking	The people involved	Broad protection to prevent trafficking of children at risk and former victims	Law enforcement	Bringing it all together: NAPs
2	International and regional instruments	The scope and impact of child trafficking	Protection (continued)	Law enforcement (continued)	Mobilization, media, social dialogue and involving children and young people
3	Key concepts Risk and vulnerability	Research and knowledge for change Research methods	Prevention of the crime of child trafficking	Victim assistance	Monitoring and evaluation
4	How trafficking works	Planning for coordinated action	Prevention (continued)	Victim assistance (continued)	Learning and sharing lessons

## Introduction to textbook 1

This book aims to equip users of this manual with a broad and comprehensive understanding of child trafficking. Further detail, along with examples, can be found in *‘Combating trafficking in children for labour exploitation: a resource kit for policy-makers and practitioners’* (ILO, 2008).

This book has eight main sections, covering the following areas:

- **Definitions and approaches to child trafficking** – Defining ‘child’, child trafficking and the differences between trafficking, migration and people smuggling and ways of analysing and acting against child trafficking;
- **International and regional instruments** – Frameworks that serve as a reference;
- **Key concepts and risk and vulnerability** – Important concepts that are at the heart of understanding child trafficking and in particular what puts children at risk;
- **How child trafficking works** – Looking at the different stages in what is sometimes called the ‘trafficking chain’;
- **The people involved** – Not only traffickers but those who cooperate or facilitate their actions;
- **The scope and impact of child trafficking** – The numbers involved and the impact trafficking has at different levels;
- **Research and knowledge for planning and research methods** – Underlining the importance of knowing and understanding before acting;
- **Planning for action** – Bringing people together and using their specific strengths.

## List of acronyms

<b>AIDS</b>	Acquired immune deficiency syndrome
<b>CARICOM</b>	Caribbean community
<b>COMMIT</b>	Mekong subregional cooperation agreement to fight human trafficking
<b>CRC</b>	UN Convention on the Rights of the Child (1989)
<b>CSEC</b>	Commercial sexual exploitation of children
<b>EU</b>	European Union
<b>HIV</b>	Human immunodeficiency virus
<b>ILO</b>	International Labour Organization
<b>IOM</b>	International Organization for Migration
<b>IPEC</b>	International Programme on the Elimination of Child Labour
<b>IPU</b>	Inter-Parliamentary Union
<b>ITC</b>	International Training Centre of the ILO
<b>M &amp; E</b>	Monitoring and evaluation
<b>MDG</b>	Millennium Development Goal
<b>MOU</b>	Memorandum of understanding
<b>NAP</b>	National Action Plan
<b>NGO</b>	Non-governmental organization
<b>OAS</b>	Organization of American States
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>(Lao) PDR</b>	Lao People's Democratic Republic
<b>PRSP</b>	Poverty reduction strategy paper
<b>RA</b>	Rapid assessment
<b>SAARC</b>	South Asian Association for Regional Cooperation
<b>SAP</b>	Subregional Action Plan
<b>STD</b>	Sexually transmitted disease
<b>TBP</b>	Time-bound programme
<b>TIP</b>	Trafficking in Persons (US report)
<b>UK</b>	United Kingdom
<b>UAM</b>	Unaccompanied minor
<b>UN</b>	United Nations
<b>UN.GIFT</b>	Global Initiative to Fight Human Trafficking
<b>UNICEF</b>	United Nations Children's Fund
<b>UNICRI</b>	United Nations Interregional Crime and Justice Research Institute
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>US</b>	United States
<b><i>In exercises:</i></b>	
<b>G</b>	Governments
<b>GWEN</b>	Governments, Workers' organizations, Employers' organizations, NGOs and international organizations
<b>W</b>	Workers' organizations
<b>E</b>	Employers' organizations
<b>N</b>	NGOs and international organizations



## Section 1.1 Definitions

### Resources for this section:

*IPEC: Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 1, sections 1.1-1.6. [These sections of the kit include 16 downloadable resources that may also be considered as individual resources for this session.]

Human trafficking, whether of children or of adults, is a gross violation of human rights. In the case of people who have not yet attained the age of majority, it additionally violates their rights as children, in particular their right to be protected from exploitation. On these points, there is universal agreement. As we explore the detail of child trafficking, however, it becomes clear that there is some variation in the way common concepts are interpreted or understood and that there are a number of different approaches to combat child trafficking.

It is important to stress that these variations do not constitute disagreement. Rather they reflect differences in the mandates of agencies who combat trafficking or reinforce child protection, different legal and policy

frameworks, and different developments and facets of child trafficking across and within countries and regions.

To ensure a common platform of understanding this manual starts with a review of some of the principle concepts used in this manual, and a reminder of the definitions that are now most commonly used:

### Child

- According to the United Nations Convention on the Rights of the Child (1989), “a child means every human being below the age of 18 years *unless, under the law applicable to the child, majority is attained earlier*”. Although in reality most child protection workers consider that





18 should still be considered as the ‘ideal’ age for demarcating the end of childhood, the way this definition is written in the CRC is important, because in practice many countries have chosen to set the age of majority lower than 18. In many if not most jurisdictions, also, ‘majority’ is not a single concept but varies according to the specific act, for example the age of majority for consenting to sexual activity may differ from the age of majority for serving in the army, or purchasing property; and the age of majority is sometimes different between boys and girls, for example in relation to consent to marriage.

This has important ramifications in relation to national legislation (for example in relation to migration or prostitution), although if a country is a State Party to ILO Convention No.182 and/or the Palermo Protocol then, in relation to trafficking specifically, they should be considering a child as anyone below the age of 18. These two international instruments do not allow any variance in the definition:

- According to the ILO Worst Forms of Child Labour Convention, 1999 (No.182), “the term child shall apply to all persons under the age of 18”;
- According to the 2000 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (known as the Palermo Protocol), “child shall mean any person under eighteen years of age”.

## Child trafficking

Although the Palermo Protocol properly relates only to trafficking cases that are (a) transnational and (b) involve organized criminal groups (defined as “a group of three or more persons existing for a period of time and acting in concert”), the definition it provides of trafficking is now widely agreed and used outside these parameters.

Article 3(a) defines trafficking in persons as:

“...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, or 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”.

Article 3(b) explains that ‘consent’ – for example to take up work in prostitution – is irrelevant where any of the means set forth in 3(a) have been used;

Article 3(c) explains that “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation” is considered to be trafficking even if none of the means set forth in 3(a) have been used.

So, in short, the broadly agreed, concise definition of CHILD trafficking is the:

*Recruitment...*

*Transportation...*

*Transfer...*

*Harbouring...or*

*Receipt...*

*...of a child for the purpose of exploitation.*

For IPEC operations, ILO has developed an operational breakdown of this definition that spells out child trafficking and exploitation as follows:

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

- A **child** - a person under the age of 18 years;
- **'Acts' of recruitment, transportation, transfer, harbouring or receipt**, whether by force or not, by a third person or group;
- The third person or group organizes the recruitment and/or these other acts **for exploitative purposes**;
- **Movement** may not be a constituent element for trafficking in so far as law enforcement and prosecution is concerned. However, an element of movement within a country or across borders is needed - even if minimal - in order to distinguish trafficking from other forms of slavery and slave-like practices enumerated in Art 3 (a) of ILO Convention No. 182 (C182), and ensure that trafficking victims away from their families do get needed assistance.
- **Exploitation** includes:
  - a) all forms of slavery or practices similar to slavery, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (C182, Art. 3(a));
  - b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances (C182, Art. 3(b));
  - c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties (C182, Art. 3(c));
  - d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (C182, Art. 3(d) and C138, Art. 3);
  - e) work done by children below the minimum age for admission to employment (C138, Art. 2 & 7).
- **Threat or use of force or other forms of coercion, abduction, fraud or deception, or the abuse of power or a position of vulnerability** at any point of the recruitment and movement **do not need to be present** in case of children (other than with adults), but are nevertheless strong indications of child trafficking.

So trafficking happens when someone is moved from one place to another – within a country or across a border – and by someone or a group, into a situation in which they are exploited. This exploitation can take many different forms but usually involves dirty, dangerous work for little or no pay, with inadequate rest time, no safety nets like health insurance or social assistance, and often with a degree of force or violence.

When children move or are moved, they have a right to special protection because they are children, in addition to the protection that all people should expect when they are moving legitimately to seek work and build a better life. This includes the freedom to work without being exploited (when they have reached the legal minimum working age, and

to be in school at least until they have reached that age), to good health and freedom from ill treatment, to decent work according to international labour standards, and to the other freedoms laid down in international and national human rights treaties and national laws and standards. These treaties are clear about the situation of children: their best interests must be taken into account at all times.

### Trafficking versus migration and people smuggling

It is very important to remember that trafficking is not the same as migration (whether legal or illegal – also called regular or irregular), or people smuggling.

Many people move legally for work, temporarily or on a more permanent basis. If people cannot move legally to find work – for example because a country will not accept workers from elsewhere, or because they do not meet that country's requirements, or maybe just because they do not know how to use legal channels for migration – then they may turn to illegal means. For example, they may obtain fake documents that allow them to enter a country fraudulently, or they may enter with a tourist visa and then not leave the country when the visa expires. Sometimes they may just enter a country using a route that avoids official border crossings, so that they arrive without any entry papers, thus becoming 'undocumented'. For children especially, legal migration channels might be closed because they are too young to migrate or are not accompanied by family members (leading to the phenomenon known in Europe as 'UAMs', unaccompanied minor). All of these constitute irregular migration.

If would-be irregular migrants pay someone to move them into a country clandestinely, then they are considered to be 'smuggled'. For example, people may pay the owner of a boat to take them to another country by sea, or they may identify a person or an agency that operates vehicles that cross borders by road, often carrying other goods as well as people. Smuggling of people across national borders is illegal and both the smugglers and the people who pay to be moved are breaking the law.

## Approaches to child trafficking

There are a number of different approaches to combating child trafficking and these depend on the nature of the actors concerned. This manual takes an approach to the issue that focuses on child trafficking as a violation of the rights of the child and as a function of labour migration and exploitation, but this does not diminish the relevance and

importance of other approaches and indeed they are complementary. Whatever the approach taken, it is crucial always to remember the importance of taking care of the best interests of the child.

## Trafficking as a violation of the rights of the child

All children should be enjoying all the rights under the UN Convention on the Rights of the Child. Trafficking is a serious violation of children's rights, including specifically their rights to be protected from exploitation, to remain with their family, to go to school, to be protected from sexual violence and to have time to play. When children are trafficked, they almost always end up in work that is dangerous to their health, safety and sometimes morals. They are not able to go to school and so lose the opportunity to improve their lives in the future. They are often cut off from their families and at risk of sexual abuse and other forms of violence. Apart from the dangers that a child faces while being trafficked and then being exploited, child trafficking violates many other rights promised to children in international law.

