



SOS Trafficking On the tracks of stolen childhoods

A comparative analysis of child trafficking in the world

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INTRODUCTION

Child trafficking is not new; it is a current practice in most regions in the world. However, it has considerably gathered momentum over the past years. The total number of women and children, victims of international trafficking are estimated at 700,000 to 2 million each year. Such traffic has become so profitable that it would compete with gunrunning and drug trafficking today¹. According to Peter Stalker, author of "*Workers Without Frontiers - The Impact of Globalisation on International Migration*"², it would generate five (5) to (7) billion dollars a year.

Such practice is defined and condemned in the United Nations Children's Rights Convention and the Universal Declaration of Human Rights. Many countries ratified the United Nations Children's Rights Convention. It stipulates under its article 11 that countries that have ratified the said Convention shall take measures to prevent and control the illegal displacements and returns of children. Similarly under its article 35, it is recalled that the states shall take all appropriate measures at national, bilateral and multilateral levels to prevent abduction and trade in children for whatever purposes and under whatever forms. Convention 138 of the International Labour Organisation (ILO) on the minimum working age also condemns child trafficking aimed at the exploitation of their labour force.

Thanks to a strong mobilization of the international community to fight against child labour in June 1999, the ILO passed a convention that focused on the worst forms of child labour (Convention 182). Selling and trafficking children have been described as "the worst forms of child labour".

Despite the legal guarantees as provided for by the national and international communities, the traffic is still going on and is a serious violation to the basic rights of children such as the right to freedom of opinion, the right of not being forced to do any work likely to harm one's physical and mental health, the right to keep contacts with one's parents, the right of not being separated from one's parents unwillingly, the right to education, the right to freedom and safety, the right to free movement.

It is as part of an international campaign for the ratification and implementation of the ILO convention 182 that Social Alert has carried out this research work on child trafficking in the world.

Social Alert, through its various networks works for the promotion and defence of economic, social and cultural rights. The respect for children's rights is one of the priorities of our organisation. In March 2000, subsequent to an international seminar, we published a first study on domestic workers. The publication, in particular, considers child trafficking for the exploitation of their labour force.

To pursue its action on the worst forms of child labour and to inform about the concerns of its various networks, our organisation deems necessary to consider more specifically the practice of child trafficking by carrying out a study on the various existing traffic patterns in the world. This very study entitled "Comparative analysis of child trafficking in the world" presents the

¹ Asian Regional Initiative Against Trafficking in Women and Children (ARIAT)

² Stalker, Peter. "*Workers Without Frontiers - The Impact of Globalization on International Migration*", ILO, Geneva, 2000

summary of our research. The study does not intend to cover every aspect of the traffic, but to give an overview about it on each continent so that the reader could figure out the complexity and seriousness of such practice and join hands in actions to prevent and fight against the phenomenon.

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Objectives of the study

This study adds to the numerous activities and regional seminars organised on the issue of child trafficking.

It's overall objective is to combat the violation of human rights and more specifically to sensitise Social Alert partners by presenting an overview of child trafficking on each continent. The study is also inserted in a campaign launched by the Social Alert Network in West Africa on the topic.

Finally, this study aims at assessing the scope and enlightening on the problem of child trafficking in the world by examining the situation as per continent and dwelling at length on some countries in particular.

Methodology

The data collection was conducted as follows :

a) the working method that was adopted, on the one hand, consisted of sending a questionnaire to partner organisations and Social Alert Chapters, to partner organisations of the Global March Against Child Labour and to various non-governmental organisations, and local, regional and international union organisations working on the topic of defence and protection of children's rights worldwide.

The five questions were :

- 1. Is child trafficking a common practice in your country?*
- 2. What are the purposes of the traffic?*
 - As domestic work force?*
 - As cheap labour?*
 - For prostitution purposes?*
 - For participation in armed conflicts?*
 - Other.*
- 3. Is there any mention of child trafficking in your country's legislation?*
- 4. Has your organisation included such an issue in its priority action? Are some actions envisaged?*
- 5. a) Has your organisation published or participated in the writing of a document or in a research on the issue? In that case, could you send us any documents resulting from the research?*

b) The research work has also been achieved thanks to existing studies, reports and publications on the topic as well as the use of Internet (research - mailing lists).

I. DEFINITION OF THE THEME

1. Child trafficking: definitions

It is very difficult to define child trafficking for cases deeply differ from one country to the other.

On the international level, there is no consensus on the term " traffic "³. The various existing definitions are often contested and strongly discussed during meetings and conferences on traffic in human beings.

Several definitions do exist at the United Nations, European Union, International Labour Office and in international organisations.

In 1994, the United Nations General Assembly attempted to get a global definition for "traffic" as the *"illegal and underground movement of people through national and international frontiers most of them from the developing countries and from some mid-income countries whose final objective is to force women and young girls into exhausting or economic exploitation conditions to the benefit of recruiting touts, traffickers as well as other related illegal trafficking activities such as forced domestic labour, false marriage, illegal employment and false adoptions"*.

Yet according to the ILO study⁴, the definition is incomplete. It does not include young boys and men who are also and sometimes victims of the traffic.

In 1996, the European Parliament defined trafficking in human beings as: *"the illegal action of a person who, directly or indirectly encourages a citizen of a third country to go to a country and stay in with a view to exploiting him through deception or any other coercive way, in abusing of the vulnerable or administrative status of such a person"*.

Another definition that is clear enough is the one proposed in the preliminary report prepared for the UN Special Rapporteur on Violence against Women. *"In the report, the word " women trafficking" means "any acts that have to do with the recruitment and/or transportation of a woman or (a young girl) in or out of the national borders with a view to working or serving under violence, abuse of authority or perverting position, debt servitude, disappointment or other forms of coercion"*.