In addition to the special rights guaranteed to children, of course, all children should also enjoy all the rights accorded to all human beings. Article 4 of the Universal Declaration of Human Rights (1948) reminds us that "No-one shall be held in slavery or servitude" and Article 1 is clear that "All human beings are born free and equal in dignity and rights". By its very nature, child trafficking threatens these rights.

## Trafficking in the context of labour migration and exploitation

Child trafficking happens when a child is moved from one place to another – within a country or across a border — into a situation in which they are exploited, and this exploitation can take many different forms.



The movement part of the trafficking 'event' accompanied by the action of someone who intends to exploit the child for profit is essential to the difference between child trafficking and migration into child labour. The movement away from home, local community, support and safety mechanisms into an environment where the child is isolated and manipulated by others greatly increases the child's vulnerability and makes child trafficking a particularly despicable crime and a violation of their rights.

Where legal migration channels are closed, difficult to take or not known to people who want to migrate for work, then illegal migration, people smuggling and human trafficking are more likely to happen. Keeping migration channels open and helping people to use them in a regular, safe and easy way is an important step in preventing illegal migration, smuggling and trafficking.

Exploitation is the other essential part of child trafficking. Trafficking is always made up of both movement and (the intention of) exploitation. If there is only movement and no (intent of) exploitation, then this is not

trafficking. If there is exploitation but no movement, then this is not trafficking either.

### Trafficking as a worst form of child labour

When children take up a job but have not yet reached the legal minimum age for work, this is considered to be 'child labour'. When they are employed in hazardous or other exploitative circumstances, such as slavery and slavery-like situations, in commercial sexual exploitation or illicit activities, they are in a worst form of child labour.

Hazardous work - according to the Worst Forms of Child Labour Convention, 1999 (No.182) - is "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". Hazardous work is defined by each country, with government, workers' and employers' organizations in consultation developing a list of sectors (for example 'underground mining') or tasks (for example 'handling loads over 10 kilos') that constitute hazardous work.

No child under 18 should be in a worst form of child labour. Children under 15 (or 14 in

some countries) should not be in regular work, and children under 13 (or 12 in some countries) should not even do light work according to ILO Convention No. 138 on the minimum age of employment.

Trafficking children below the mentioned ages into the mentioned situations is in itself considered to be a 'worst form of child labour', because children who have been trafficked are in a particularly vulnerable situation. They are away from home, usually separated from their family and community, may be isolated in a country or region where they do not know the language, cannot get help and have no way to return to their home. Isolated in this way, they are commonly the victims of abuse of power. Trafficked children are totally at the mercy of their employers or the people who are controlling their lives and so risk sexual aggression, starvation, loss of liberty, beatings and other forms of violence.

Because any exploitation that includes trafficking is a worst form of child labour, children must be removed at once from this situation and be given the support they need to recover and rebuild their lives in safety and security.

### Trafficking as a criminal act and issue of national security

In international law and in most countries' national laws, trafficking is a criminal offence. It disrupts families and communities, earns profits for criminals and criminal networks.

In relation to the exploitation of trafficked children, it also undermines financial structures and the national economy, since goods and services produced with trafficked labour are often from enterprises working outside regulated markets. It destabilizes the workings of the regular labour market, under-cutting prices and wages and encouraging corruption and unfair practices.

Trafficking is also a security issue when it includes crossing of national borders because traffickers make large profits from introducing people illegally into a country and exploiting their labour. Many traffickers are also involved in moving other forms of contraband along the same routes as their human cargo, such as cigarettes, stolen cars or 'dirty' money, so governments across the world have increasingly become concerned about the operations of traffickers.

In some parts of the world, there are insidious links between the trafficking of children and the drug trade. Children are trafficked into exploitation as drug couriers and dealers, and are often 'paid' in drugs in order that they become addicted and so entrapped. Such children are at high risk of other forms of violence and even murder. Because of the illicit nature of drug dealing and trafficking, children who are caught are more often than not treated as serious criminals whereas they are, in fact, in need of specialized help.



See Exercises 1, 2, 3 in the Exercise book.



## Section 1.2 International and regional instruments

### Resources for this section:

IPEC: *Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 3, sections 3.1-3.4. [These sections of the kit include 31 downloadable resources that may also be considered as individual resources for this session. Some of them are listed separately here.]

- ▶ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)
- ▶ ILO Worst Forms of Child Labour Convention, 1999 (No.182)
- ▶ ILO Worst Forms of Child Labour Recommendation, 1999 (No.190)
- ▶ ILO Minimum Age Convention, 1973 (No.138)
- ▶ ILO Forced Labour Convention, 1930 (No.29)
- ▶ UN Convention on the Rights of the Child (1989)
- ▶ Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (2002)
- ▶ UN Convention on the Rights of All Migrant Workers and Their Families (1990)
- ▶ OHCHR: *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Geneva, 2002
- ▶ UNICEF: *Guidelines on the protection of child victims of trafficking*, New York, 2006
- ▶ UNICEF: *Reference Guide on protecting the rights of child victims of trafficking in Europe*, Geneva, 2006
- ▶ ILO: *ILO multilateral framework on labour migration – Non-binding principles and guidelines for a rights-based approach to labour migration*, Geneva, 2005
- ▶ ILO: *Legal aspects of trafficking for forced labour purposes in Europe*, Geneva, 2006

Among the most important tools for combating child trafficking are the internationally or regionally agreed commitments that are laid down in instruments variously called conventions, protocols, memorandums, joint actions, recommendations or declarations.

The instruments listed below are the most significant treaties in relation to child trafficking, but there are others that may also be relevant.

### Rights of the child

**UN Convention on the Rights of the Child, 1989** – Articles 32, 34, 35 of the CRC relate specifically to the child's right to be protected from economic exploitation and from hazardous work, to be protected from

the illicit use and production of drugs, and to be protected from sexual abuse and exploitation. It is important to note the general principles set out in Articles 2 (non-discrimination), 3 (primacy of the best interests of the child), 6 (right to life and survival) and 12 (right to express views). Two Optional Protocols to the CRC on the Sale of Children, Child Prostitution and Child Pornography and on the Use of Children in Armed Conflict also have relevance to child trafficking.

### Labour and migration treaties

These are important reference frameworks because they help those who intervene at various levels to clarify definitions and define the types of intervention necessary.



- **ILO Minimum Age Convention, 1973 (No.138)** – an important instrument because, in implementing it, States Parties define the age at which a child is legally allowed to work (usually linked to the age for compulsory education) and it is then possible to define when a child is being exploited in child labour (in relation to their age – there are other conditions that define child labour, of course, including the nature of the work being done, but age is a key determining element).
- **ILO Worst Forms of Child Labour Convention, 1999 (No.182)** – specifies that trafficking is, of itself, a worst form of child labour. Other worst forms include bonded child labour, forced child labour, and recruitment into armed conflict. Convention No.182 is accompanied by a **Recommendation (No.190)** on implementing the spirit of the Convention in national policy and practice. It includes suggestions on research, target groups, planning and coordination. It is worth noting, also, that on 7 November 2006 countries that are

members of the ILO adopted a Global Action Plan on eliminating the worst forms of child labour and agreed to put in place time-bound commitments by 2008. Under these time-bound plans, they aim to end the worst forms of child labour, including trafficking, by 2016.

- **ILO Forced Labour Convention, 1930 (No.29)** – defines forced labour as “all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.
- **ILO Migrant Workers Convention (revised), 1949 (No.97)** – defines the migrant worker as a person who migrates from one country to another in order to take up employment that is not self-employment.<sup>1</sup>
- **United Nations Convention on the Rights of All Migrant Workers and Their Families, 1990** – enshrines the principle that all people who move for work – including children – have the same fundamental labour rights as all workers.

### Trafficking-specific instruments

- **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention on Transnational Organized Crime (2000)** – known as the Palermo Protocol, this aims to prevent and combat trafficking, protect and assist victims, and promote cooperation among States Parties.
- The **Recommended Principles and Guidelines on Human Rights and Human Trafficking** issued by the Office of the High Commissioner for Human Rights in 2002 do not have the status of an agreed treaty, but they are an important complement to the Palermo Protocol because they focus on areas such as the status of victims, comprehensive recovery services, information and accompaniment of victims, confidentiality and privacy, and witness protection.

<sup>1</sup> Additional clauses were added through ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).



## Regional instruments

Agreements are also negotiated at regional level, through regional bodies such as the European Union (EU), the Council of Europe, the South Asian Association for Regional Cooperation (SAARC), the African Union, the Caribbean Community (CARICOM), the League of Arab States, and the Organization of American States (OAS). These regional agreements have different weight in relation to national law. In some instances, a regional instrument – sometimes called a convention, sometimes a framework decision – is binding on the states that are members of the regional body. For example, instruments adopted by the Council of Ministers of the European Union are binding on the 27 Member States of the EU. Sometimes the instruments are intended rather to guide countries on the basis of what they have agreed are important matters of principle.

Regional and subregional framework decisions include the:

- Council of Europe Convention on action against trafficking in human beings (Treaty series No.197), 2005;
- Communication to the European Parliament and the Council COM(2005) 514 Final;
- Multilateral cooperation agreement to combat trafficking in persons, especially women and children, in West and Central Africa (2006);
- Mekong subregional cooperation agreement to fight human trafficking (COMMIT), 2004.

## National law

More and more national laws are being brought into line with international principles

and so there is more consistency and harmony in the treatment given, for example to children who have been trafficked, in individual countries' laws.

Not all countries have laws relating specifically to human trafficking; instead traffickers are prosecuted under laws relating to abduction, prostitution, illegal migration or people smuggling, counterfeiting or labour exploitation.

Dedicated anti-trafficking laws are important, though, so that traffickers can be prosecuted as traffickers and so that trafficking victims are given appropriate consideration (for example, if migration laws are used to pursue traffickers, it is often the case that the victims too are prosecuted as illegal migrants, whereas if there is a specific category of 'trafficker' and 'trafficked person', then it is more likely that the victim will be treated as such). It is also vital that the specifics of child trafficking and the special needs of both girls and boys are taken into account in laws relating to human trafficking. Anti-trafficking legislation should furthermore cover internal in addition to cross-border trafficking, and should go beyond coverage of sexual exploitation and also include other forms of labour exploitation as unacceptable end result of trafficking.

In addition to criminal law covering trafficking, at national level civil law can also be relevant. For example, trafficking victims or their families might decide to take civil action to pursue compensation from traffickers for loss of income or damages. Confiscation of the proceeds of trafficking is additionally a strong deterrent to trafficking, which is after all basically a profit-making activity.



See Exercises 4, 5, 6 in the Exercise book.

## Section 1.3 Key concepts

### Resources for this section:

IPEC: *Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 1, sections 1.7-1.10. [These sections of the kit include 8 downloadable resources that may also be considered as individual resources for this session.]

### The geography of child trafficking

If child trafficking were to be drawn as a shape, it would be something that has a beginning, a middle and an end. The beginning would be the place that children come from; the middle would be the journey they take as a trafficking victim, and the end would be the place where they are exploited. The following terms are used to describe this shape:

Term used	Alternative term	What this means
Source	sending	This is the country, town or village or other source of origin of the trafficked child
Transit		This is a route or a point on that route which is between the source and the destination
Destination	receiving	This is the place where the child ends up in exploitation (the child could also be temporarily in exploitation in the place of transit, depending on the circumstances)

Remember that countries could be source, transit or destination countries or any combination of these and/or may face internal trafficking from for instance rural areas to cities within the country.

Sometimes children who have been trafficked are identified and returned to the place they came from. In some cases, sadly, nothing

has changed for them in that place and they are likely to fall victim to traffickers again for the same reasons they did the first time. In such cases, trafficking has the shape of a loop as opposed rather than a straight line. However, in practical terms, every separate incident of child trafficking has a beginning, a middle and an end, even if eventually the child is returned to the beginning and effectively starts again.

### Supply and demand

A concept borrowed from economic analysis is often used in connection with trafficking: supply and demand. This has been adopted partly because it is relevant to looking at trafficking within the context of labour market realities, but also because the people involved in trafficking – traffickers and victims – are in many ways two sides of an equation.

Trafficked people are often called the ‘supply’ side of trafficking. They are a factor of production when their labour is exploited. For example, a rural community with high levels of unemployment may have a ‘supply’ of young people desperate to find work and these adolescents may be recruited by traffickers into exploitation in a nearby city in factories producing clothes. The community impacted by unemployment is effectively ‘supplying’ the children.

The people buying the clothes are creating ‘demand’ – although this demand is for the clothes, not the children, and this is an important distinction. The true ‘demand’ for

the children comes from the factory operator who is trying to keep prices low and therefore profit margins robust and who is willing to take trafficked children in order to do that. It is also coming from the traffickers, who hope to make money out of trafficking the children.

It is important to distinguish between consumer (or primary) demand and derived demand by exploiters, and recognize that they occur at different points of the trafficking chain.

**Consumer demand** is generated directly by people who actively or passively buy the products or services of trafficked labour, for example the tourist who buys a cheap T-shirt made by a trafficked child in a sweatshop. Research suggests that most of this kind of demand does not directly influence the trafficking — for example, the tourist buying a cheap T-shirt does not specially ask traffickers to exploit children and so cannot be said to be an ‘accomplice’ in the trafficking.

**Derived demand** is a very different matter because it is generated by the people who stand to make a profit from the trafficking. These might include pimps and brothel owners, the various intermediaries involved in trafficking, corrupt factory owners or farmers who exploit trafficked labour to keep their costs down, prices low and profits flowing.

Understanding the different types of demand is important if appropriate actions are going to be designed and implemented to target the right people in the right way.

## Risk and vulnerability

### Risk and vulnerability at source

When asked why they think some children become victims of trafficking, many people would immediately answer, “because they are poor”. It is true that poverty is an

important element at play in explaining why some children are trafficked. However, poverty can mean many things and it is not by itself the answer to the question.

Poverty alone cannot explain why some countries have more child trafficking than others; some cities have more worst forms of child labour than others; traffickers are active in some places and not in others; some communities face more child trafficking than others; some families are more at risk of trafficking than others; girls are most at risk in some instances and boys in others. There are many children living in poverty who do not fall victim to trafficking, and understanding the nature of poverty and differences between these children and victims of trafficking is important if we are to know how to protect children at risk.

In fact, poverty is only one of a range of **risk factors** that create **vulnerability** to trafficking. Often children experience several risk factors at the same time, and one of them may act as a **trigger** that sets the trafficking event in motion. This is sometimes called ‘**poverty plus**’, a situation in which poverty does not by itself lead to a person being trafficked, but where a ‘plus’ factor such as illness combines with poverty to increase vulnerability.

The many factors that may come into play in determining the level of vulnerability of a child are often described as ‘individual, family, community or institutional-level risk factors’.

There are for example family disruptions that can be considered as vulnerability or ‘plus’ factors: the men in the family going off to war or being killed in conflict, for example, or one or both parents dying of AIDS and leaving children with no adult support. There are also wider social/economic factors that disrupt family finances, such as drought or floods that leave a rural family with no food stocks and no income. In addition to such natural disasters, there are man-made emergencies, such as



conflict, that might drive a family from their home into a refugee camp where recruiters will be active rounding up children whose families have lost everything.

Domestic violence has also been shown to be a factor in increasing the vulnerability of children to trafficking. Children who witness or suffer violence in the home may run away and live on the streets, where their vulnerability to exploitation, violence and trafficking is acute. Left to fend for themselves, they become easy prey to traffickers because they have no means of survival.

At the level of the community, also, violence can increase risk. Conflict breaks up families and communities and increases the vulnerability of the whole community, but especially the children. Street or gang violence may lead children who feel threatened to seek to leave the community. Other forms of violence – at school, for example — may also trigger the urge to escape and make children easier prey for traffickers. Where communities have a tradition of movement (for example if they live on a border and have always crossed that border to find seasonal work), children's vulnerability to recruitment into trafficking may be increased. Sometimes also the nature of the community is itself a risk factor: for example children from farming families may be at risk of trafficking if they aspire not to work on the land and so leave for the city.

There are also, of course, risk factors that are specific to individual children or groups of children. These include discrimination, disability, involvement in criminal activity or drugs, or belonging to a caste or ethnic minority that is disadvantaged in employment or social services.

Some triggers, additionally, can be said to occur at 'institutional' level, that is to say that children and families are vulnerable because of social development gaps such as

lack of access to education, discriminatory policies that marginalize some ethnic groups within a country; poor or not used systems of birth registration that make it impossible to keep track of children's welfare; as well as geographical factors such as climate change that devastates the livelihoods of fishing or farming communities. Institutional risk factors also include situations in which children are separated from their families and find themselves in reunification channels. These generally legal and monitored processes have been known to be infiltrated by those seeking to divert children into exploitation. The responsibility of the state to police mechanisms which see unaccompanied children being transferred from one place to another is paramount in these situations.

These 'plus' factors show that vulnerability is not a static state. It changes over time, often as the result of factors that come into play only in certain circumstances and may or may not result in vulnerability.

Most often, however, it is not the extreme situations that underpin trafficking events but an accumulation of the everyday realities of survival. Many families live in poverty partly because the adult members of the household do not have jobs that provide enough money for the family to survive. It may be that there are no jobs in the area where they live, but often it is because the adults are not equipped for the jobs that do exist. This is why getting parents jobs and keeping children in school and then some sort of training is so important – it is the only way to break the cycle of unemployment and poverty that puts whole families at risk.

In many societies, if a child is to be sent to work, it is often the girl who is chosen. Girls are more readily taken out of school (or never sent in the first place) because many parents believe that education is wasted on girls who will one day marry and leave their parents. They think that 'life experience' is more

useful and likely to make the girl a better wife and mother. It is not surprising, therefore, that domestic labour constitutes the most common form of child labour for girls under the age of 16. Child domestic labour, in fact, is often the end result of trafficking because, by its nature, it most often involves a child going to live in someone else's home, leaving family behind.

Trafficking into child domestic labour also illustrates another vulnerability factor because, in some countries, children from ethnic minority groups or certain castes are traditionally exploited as domestic servants and may be trafficked into this servitude. Discrimination on the basis of sex, ethnicity, disability or race increases vulnerability to trafficking as well as to other forms of violence and abuse.

Age is also a factor in assessing children's risk profile. The younger children are, the more easy their vulnerability is exploited. However, as they mature, children are more likely to make choices that may put them at risk – for example getting involved in drugs or petty criminal activity, or wanting to break away from family or just explore the world.

### Risk and vulnerability in transit

A number of risk factors are particular to transit places and to the situation of children in transit. 'Transit place' can refer to a country or a town, for example, that children pass through temporarily, or to a specific venue en route between two places, such as a railway station or a bus terminus. Children are particularly at risk in transit places when they are travelling alone, at night, without money, unprepared and uninformed, undocumented or in an irregular situation with regard to the law. They are also at risk because they may not have or know what their final destination is. This may be particularly true if they have used an unregistered agency or agent to organize the travel.

Often, also, trafficked children are moved in transport that is not safe – unlicensed fishing boats, unroadworthy vehicles, or trucks that have been adapted to carry a human cargo, and these may also be considered as ‘transit risks’.

### Risk and vulnerability at destination

Risk and vulnerability to trafficking also occurs at destination. Children separated from their families may run out of money or may lose their identity papers, for example, or an intermediary may make children more dependent by introducing them to drugs so that they become addicted. Such risk factors at destination also make children vulnerable to being lured into exploitation.

An absence of workplace inspection or policing is also a risk factor, even though it does not relate to the individual child. Any policies or programmes – or lack of them – that allow exploitative workplaces and practices to flourish, increase the likelihood of exploitation and/or trafficking for both adults and children.

These factors are often described as ‘workplace risk factors’.

It is vital to understand risk and vulnerability, and to put in place processes to identify it and keep track of it, so that programmes to prevent trafficking and protect children can be targeted first at the children who are most at risk. Broad protection and prevention programmes that contribute towards building a protective environment in which risk is reduced for all children are, of course, the ultimate goal of anti-trafficking programming. However, where resources or other limitations dictate phased programming, then it is important to act promptly in those areas where children’s risk to trafficking is identified as being particularly high.

If risk factors are not addressed, then children who are returned after having been trafficked will find themselves in the same at-risk situation and are vulnerable to being trafficked again.



See Exercises 7, 8, 9 in the Exercise book.

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## Section 1.4 How child trafficking works

### Resources for this section:

IPEC: *Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 1, section 1.6. [This section of the kit includes 7 downloadable resources that may also be considered as individual resources for this session.]

### Child trafficking begins with recruitment

Child trafficking begins when a child is recruited by someone or, in some cases, approaches a recruiter to find out about how to move to find work or in the hope of being able to leave the place where they are for opportunities elsewhere. Recruiters may be the person who actually employs the child, or an intermediary, part of a chain of people involved in the trafficking. Recruitment happens in many different ways.

- Children may be under pressure from their families to find work to help support the family, and there may not be work available locally. Sometimes, the family will seek the help of someone who they know can arrange work for children, or the family will be approached by someone who knows that they are in a difficult situation. These recruiters are diverse: it may be an elderly woman in the village who in fact makes her living out of recruiting vulnerable children and putting them into the hands of others who will exploit them, or an adult or an older child who has returned from being trafficked and knows that there is money to be made in encouraging another child to follow the same path. In fact, the people who participate in the trafficking chain at this level often have the same kind of risk profile as the victims themselves and may become involved in order to earn an income. This does not make their actions any less criminal. Sometimes it is an agency – either illegally operating or legal

but with this illegal ‘sideline’ – that advertises work and arranges employment.

- Often, there is a relationship of trust involved: children may be approached by someone from their own community, or the same ethnic group, who offers an introduction into a similar ethnic grouping in another place or country. Girls, especially, are at risk of being lured by men who show an interest in them and promise them love, a good job, or even marriage.
- Occasionally a child of working age may decide to leave home and move away to find work or a better life and will approach someone s/he knows can arrange transport and who promises help with finding a job at the destination. In such cases, the child may be lured by the perception s/he has formed of life in other places – this perception may be right or wrong and may come from the media, from talking to friends or in other ways, for example on the Internet. Even if a child initiates the move her/himself, this is still a case of trafficking if the child is exploited by a third person at any time during the move or at the destination point.
- Very young children may be trafficked alongside their parents and siblings, as the whole family is recruited and promised opportunities elsewhere. Sometimes families are split up before they arrive at the promised destination — the men are separated from the women and children or the children are separated from the adults. It is not uncommon for a mother to be given someone else’s child in place of



her own so that she can be exploited in begging on the streets. In such cases, the hope of one day being reunited with the rest of the family contributes to keeping the trafficked person obedient to the traffickers.

- There are also instances of people being kidnapped or abducted into trafficking, although these are much rarer than people commonly think. Often movies and television depict trafficking dramatically, with children and women being kidnapped and bundled into a truck to be shipped off and locked up somewhere. In fact, trafficking happens most often because of disturbed migration patterns, especially labour migration, with traffickers moving in to exploit the situation and make money from people's vulnerability, aspirations and sometimes desperation.
- Kidnapping and abductions do sometimes occur, however, and there is one particular situation in which they are known to occur frequently. There have been many reports of children who have been abducted from border zones in conflict areas by armed men who force them into becoming child soldiers or into other work with militias. Sometimes children have been forced to watch family members being tortured or killed and understandably this is enough to persuade the child to do what the armed men tell them.
- The very specific case of baby trafficking happens both within countries and across borders. Babies may be acquired through agents. In some cases these agents effectively buy them from individuals or families who do not want them or cannot support them, or in some cases they may be 'produced on order' from adolescents or young women who see this as a way to earn enough money to survive. Sometimes the intermediary in the transaction is an individual; in some cases sham adoption agencies are involved. Where the prospect of exploitation is remote, it is difficult to classify such forms of trafficking as a form of child labour.

## Child trafficking involves movement

Generally internal trafficking will be done using various land forms of transport – train, truck, taxi, bus or private car – and sometimes people are also taken on foot.

Where national borders are relatively open, people may move by road or on foot across the border using routes that have been known to local people for many years. These may be relatively easy crossings but they may also involve hazardous and tortuous routes through deserts and mountains, or across a river. Air routes are also used to move people for trafficking, although not in large numbers.

Once children are on the move, they are of course at increased risk in a number of ways. Often the transport used to move them is substandard (unregistered fishing boats or adapted road vehicles, for example). Their general welfare may be at risk – they may not have adequate food or water or may get sick. Children's vulnerability increases as they move further away from the safety nets of their own communities, especially if they do not speak the language of the place they are moved through or to.

## The purpose of child trafficking is to profit from their exploitation

Children who have been trafficked are by definition exploited when they arrive at their destination. This exploitation can take many forms, depending on the sex of the child, their age, the nature of the labour market into which they have been trafficked, and the level of their skills, as well as their vulnerability.

Trafficking does not always end in prostitution. Trafficking victims are exploited in a wide range of different sectors: they may end up in agricultural work, on plantations, mining, factories of various kinds, entertainment outlets like bars or clubs,

street-based activities such as hawking or organized begging, or armed conflict. Many children are trafficked to become household servants. The babies that are sometimes trafficked for adoption are sometimes an exception to this rule, because they may find themselves in a loving home. Often, however, they find themselves being raised for a specific exploitative purpose, for example to work on the family farm or in the family business.

Though the exploitation can take many different forms it usually involves the child doing demanding, dangerous work for little or no pay, with inadequate rest time, no safety nets like health insurance or social assistance, and often with a degree of force or violence. While both boys and girls may be trafficked, the profiles of the trafficked children differ according to demand in the place of destination. This profile may also change as the child matures. For example, in some regions both boys and girls are trafficked from rural or semi-urban areas into the 'big city' to work as child domestic labourers. Boys, however, tend to move on from domestic labour as they approach adolescence and may end up being exploited in agriculture, manufacturing or service industries. Girls are more likely to stay in child domestic labour for longer.

All over the world, girls and women are particularly vulnerable to being trafficked into the sex trade. This happens because the sex industry worldwide is a thriving and profitable market and because there is often a demand for girls and women who are in some way 'different' or 'exotic' by clients of the sex trade and by the brothel owners and pimps who provide services to them.

There is international consensus that the use of children in prostitution must be prohibited and eliminated. Prostitution of children under 18 years of age is considered a worst forms of child labour and is generally referred



to as 'commercial sexual exploitation of children (CSEC)'. It must be prohibited and eliminated under ILO Convention No. 182. The children involved face severe exploitation. The conditions they may have been promised – the wage, the working hours, the nature of the work and the ability to leave at will – are often not honoured. They may be held against their will when the brothel operator or pimp refuses to give them their passports. They may be told (truthfully or not) that they entered the country on false papers and will be in trouble with the police if they report their exploitation. They are often introduced to drugs and have to continue working to obtain the substances on which they have become dependent – a form of forced labour. Violence, both real and threatened, is also a disincentive to those who wish to escape. Though statistics show that it is mostly women and girls who fall victim to sex trafficking, boys and young men are also affected.

Children – especially very young ones – are also trafficked into forced begging. They often operate in groups of children with one

adult supervisor or handler keeping control of the children and the money they earn.

Children with a disability may be exploited in begging and, in some cases, children may be mutilated specifically so that they can be exploited in this way.

Trafficked children are also used for criminal activities, often petty crime like pick-pocketing, because they are considered to be 'disposable', easily replaced by another child if they get caught. Children are also increasingly trafficked into organized crime, often lured by promises of expensive gifts, money and an exciting lifestyle. Peer pressure is also a factor here as adolescent boys, in particular, encourage each other to take risks and 'live the high life'. For most children who end up in organized crime, the reality is much less glamorous: they are subjected to violence to keep them compliant and threats against themselves and their families.

In some parts of the world, there are insidious links between the trafficking of children and the drug trade. Children are trafficked into exploitation as drug couriers and dealers, and are often given free drugs in order that they become addicted and thereby entrapped. In addition to the health and social hazards of drug addiction, such children are also at high risk of physical

violence and threat of harm from both clients and exploiters. More often than not, when caught by the authorities, children who have been involved in the drug trade are treated as criminals rather than as victims.

In short, traffickers and exploiters will put trafficked children to work wherever there is a way to make a profit from their labour and from their extreme vulnerability because they have been moved away from their homes and families.

The situation of children who commit criminal offences while they are in what has been called 'the trafficked situation' is extremely difficult. They include children who participate in drug production, running or selling; pick-pocketing and illegal hawking or begging; illegal prostitution; and other criminal acts such as burglary or mugging. It is also the case, of course, that when children are moved illegally across borders, then migration laws have been broken. There is international agreement, however, that the children who have been trafficked should be treated as trafficking victims in law and not be prosecuted as illegal migrants. It is vital that the status of the child as a victim of trafficking is taken into account in these situations and the exact nature of the crime examined.



**See Exercises 10, 11, 12 in the Exercise book.**

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## Section 1.5 The people involved

### Resources for this section:

*IPEC: Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 1, section 1.9. [This section of the kit includes 5 downloadable resources that may also be considered as individual resources for this session.]

### Traffickers and intermediaries

Traffickers are people who contribute to child trafficking with the intent to exploit. They include recruiters, intermediaries, document providers, transporters, corrupt officials, service providers and employers of trafficked children, even though most of these people take part in only one element of the whole trafficking process.

Trafficking intermediaries include, for example, people who specialize in providing information to traffickers about which border crossings are open and when, and who give advice on the best times to move people. Some intermediaries take responsibility for identifying and bribing corrupt border guards or immigration officers. At the place of destination, there may be intermediaries whose job is to keep watch over the trafficked children as perverse guardians, and sometimes bodyguards who are there not so much to protect the children but the investment of the trafficker.

Institutional players such as corrupt police, government officers and consular staff may be involved in trafficking, and governments have a responsibility to exercise due diligence in ensuring that all those who work in the various arms of government, no matter how far removed they may seem from the centre of power, are held accountable for their actions.

Private sector organizations also have a responsibility to ensure that their representatives do not facilitate or profit from



trafficking. The transport sector is an example of a work sector that needs to be vigilant, as do companies involved in recruitment and work placement (including agencies for temporary employment), and tourism-related industries such as hotels and entertainment. In all sectors, owners and executives need to pay due diligence, also, to the possible involvement of their sub-contractors in trafficking or exploitation of children.

## How traffickers organize themselves

Much of what we have learned about the way traffickers operate has come from research by law enforcement specialists and those who study criminal organizations and market mechanisms. Research suggests that trafficking operations can generally be grouped into three distinct models (the first has two slightly different forms):

- The first model is known as ‘corporate’ because it is organized like a business and usually involves organized criminal groups. It is structured like any big business, with a ‘boss’ at the top (sometimes an individual, sometimes a family or tight-knit group) and a pyramid-like structure. Each level of the pyramid only knows the tier directly above it and answers to people in that tier. At the bottom, of course, are the ‘workers’ – the recruiters, transport providers, document forgers and so on – who are so far removed from the top of the pyramid that they have no idea who is actually in charge and so, if they are caught, cannot lead to the ‘boss’. Typically the boss (or bosses) will also be involved in extortion, drug production or peddling, illegal gambling and corruption. The whole pyramid is held together by threats and violence so that each tier of people remains faithful to the tier above.

A variant on this first model also involves organized criminal groups but this time working together in a much looser, decentralized way. This is called the ‘network’ model because there is no one ‘boss’ at the top but a network of ‘specialists’ who each control their own special area – for example the recruitment part of the ‘business’ or the exploitation (for example a group running illegal sweatshops). These specialists communicate with each other and put together the series of events and facilities that make up trafficking. They may work together regularly or just occasionally.

This model is seen as ‘safe’ because, if one group of specialists drops out for any reason, it can just be replaced.

- The second model is much less ‘business-like’ and is based on small groups of well organized criminals who specialize in leading victims from one country to another along well known routes. They are in some ways little more than ‘criminal guides’ and they generally work in just one geographical area, the one they know. Such ‘services’ are vital to trafficking operations, though, and many countries focus on the activities of intermediaries like these in attempts to stop cross-border trafficking.
- The third model is the most common. It is made up of ‘amateurs’, individuals who provide a single service such as transport, forged documents, recruitment or reception services. These people hire out their services for money and may do this regularly or just once in a while. Sometimes family members or friends may set themselves up as intermediaries, making money from leading a niece or nephew or friend into the hands of traffickers. Are intermediaries traffickers? Most people would say they are because what they do is part of the trafficking process. In general, though, when intermediaries are caught and arrested they are not tried as traffickers but according to the specific crime they committed, for example enticement or forgery or aiding illegal border crossing.

## Cutting off the profits

Sometimes traffickers make their profits in one part of the trafficking event – for example by arranging the transport of the trafficking victims. Sometimes they may run the whole operation: making money at source (by selling false papers, getting the family to pay for ‘services’ provided or even charging a



fee); during travel (adding a margin to travel tickets, charging a fee for bribing authorities, actually owning the transport); and then at destination (paying low or no salaries, operating an often substandard workplace, providing high-priced accommodation, food and transport to/from work).

Often it is the trafficking victim who pays for the 'services' the trafficker promises, but there is also a 'big business' side to human trafficking. In 2002, it was reported that organized criminal networks were hiring out their 'infrastructure' to traffickers. These services and structures, often put in place to move drugs and other contraband, are then used by other criminals to move trafficked people. They include transport, corrupt officials, safe houses and personnel – and in 2002<sup>2</sup> were estimated to be bringing in profits of some US\$12 billion a year for the crime bosses.

The costs of child trafficking are low because, if the children get caught, they can easily be replaced with other children. While machinery, raw materials and infrastructure are expensive to replace, children are not.

Where laws and law enforcement are weak, the treatment of victims also affects the volume of the business. In countries where conditions are particularly harsh for those who have been trafficked, the volume of trafficking is higher, presumably because the victims are less likely to escape, speak out or even perhaps survive.

The commercial realities of child trafficking are important to understand, since they are

the key to knowing how to stop it. For traffickers and intermediaries, trafficking is all about money. The key to stopping trafficking is making sure that it is no longer profitable, by making it difficult (for example by reducing the vulnerability of children or by putting in place regulations that increase the cost to the trafficker), interrupting it (for example through good policing at borders) and confiscating profits and infrastructure (for example by closing exploitation places and transferring crime proceeds to victims). Reducing corruption also increases the costs to traffickers, since they are less able to 'pay off' those who can make trafficking easier and so have to spend more money to get around regulatory requirements.

Research has shown that, if they begin to lose money or stop making a profit, traffickers may move on to some other form of crime that will make money for them. Law enforcement systems that have vigorously pursued traffickers have often used a whole gamut of laws in order to close down trafficking operations, even where specific anti-trafficking legislation may not be in place or be difficult to enforce. Prosecutions for money laundering, illegal money transfers, migration offences, forgery, even vehicle licensing laws can be pursued in order to make life difficult for those involved in child trafficking and to impose financial sanctions.

Rigorous pursuit of those involved in child trafficking can also have a financial impact on the traffickers. Taking the age of the victim into account and significantly increasing the penalties for those who traffic children is an important anti-trafficking policy action.



**See Exercises 13, 14 in the Exercise book.**

<sup>2</sup> This figure was given by the Director of Europol to the EU STOP/ILO conference on trafficking in 2002. Note that it relates only to the profits from hiring out services and structures. The ILO estimated in 2005 that the average annual profits generated by trafficked forced labourers was just under \$32 billion (*A global alliance against forced labour*, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Geneva 2005).

## Section 1.6 The scope and impact of child trafficking

### Resources for this section:

IPEC: *Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 1, section 1.11 and Book 2, section 2.2. [These sections of the kit include 2 downloadable resources that may also be considered as individual resources for this session.]

### How many children are trafficked?

Reliable estimates on the number of children who have been trafficked or who fall victim to trafficking each year are hard to obtain. Most reports on trafficking include somewhere a statement about the lack of reliable data. The criminal and hidden nature of trafficking means that the only data available are generally based on the few reports that come to light – for example when trafficking victims are found and appear in official police, immigration or social welfare statistics. Some figures are calculated from data on cases that come to court, hospital and health reports on victims, or national data that are often a mix of police and immigration figures, social services input and other sources of information. By their very nature, these figures probably underestimate the true picture.

For that reason, the figures used here should be seen as mostly indicative, provided to illustrate the significant scope of the problem of child trafficking. All statistics probably underestimate the true size of the problem because they represent only those cases that come to light. Many more trafficked children are never reflected in available figures. Because of the nature of data collection and reporting, additionally, the figures that are quoted often seem ‘old’ – there can be a two- or three-year delay in collecting, collating and publishing data. Statistics should therefore be used over time to give an indication of trends,

rather than being seen as providing information on the current extent of child trafficking.

Taking all these caveats into account, some attempts have nevertheless been made to estimate the number of people trafficked each year. The US State Department’s annual report on Trafficking in Persons (TIP)<sup>3</sup> estimated in 2004 that a flow of between 600,000 and 800,000 people are trafficked across borders every year. This does not include people who are trafficked within their own countries. The report indicated that approximately 80 per cent of trafficking victims were women or girls and that half of the total were minors.

The ILO estimated in 2000<sup>4</sup> a stock of some 1.2 million children who had been trafficked and were still in a situation of exploitation. This estimate includes cross-border and internal trafficking.

The same ILO report gave the following regional breakdown for the numbers of trafficked children:

Region (source)	Trafficked children
Asia Pacific	250,000
Latin America + Caribbean	550,000
Africa	200,000
Transition economies	200,000
Developed, industrialized economies	n/a
<b>Total (rounded)</b>	<b>1,200,000</b>

<sup>3</sup> *Trafficking in persons report*, US Department of State, Washington DC, 2008, p.8. This report is an annual publication and the latest edition can be downloaded from: [www.state.gov/g/tip](http://www.state.gov/g/tip).

<sup>4</sup> IPEC: *Every child counts: New global estimates on child labour*, Geneva, ILO, April 2002.



Very few individual countries publish estimates of human trafficking from or to their country. This is not surprising when we consider the challenges that remain to obtaining reliable estimates of the numbers of people trafficked. The United Kingdom Home Office published research in 2000, for example, that concluded that “the scale of trafficking in women into and within the UK lies within the range of 142 and 1,420 women a year”. The enormous range given here shows clearly how difficult it is to arrive at a national total. What is available is often information on trafficking cases brought to court and successful prosecutions, but this does not indicate the actual size of the problem.

### The impact of child trafficking

Child trafficking has a significant negative impact, first and foremost on the trafficked children and their families, but also on their communities and on the nation as a whole. A thorough understanding of the human and economic costs should provide the arguments for the allocation of sufficient government resources to address child trafficking effectively, and to mobilize all those who can make a difference.

### The impact of trafficking on children and families

Trafficking has devastating consequences for those who fall victim to it, but it is especially damaging for children because its impact will last into the child’s future.

In the worst cases, trafficking and the exploitation it involves can cause a child’s death, serious illness or permanent injury. The journey might be treacherous; the conditions of work are often dangerous; the standard of living provided by traffickers is invariably substandard. Trafficked children may be denied access to doctors and health workers who could report their situation to

the authorities. Often children who fall ill are simply turned out onto the streets by their exploiters and left to fend for themselves or in some cases may suffer a worse fate.

Trafficked children are subjected to violence of many kinds. They may be beaten or burned to keep them obedient. The threat of such physical violence is in itself a form of psychological violence. Often, trafficked children are badly fed or even starved, again to make sure that they do as they are told. Girls are at risk of sexual abuse, although boys may also face sexual violence.

Depending on the type of labour they will have to undertake, the children will face different health repercussions: agricultural work, for example, may expose them to toxic chemicals. Factory work may include operating machinery that is beyond their capacity. Commercial sex work carries its own particular risks, including unprotected sex that results in STD (including HIV) infection, unwanted pregnancy or reproductive illnesses.

Many trafficked children are exposed to substance abuse. They may be given drugs to keep them quiet and exploitable or to ensure that they become dependent on their supplier and therefore less likely to try to run away.

Being in a trafficking situation also has severe psychological risks for children: they are separated from family, friends and community. They may be totally isolated by fear, including fear of threats against their families. Trafficked children often end up in a vicious cycle of desperation, trafficking, exploitation, dependence and re-trafficking. For these many reasons, children who have become victims of trafficking may lose all sense of hope and plunge into depression, leading them to do harm to themselves or even attempt suicide.

The impact on families is severe. While many families may believe that sending or allowing their child to relocate to find work will bring benefits, in reality many families never see the trafficked child again. Many more never receive any of the promised income.

### The impact of child trafficking on the community

The social impacts of child trafficking are similarly wide-ranging and long-lasting. The impact on the family of losing a child to traffickers can be long-term, especially if the family was enthusiastic about the child's leaving to find work. Conversely, if the child does send some money home or even returns to the community, this might be an incentive to other families to send their children into a trafficking situation so that a whole community can be 'corrupted' by trafficking.

There is also a severe impact on the community, as well as on the child and her/his family, when the trafficked child's education is cut short. This has both a social and an economic impact. The child's future is less assured because s/he will not have the skills required to earn a living or progress in life. Girls may find their marriage prospects are diminished, especially if they are known – or thought – to have been victims of sexual exploitation. Social development efforts are undermined and the cycle of poverty continues, putting younger generations at risk of trafficking too.

### The impact of child trafficking on the country's social development

At a national level, economic development is stymied both by the lack of educational development and also because potentially productive future workers are lost to the economy. Children and adults who return from trafficking with injuries or diseases also put a financial burden on their families and on the country, not least because the young and middle-aged people who are trafficking's most likely victims are unable to work and support the older people who depend on them.

There are important long-term – but vitally necessary — costs involved in the rehabilitation of trafficked children (as well as adults) and costs involved in making sure they can rebuild their lives and prepare a safer future.

It is clear that government efforts to combat child trafficking can not only result in improved protection of children's rights but are an important contribution to social development broadly defined. There is consequently a strong imperative for mainstreaming anti-child trafficking policies and programmes in national development efforts, coordinating such policies and programmes across all relevant government departments, and allocating sufficient resources to tackle this problem.



See Exercises 15, 16 in the Exercise book.

## Section 1.7 Research and knowledge for planning and targeting

### Resources for this section:

IPEC: *Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 2, sections 2.3 – 2.7. [These sections of the kit include 15 downloadable resources that may also be considered as individual resources for this session. Several of these are 'how to' guides on different kinds of data gathering.]

### Preparing for research and data gathering

Gathering information and data is the first step in combating child trafficking.

Research is the key to good analysis and preparation, and fully understanding the problem at a practical level rather than just in theory. There are several ways to get together the information needed to be able to plan policies and actions against child trafficking but, before embarking on data collection, it is important to know for what purpose data is needed, and what kind of data are required.

### Aims of data gathering

Some of the aims of research and data gathering might be:

- the need for national estimates to inform or influence policy change — for example the number of child victims and the cost to society, the number of traffickers and the profits they make, and the number of children at risk;
- justification of the selection of geographical areas (i.e. sending areas, transit areas or destination areas) in which to implement policy or outreach interventions;
- forecasting how child trafficking will develop over time without remedial action;
- understanding cause and effect, risk factors and vulnerabilities on both the supply and demand side, for more effective counter-trafficking measures;

- effective targeting (for example, already trafficked children or those at risk and/or the traffickers themselves) to aim for maximum impact;
- determining baselines (of number of child victims, children at risk, or traffickers) to be able to monitor progress and measure the impact of interventions;
- documenting learning from pilot initiatives for replication and to contribute to global debate;
- identifying ongoing interventions and unmet needs (mapping) so that gaps can be filled and repetition avoided.

### Statistics

Reliable and accurate statistics on children trafficked every year from or to a certain place, nationally, by region or globally are hard to obtain because child trafficking is a hidden problem. At best, we have only estimates developed using various statistical methods with varying degrees of accuracy. It should also be borne in mind that children who have been trafficked can be assumed to end up in some sort of exploitation and so are likely to figure in statistics relating to the exploitative sector in which they labour. To avoid double counting, figures on trafficked children are not usually added to the total figures for the worst forms of child labour.

Reliable statistics are particularly important for organizations that are responsible for arguing to government why counter-trafficking actions should receive a



certain allocation of the national budget. They need to be able to demonstrate the size of the problem, the trends (increases or decreases) over a certain period, and the costs to society. Information on trends is also important to see whether actions being taken to reduce trafficking are having an impact. Trends can also be used to forecast how the problem of child trafficking will develop over time if no remedial action is taken.

At a practical level, the needs will be different. For example, a grassroots NGO running a shelter for children who have been rescued from trafficking may not need statistics relating to national trends or national impact. Instead the NGO may need data on the number of children who come to the shelter so that services can be planned and individual children are able to receive follow-up assistance. Knowing how many children under the age of 15 have been reintegrated into school after leaving the shelter and how well they have coped, for example, will indicate whether more attention to this particular action is needed, or whether alternatives must be found.

### Beyond numbers – Disaggregation

Aggregate numbers at a national level or at the level of an NGO are not sufficient however – they need to be broken down into smaller categories. For example, how many of the children in that NGO shelter were girls and how many boys? And how old are the children? (an average is not useful here – you will need to know how many children are under school age, how many are teenagers, etc.).

Looking beyond the basic numbers to try to understand the children they represent only comes when data are 'disaggregated', that is collected and recorded according to various categories. These can differ according to the nature of the data and the use it will be put to, but should always, at a minimum, include sex, age, origin, family characteristics, ethnicity and whether the child has a disability (so that special services can be provided if necessary).

Other useful categories would include whether or not this was the first time the child had been trafficked, where they were trafficked to, the nature of the exploitation

they faced, how long the trafficking event lasted, and what their health care needs are.

Children who have experienced trafficking are a vital source of information to help us to understand child trafficking better and to map out the specifics of child trafficking from a certain source or destination area – the nature of recruitment, for example, or the means of transport used to move the children. Data gathered from children in child labour also give insight into whether or not there are trafficked children among the sample and allow speedier targeting of interventions based on the profiles of those children. Although this may not provide reliable statistical data *per se*, it does allow some preliminary conclusions to be drawn on where child trafficking prevention and victim assistance actions might be targeted.

If the data collection exercise also includes children who are at risk of being trafficked, then additional questions can be added relating to the child's perceptions of school, migration for work, whether they are attracted to life in the city, how they formed these perceptions (for example, from friends or the media, or from information being circulated by recruiters) so that protection and prevention initiatives can be properly targeted.

### Beyond numbers – Qualitative information

To better understand the nature of trafficking itself (and plan effective responses), it is useful to know about how the children entered into trafficking: were they recruited by someone and if so, who? What methods did the traffickers use to recruit the children into trafficking? Did their parents or other family members play a role and was that active or passive? What sort of transport was used to move them, who paid for it and how was it provided? What kind of work did they end up doing? Who were the exploiters and what were their motives? Information of this

kind will help to paint a more detailed picture of the nature of the problem.

Answers to questions such as these are extremely important to policy makers who have to decide on priority actions against trafficking and the development of policies and national frameworks. The information received can give some indication of whether child trafficking in a country is largely unorganized (for example operated by village recruiters who work by word of mouth and who 'pick up' children from time to time) or more organized, with semi-permanent recruitment, transport and exploitation networks. The information may also show that in villages in close proximity to schools trafficking is less of a problem than in villages where the school is far away.

The sum of all this information and data is often called a '**situation analysis**'. It builds up into a detailed overview of child trafficking in a particular place at a particular time. Such a situation analysis should be updated regularly.

### Agreeing common terms and definitions

One problem with much of the existing data sets is that they are not comparable to other data and cannot easily be combined to build a bigger picture. For example, some immigration services record data on children returned to their families and then classify the statistics by age group: 0-5, 6-11, 12-15, whereas a neighbouring government might also collect data on returned children, classifying them into age groups of 'under 6', 7-14, 15-18. Often the ranges used are based on such things as the compulsory age for school attendance, the legal minimum age for work, the age of reaching adulthood in national law – and these differ from country to country. Sometimes they are arbitrary. The problem is evident: what happens if we need to know how many children aged between 8 and 12 were



returned in each country (for example because we are planning a regional education project)? This can only be determined by going back to the original data for individual children (which may or may not have been stored) and repeating the analysis.

In the absence of agreed parameters, it is important to know and understand the definitions, terms, parameters and categories of analysis before using the data. When data is collected, it is vital to ensure that the parameters fixed for the data are as compatible as possible with other available data collection systems and that the results of the data collection are therefore widely usable. In this context it is useful for research on child trafficking to use international definitions and categories, such as those in the Palermo Protocol and ILO Conventions Nos.138 and 182<sup>5</sup>.

## Research methods

### Secondary data analysis - Sources and reliability

It is not always possible, or indeed necessary, to begin a data collection exercise from scratch. Some statistical data are already available from a number of sources such as ministries of health, labour, justice, social welfare, children and youth. Court statistics, databases of hotlines, police and immigration services, healthcare organizations such as hospitals and clinics may also have relevant information at local or national level.

Since the data are generally stored anonymously, there is no way to know who the individual children are behind each data set. As a result, there may be some double counting. For example, a child who figures in the data from the immigration services because he was returned to his family may also figure in the health-related data because

he had been beaten by his traffickers and needed medical attention. So it is not possible to simply add up numbers from different sources and suggest that they indicate a 'total' of any kind.

Although there are regularly calls for these various agencies to collect more data – or to begin collecting data if they do not do so already – what is often overlooked is the usefulness of already collected data.

Valuable secondary data on the situation of children and women can be found through the Multiple Indicator Cluster Survey (MICS) programme that UNICEF supports. Altogether, nearly 200 MICS surveys in approximately 100 countries have been implemented. Since violence against children, including trafficking, often begins at home, modules were developed to measure attitudes towards domestic violence and child discipline. Other modules relevant to trafficking include birth registration, which recognizes a child's fundamental right to identity, to have a name and nationality, and child labour, which examines the types of work a child does, including household chores.

### Household-based surveys

Increasingly, countries are undertaking national census exercises on a more frequent basis. The ILO works with governments to support data collection on child labour through national household surveys or modules attached to labour force or living standards measurement surveys. These exercises can serve as a vehicle for obtaining other, more specific data. They are household-based surveys, which means that households are asked questions about all the members of the household, ranging, for example, from their age and sex to household income, educational level, employment, or number of televisions in the home. All types

<sup>5</sup> See page 4 of 'Child trafficking: The ILOs response through IPEC' for an operational breakdown of the definition of child trafficking.



of data can be collected in this way. While census data is being collected, it is useful to add questions relating to a specific issue, such as whether and how many children are economically active and their ages. This is called piggybacking on a bigger exercise.

When there is not a bigger exercise to piggyback, or where there are resources available, it may be possible to do a stand-alone survey. These can be on child labour generally or on a specific type of child labour. They can cover the entire country or a specific area. National child labour surveys have been conducted in a range of countries.

Data from surveys that are limited in geographical scope (for example administered in one city or in one province) may not be representative of the situation elsewhere. The results of these surveys can nevertheless be used to plan actions in the places where they were collected.

### Other kinds of surveys

Surveys can be establishment- or workplace-based, or they can be random surveys for street children, or school-based surveys.

*Establishment-based surveys* gather data from children in the workplace and employers. The establishments are often chosen from among a list of workplaces identified by working children during a National Child Labour Survey. The kind of information includes working hours and conditions, benefits, injuries children sustain, why employers hire children and how they recruit them. Among this information there may be some insight into the situation of trafficked children, for example, children may reveal that they began work several years before and that they were brought to the workplace by a recruiter who moved them from their home village. It is unlikely, however, that much information will come to

light about illegal situations, since an employer of children who knows of such illicit practices will probably not cooperate with the survey team or will insist on being present when the children are interviewed so that they are unable to speak openly.

*Random surveys* of children living or working on the streets and their employers and/or clients provide information that cannot be captured through household-based surveys. When household surveys provide information on children who are working and also attending school, these can be followed up by school-based surveys that provide information on what the impact of working is on the child's performance and attendance at school.

*School-based surveys* provide information on students, teachers and school management. Information can also be gained on the quality of the teaching and how children feel about their education. This information is useful in the planning of child trafficking prevention programmes, because keeping children in school is an important element of reducing vulnerability to trafficking.

### Rapid assessments

Rapid assessment is a way of quickly gathering information that describes hidden or illicit forms of child labour (for example child domestic labour and commercial sexual exploitation) and in a limited geographical area. Rapid assessment (RA) methodology has been used by the ILO and UNICEF to respond to the need for more data and information on the worst forms of child labour, including child trafficking.

It is important to recognize that rapid assessment does not provide representative statistical data but does give important qualitative information on issues that otherwise remain hidden. It should not be used for extrapolating beyond the sample nor

for making general conclusions on the child population as a whole.

Rapid assessments results allow project design to begin while other sources of data are gathered to build up a bigger picture. Policy making in a particular area also needs to take into account not only the conclusions of rapid assessment surveys but to be continually updated by experiences from direct actions at grassroots level.

Rapid assessment methodology is valuable because it provides information that comes from the children themselves and from those who have been involved with them (teachers, social workers, family members, NGO representatives), so that there are cross-checks to the information that improve its reliability. Rapid assessment results are particularly useful in attempts at profiling children who might be at risk of trafficking or other worst form of child labour. They also allow initiatives to be targeted to sectors to

which children may have been trafficked (for example carpet factories, tourist bars and restaurants or cocoa plantations in receiving/destination countries) on the basis of information the children provide.

Rapid assessment can also help us to understand mechanisms and means of child trafficking because the children surveyed generally include some who have been trafficked and the information they give is based on real experience.

## Participatory research methods

Participatory research provides information that is highly targeted to a particular use within a defined context and community. It generally involves a number of different ways of collecting information from and with the target children themselves and presumes that the children will also be involved in analysing the data collected and consulted on how it is used to design responses.



Common techniques used in participatory research include direct observation (usually in a pre-selected place where at-risk children will be, such as bus stops, routes to and from school or work), and is recorded in a systematic way. Focus group meetings are also frequently used. These can range from unstructured free discussion groups (although with careful noting of the discussion so that it is not 'lost') to more structured groups with carefully planned questions, role-playing activities or exercises. In some circumstances, where the level of the participants' literacy requires, picture card prompts or other visual aids can take the place of written questions or exercises.

Other creative activities can also elicit valuable information. These include the creation and/or performance of songs, dance and theatre excerpts, or painting, drawing and video recording. Individual or small group interviews can also be used and whether or not these are recorded depends on the use to which they will be put and the acceptance of the recording by the interviewee.

### Profiling child victims and children at risk

Qualitative data - the who, what, how, why - is necessary for profiling children, which allows us to identify those at risk of trafficking and move to protect them before they become victims.

Profiling of children who have been trafficked helps us to draw up 'vulnerability profiles' based on which we can identify children at risk in a target area. For example, we may have learned that trafficked children in country or town X were generally from Province Y and from families with more than five children, where one parent only was working. The children may overwhelmingly come from a particular ethnic group. They may comprise many more boys than girls and most of the children may have dropped out of school between the ages of 12 and 14. If

the profile is confirmed across the range of children surveyed, it gives a good idea of the children we need to target immediately as at high risk of trafficking. In this case we might consider project activity designed to run in schools and to target boys aged 10-11 (approaching 'drop-out danger' age). Social programmes might be targeted at large families and programmes to help large families to increase their income (for example by mobilizing the women in the family to start up small businesses) will address another of the vulnerability factors.

Vulnerability profiling is one way of making sure that the actions proposed are matched to the actual protection needs of the children and their families and communities. Such actions are likely to have a positive impact on preventing child trafficking because there is a direct cause and effect between the problem and the solution proposed.

### Profiling the traffickers

Profiling can also help us to understand more about the traffickers, who they are, and how they operate.

Surveyed children may shed light on the general method of recruitment in their area. If for instance, the research indicates that the recruitment is done by adolescents who have returned from trafficking and who earn money by providing 'new' children to an adult who visits once a month, then this information can be used to set up better community mobilization programmes.

### Mapping of routes, locations and exploitative end results

Surveys and participatory research (particularly at community level) that collect qualitative information from children and adults on the ground can also provide insight into the routes that traffickers take to move children, and the places of recruitment and

exploitation. This allows law enforcement officers from police and immigration to intercept traffickers before children are exploited.

Trafficking routes change all the time. Information may therefore be out-of-date and may become unusable quickly. Traffickers are known to employ information specialists who advise them on when certain routes are being policed or when new routes are opening up.

The places where trafficking can be interrupted and where children may need support can also sometimes be identified from surveys. Bus terminals, railway stations and places where children hang out such as sports fields may all attract traffickers or form part of their infrastructure. Again, be aware that these will change as traffickers learn that they are being watched and are no longer safe.

The people who work in some of these places – for example food vendors at bus stations, attendants at petrol stations, porters at railway stations – may also be able to provide insight into traffickers' movements or unusual patterns of movement of children. They can also be surveyed. Some workers' organizations – for example in the transport sector – may also be instrumental in providing information on routes and transport hubs.

Research may also cover likely exploitative end results in for instance domestic labour, organized begging, and children in agriculture. In undertaking such research, one could also attempt to determine how many of the children working there where trafficked into this work.

## Research protocols

For each research action to be undertaken, a research protocol should be designed and agreed that will be followed by all those involved in the exercise. The research

protocol acts as an agreed set of rules that govern what is done, why, how and by whom. It should be followed at all times.

*Definitions* — It is important to clearly define key terms and concepts before designing research tools. The definition section of the research protocol should cover the purpose and nature of the research, the specific context and group under study (for example the sex, age and risk level of the children, or the particular labour context in which they are to be found). It should also cover key terms and concepts, for example 'out of school' (dropped out or never been in school or playing truant?) or 'on the street' (living permanently on the street, or working there during the day?).

*Timing of data gathering* — It is important to gather data on children, families and the context in which trafficking occurs, at appropriate times. For example, if children are at risk of being intercepted by recruiters while they are walking home from school, there is little point gathering information in the middle of the day while classes are in progress.

If the research is very preliminary and is being done to gain some first ideas of the levels of risk, the nature of the problem and the way recruitment/trafficking/exploitation occur, then it will be important to have 24-hour coverage throughout the week by teams of observers/researchers to ensure that no elements are missed. Trafficking is not a 'nine to five' business – depending on the nature of the information being sought, it is important to time the data gathering to be sure that no valuable information slips by while the researchers are absent.

In gathering data it may be necessary to interview the same child more than once, first to establish rapport and then later to gather information. Sufficient time should be built into the research plan for this type of follow-up.

*Research tools* — A research protocol should also spell out the research question to be answered (or aim) and how this will be answered. This requires a listing of research methods to be used and the development of research tools specifically developed to gather data under the particular research. Such research tools could be a direct observation sheet to systematically note down any observations, or a questionnaire to be used when interviewing parents, or a visualization exercise for a focus group discussion with children.

### Interview techniques

There are some important principles that must always be followed before and during interviews with children:

- Minimize the risk of reprisals on children.
- Make sure the child has given informed consent.
- Be aware of any trauma that the child might be experiencing, especially if they have recently experienced abuse or trafficking. A traumatized child should not be used as a subject of general research.
- Inform the child. Children must be told exactly what will be done with the information they provide, who will see it and how they will be protected.
- Ensure confidentiality.
- Cross-check information. Cross-check and supplement information from the children through interviews with other respondents ('key informants') – parents, teachers, social workers – who can comment on the children's situation from a different point of view.
- Encourage child participation.
- Make sure the child feels safe.
- Do not repeat the same question more than once, even if you are not satisfied with the reply.
- If someone else insists on being present during the interview (which should be discouraged), be aware that this may affect the child's answers.
- Interviews with children can be one-on-one, or done in groups. Be aware of group dynamics, though, and try to observe how these might influence the information given.
- Avoid asking direct and confrontational questions.
- Never pretend to be someone you are not.
- Leave sensitive topics until last and only address them if and when you feel that an adequately trusting relationship has been built with the child.
- It goes without saying that all interviewers, data handlers, analysts and others working on data gathering exercises should not only be thoroughly trained in the skills and techniques used but should also understand and commit to the protocols and codes set up to protect the children and the data gathered.
- Make sure that these codes and protocols are in place and are monitored at all times.

### Ethical issues

Children have a right to be protected – including from well-meaning people who put them at risk through carelessness or lack of thought. When you gather data about children at risk, you hold in your hands exactly the kind of information that traffickers want. This information must be safeguarded to ensure that the children are not put at even greater risk.

Children also have a right to privacy. Although we may wish to help them, we do not automatically have the right to know all about them and to have access to their personal information. We should only have access to the information that we need to be able to do our jobs properly – no more. Focusing on the essentials also helps to keep the research task manageable.



So the questions to ask are:

- Do we really need this data?
- Are we sure we know what we need the data for and so which data we need and how we will use it?
- Have the children (and any guardians) agreed to provide the information freely?
- What will be the result – for the children – of their providing information?
- How will the children and other informants get to know the results of the research?
- Are the field workers who are gathering the data safe?
- Is there a role for law enforcement?
- Does the researcher speak the same language as the children?

These ethical questions should form part of training of all those involved in the data/information exercise and should be regularly reviewed and updated.

## Handling and storing data

To handle data on children and information from children ethically, it is necessary to set up protocols for how the data will be gathered, stored and used, and a code of practice that all those handling the data will agree to follow.

Protocols for how the data will be gathered, stored and used should cover:

- Means to ensure that the data is stored and used in such a way that an individual child cannot be identified – unless that is necessary (for example by health personnel who need to have direct access to the child). One way of doing this is to assign each child a reference number and to note the number only on the

information/data. The child's personal details can then be stored, with the same reference number, separately from the data/information, and access to the reference number key can be highly restricted, perhaps with a system for double-checking anyone who requests access to this key.

- A clear plan for who can have access to the data/information, and which data/information they can see. Access should be restricted on a 'needs only' basis – the data/information are not for general interest but for practical uses only.
- A statement on how data/information will be used. This should be prepared before the data/information is gathered so that those providing the information can be told truthfully what will be done with it. This should not then be changed.

## Validation, reporting and dissemination

Before publishing findings, they should be validated through a consultative process. This may help to ensure acceptance of findings on sensitive issues, for instance by key government officials.

Reports resulting from any research should spell out what was known already before the research began and highlight new findings that add to the knowledge base. They should include a chapter that describes how the research was undertaken and any methodological issues worth mentioning.

Ensure that the report and the raw data that led to it are stored and made accessible easily for future use (taking into account the points mentioned above about confidentiality and anonymity of the respondents).



See Exercises 17, 18, 19 in the Exercise book.



## Section 1.8 Planning for coordinated action

### Resources for this section:

*IPEC: Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 3, sections 3.5 – 3.6. [This section of the kit includes 30 downloadable resources that may also be considered as individual resources for this session.]

This manual takes you from understanding to action; from preparation to implementation. But there is an important intermediary stage: planning.

Planning is the process that helps you to translate the information, data and knowledge you have acquired – about children, traffickers, trafficking patterns, risk factors, problems, likely solutions, other anti-trafficking actors and the tools at your disposal – and translate them into a series of (we hope) effective actions that will really make a difference in preventing trafficking, protecting children at risk, pursuing traffickers and helping children who have fallen victim to traffickers.

### Coordination to tackle the problem of child trafficking

No one government, organization or even network can take on all of these tasks. The secret to effective anti-trafficking activity is mobilizing a range of relevant partners who can all bring their specific expertise and experience to bear on the problem, and this in a coordinated way that minimizes repetition and overlap and maximizes strengths and resources. This is often called a ‘multi-sectoral’ or ‘multi-disciplinary’ approach.

Typically, the national actors who will participate in coordinated action include government, law enforcement, judiciary, employers’ and workers’ organizations, NGOs, other civil society actors and in some

instances funding bodies or the media. Coordination may transcend national entities and borders, however, and can be effective at a number of levels:

- At national level, multi-disciplinary approaches ensure that the response both to the problem of child trafficking (in terms of protecting children from being trafficked or victims from being re-trafficked; preventing the crime of child trafficking; and ensuring effective law enforcement) and to the needs of children who have been trafficked (victim assistance) are comprehensive and that no children ‘fall through the gaps’.
- At national level also, it is important that this multi-disciplinary approach includes links between provinces, states, regions or other administrative areas. This collaboration links actors in the same sector – an NGO based in one province with NGOs in other provinces, for example, or the Ministry of Women’s Affairs in the capital with women’s committees in the provinces. Intra-national coordination and collaboration should take into account source, transit and destination areas.
- At regional and international levels, collaboration — including through a multi-sectoral approach involving governments and authorities, workers’ and employers’ umbrella bodies, regional entities (such as SAARC or the EU for example, regardless of whether there are shared borders) and international agencies — can include bilateral and multilateral



arrangements. Sometimes these do not move much beyond information sharing, since it is recognized that collaboration takes time and that unfortunately it is often not a first priority, but in the long term it can be both time- and cost-effective, because it has been shown to be effective. This is particularly true where collaboration includes practical cooperation, for example exchange of personnel and experience, joint training, and cross-border law enforcement investigations and actions. The mapping of child trafficking 'geography' among partners is an important element of effective collaboration at this level also, since it permits source, transit and destination actions to be planned.

In relation to cross-border trafficking, it is evident that cooperation between source and destination countries, as well as transit countries, is vital to apprehending traffickers, interrupting trafficking events and rescuing children, providing support to victims and ensuring their eventual safe return.

However regional or bilateral cooperation can also be important in relation to domestic trafficking. Among other things, for example, governments can share information on known criminal networks, discuss and facilitate safe migration processes, or run joint information campaigns on a number of issues such as temporary work or recruitment agents operating in the area.

Through regional associations, national workers' and employers' organizations are able to expand their knowledge of trafficking and exploitative labour practices, organize joint capacity building or information actions, exchange information or personnel. NGOs similarly are able to work at regional level either through a regional federation, network or bilaterally.

### Stakeholder analysis

Coordinated action presumes that agents from different areas of specialization will work – not necessarily together, but at least in coordination – towards the same goal.

It also presumes that the final piece of the 'puzzle' has been put in place: mapping out who is active in the anti-trafficking area, what they are doing and where, and the strengths that they can bring to the team.

Some of the actors – like governments, legislators, academics and advocacy groups – may work primarily at the policy level, reviewing and revising laws and procedures, for example. Some – NGOs and international agencies, social services departments, children's organizations – may provide direct services and programmes to children and their families. Some actors may do both – workers' organizations, for example, may be involved in developing policy but also run programmes in the workplace or community.

It is extremely important to take time to work out who will best do what so that all actors can play their part in what is essentially a national anti-trafficking team. This is called 'stakeholder analysis'.

Stakeholder analysis can take different forms. It is advised to consider the following three dimensions: capacity to influence or shape policy versus capacity to reach out and offer direct assistance; type of intervention (e.g. broad protection, prevention, law enforcement, victim assistance), and; location (i.e. source, transit or destination).

### Building the national team

Some valuable lessons have been learned about helping national teams of different organizations to work successfully. These involve some simple logistics that facilitate working together, such as clearly defining roles, responsibilities and action, and some basic agreements that need to be put in place as a reference to avoid confusion further down the track. Some of these are:

- Agreement on definitions, concepts, the nature of child trafficking in, through or to the country;
- Agreement on the aim(s) of the national action plan (or equivalent agreed plan) – maybe in the form of a series of aims and objectives for the plan overall as well as the different sections;
- Agreement on mainstreaming gender concerns into the plan;
- Agreement on geographical areas and target groups to focus on, as well as who is responsible for what;
- A common resource of local data that is accessible to all and regularly updated and shared;
- Agreed monitoring mechanisms and negotiated indicators and targets for measuring change/impact and progress;
- Agreed processes for regular communication, sharing and learning of lessons.

Additionally, there are some tested elements that have been shown to help partnerships to function well. These include:

- A motivational, non-threatening leader who is accepted by all;
- A lead agency or focal point that will act as a point of reference in case of problems or to promote sharing and to convene meetings;
- Legitimacy through leadership, respected participants and targeted publicity;
- External pressure (for example from a donor) to perform;
- Sufficient allocation of resources;
- Agreed rules and procedures for the partnership;
- Understanding that coordination and collaboration take time and need to be built into job descriptions of those involved, rather than 'added on' to their normal tasks.

## National Action Plans on child trafficking

For coordinated action to happen effectively, all the anti-trafficking actors need to have an agreed 'blueprint' that details where each actor will work and on what, and how to report on progress. At a national level, this generally takes the form of a National Action Plan (NAP). The development of a NAP needs to involve national debate, so that everyone who needs to work on implementing the plan will be consulted from the very beginning and so that no-one is excluded. During these consultations, the views of children directly affected (and their families) need to be considered.

It will be important, as part of developing the NAP, that any existing frameworks or plans relating to areas relevant to child trafficking, such as child labour or forced labour are taken into account. Where possible, such existing plans should be revised to include child trafficking. Where this is not possible, new plans should be complementary rather than repetitive, and these plans should cross-reference each other. If other plans or frameworks are in the process of being developed or revised, it will be important that at a minimum they take account of child trafficking and include actions that will complement efforts in this area.

Some elements to include in the NAP are:

- An introductory section on concepts and definitions, to make sure everyone is 'speaking the same language' and that there is a common platform of understanding. This should also include specifics on the children at risk (profile) and any other premises that everyone should know (for example which international or regional conventions have been ratified and how they are translated into national law);
- Consideration of children at special risk, for example runaways, children from dysfunctional families, homeless children,

AIDS orphans, children from ethnic minorities and out-of-school children;

- Reference to known gender specificities among children at risk and as part of the trafficking event;
- A listing of the exploitative sectors that are known to exist in the country, and the sectors into which children who are trafficked out of the country end up;
- Recognition of internal versus cross border trafficking;
- Recognition of source, transit and destination areas that each require different interventions;
- Addressing demand in addition to supply;
- Reference to data sets that are disaggregated by sex, age, ethnic grouping etc.

In relation to the actions included in the NAP, these should be age-specific responses that recognize the specific rights and needs of specific subgroups of children. For example, children under 15 should be offered free basic education (under the Education For All initiative), whereas children aged 15 and up are allowed to work if in decent conditions (and would benefit from skills training, job placement services, safe (internal) migration and youth employment interventions);

They should cover measures of broad protection to prevent trafficking of children at risk and former victims, prevention of the crime of trafficking, law enforcement and victim assistance (these are covered in more detail in textbook 2).

## Action plans at other levels

At regional and international levels, cooperation and collaboration can also be based on a plan of action that is the regional or international equivalent to a NAP. At international level, the 'blueprint' is the battery of international instruments (often accompanied by recommendations for specific

areas of implementation) that countries have ratified. At regional level, it is becoming more common for a joint action plan to be drawn up by technical staff based on Memorandums of Understanding agreed by governments.

An example of a formalized subregional agreement to end trafficking (in this case not only child trafficking but also the trafficking of adults), is the agreement negotiated among governments of the Greater Mekong Subregion. The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Memorandum of Understanding was signed at a first COMMIT Inter-Ministerial Meeting held in Yangon. It contains a detailed Preamble followed by 34 specific COMMITments in the areas of: Policy and cooperation; Preventive measures; Legal frameworks, Law enforcement and justice; Protection, Recovery and reintegration; and Mechanisms for implementation, and Monitoring and evaluation. It includes:

- A clear definition of trafficking based on the Palermo Protocol;
- Grounding in international standards including key international conventions and the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking;
- Emphasis on importance of multi-sectoral responses;
- A comprehensive range of COMMITments covering 'demand' as well as 'supply' issues;
- Encapsulation of the importance of a 'victim-centered' approach that stems from an understanding of human trafficking as a violation of human rights;
- Acknowledgement that marginalized populations have special vulnerabilities that must be addressed;
- Highlighting of the importance of strengthened guidelines and mechanisms

for identification of victims, and the links between better identification and treatment of victims and more effective law enforcement;

- Emphasis of the role that migration policy (including bilateral migration agreements) can play in combating trafficking;
- Recognition of the need for increased efforts in application of labour laws, and monitoring of labour recruitment companies.

The MOU is accompanied by a Subregional Action Plan (SAP) that comprises a series of intervention areas for specific agencies to work on.

### The broader planning framework

The NAP should not be seen as a stand-alone plan. It should work alongside other frameworks such as Time-Bound Plans (TBPs) to eliminate child labour, Poverty Reduction Strategy Papers (PRSPs), and other NAPs (for example relating to children's welfare in general, or on specific areas such as CSEC, or violence against children).

NAPs should also fit into overall planning for children with a view to achieving the Millennium Development Goals (MDGs) and in parallel with Education for All initiatives.

Governments have the primary responsibility for aligning all these different national plans, and increasingly donors who make resources available for the implementation of national plans look to see whether there is coordination and alignment among them. Importantly, such alignment leads to better use of resources and more effective implementation.



See Exercises 20, 21, 22, 23 in the Exercise book.







# TRAINING MANUAL TO FIGHT TRAFFICKING IN CHILDREN FOR LABOUR, SEXUAL AND OTHER FORMS OF EXPLOITATION

**Textbook 1** Understanding child trafficking

**Textbook 2** Action against child trafficking at policy and outreach levels

**Textbook 3** Matters of process

**Exercise book**

**Facilitators' guide** (cd-rom)

International Labour Office  
International Programme  
on the Elimination of  
Child Labour (IPEC)  
4, route des Morillons  
CH-1211 Geneva 22  
Switzerland

[www.ilo.org/ipecc](http://www.ilo.org/ipecc)

UNICEF  
3, UN Plaza  
New York, NY 10017  
USA

[www.unicef.org](http://www.unicef.org)

Global Initiative to Fight Human Trafficking (UN.GIFT)  
United Nations Office on Drugs and Crime  
Vienna International Centre  
Wagrammer Strasse, 5  
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[www.ungift.org](http://www.ungift.org)