As for the International Labour Office (ILO), it defines child slavery as *"the recruitment and the legal or illegal transportation of a child - whether he agrees or not - across a border in general, but not always organized by an intermediary: parents, kinsman, teacher, procurer or local authority. At destination, the child is forced under duress or deceived into doing some works under conditions of exploitation"*.

In another study focusing on child trafficking in West and Central Africa⁵, traffic would mean *"a whole process and conditions whereby a child is withdrawn from parental protection and authority to be considered as market value at any moment in the process. Thus, it is made up of any act consisting of recruiting, transporting, harbouring or trading of persons involving deception, constraint or force, debt servitude or fraud resulting in a movement of a child within or outside a country"*.

³ Muntarborn, Vitit. *"Trafficking in children for labour exploitation in Mekong Sub-region"*, ILO, 1998

⁴ Muntarborn, Vitit. *"Trafficking in children for labour exploitation in Mekong Sub-region"*, ILO, 1998

⁵ Bazzi-Veil, Laetitia. *"Sub-regional Study on child trafficking for economic exploitation in West and Central Africa "*, Executive Summary, 2000

In the additional protocol to the United Nations Children's Rights Convention concerning the involvement of children in armed conflicts as well as child trade, child prostitution and pornography staging children, child trade therein is defined as follows:

Child trade is similar to any act or any transaction that brings about the transfer of a child, any person or any group of persons to another person or to another group against payment or any other profit.

Offering, handing over or accepting a child whatever the means used for exploitation purposes are known as offences such as:

- *Child for sexual exploitation*
- *Transfer of the child's organs against high remuneration*
- *Child submission to forced labour.*

Finally, several international organisations proposed that some standards be included in the protocol, in anticipation to the closing proceedings of the UN Commission on Crime Prevention and Criminal Justice on the adoption of a new convention against organised cross-border crime and in particular, on a protocol addendum relating to traffic in women and children. As a matter of fact, such organisations closely monitor the commission's proceedings; such protocol would be the first and the only international treaty that holds a definition for traffic in women and children.

Such standards are drawn from international tools relating to human rights. Their aim is to protect and promote the respect for the human rights of people who had been trafficked victims, including those who have been subjected to servitude, forced labour and / or to any practice comparable to slavery.

Such organisations also suggest a definition of the traffic, of trafficked persons and of traffickers. They suggest that states pass a legislation in compliance with the following definitions:

▪ **Traffic:**

Traffic includes any acts or attempts to committing acts involving the recruitment, transportation within or outside the borders, trade, transfer, reception or sheltering of a person (a) involving deception, coercion (including, threat or abuse of authority) or debt servitude. (b) in order to keep or detain such a person under involuntary servitude conditions (domestic, sexual), forced labour or under a situation of virtual slavery in a community that is different from the one in which such a person lives.

The definition reiterates the existing international human rights standards such as those mentioned in Convention 29 of the International Labour Organisation on forced labour, the United Nations Convention on slavery and the additional Convention on the abolition of slavery, slave trade and institutions and practices similar to slavery.

▪ **Trafficked person:**

A trafficked person is someone who is recruited, carried away, bought, sold, transferred, received or sheltered as described in the definition of "Traffic" including a willing or unwilling child (defined by and in accordance with the principles of the Children's Rights Convention).

▪ **Trafficker :**

A trafficker is a person who intends to commit, is an accomplice or accepts any act as described in the definition of “traffic”.

2. Factors and characteristics of the traffic

Traffic in human beings i.e. the recruitment, the transportation or the illegal trade in human beings in order to exploit their labour force is a practice similar to slavery.

Trafficked children are used in the sex industry but also for forced marriages, false marriages or simply as part of polygamy. They are also used as cheap and obedient manpower in plantations, commerce, mines, as domestic workers or in other forms of work that can be compared to slavery.

These forms of traffic vary according to the context, political conditions, the geographical location, but one can find in them similar characteristics. In fact, whatever the case, traffickers use the same tactics: deception, fraud, intimidation, isolation, threat and physical strength and debt servitude.

Child traffic would be favoured by a vast number of factors that could be found in many regions: extreme poverty, cultural and traditional values (like the practice of child “placement” in West Africa), ignorance of risks, crisis in the educational system, children’s desire to migrate, search for an economic and social promotion, strong demand in a cheap, obedient and non-unionised child manpower, inadequate and non-existent national legislation relating to the traffic, lack of good border policies, the burden of informal economy, corruption.

Human Rights Watch recently reviewed⁶ the situation of typical traffic cases, traffickers’ methods and the authorities’ attitude: “*In a typical case, a woman or a young girl (a minor) is recruited with promises of a good job in a different country or province and since she has no other alternatives, she accepts to migrate. There are also cases in which women are deceived by offers of marriage or false invitations to holidays, some cases in which children are swapped by their parents against an advance payment and or promises of future earnings or cases in which victims are simply kidnapped. Then an intermediary agent takes care of the travelling arrangements and the victims’ future jobs, pays for the necessary travelling documents and gets in touch with future employers. Once all is set, the victims are carried away and handed over to an employer or to another intermediary who negotiates with future employers. The women and young girls no longer have any control over the nature or the work place, the modalities or conditions of their future works.*

Many women and young girls learn that they had been deceived as to the nature of the work they must do, as well as the financial conditions. They must all face situations of abuse where escape is difficult and dangerous.

⁶ Regan E. Ralph. “*Testimony before the Senate Committee on Foreign Relations Subcommittee on Near Eastern and South Asian Affairs*”, Human Rights Watch, February 2000

A remarkable number of women and young girls are victims of debt servitude. They must work without earning any wages until they pay back their (increased) travel expenses. In some cases, the debts are always on the increase and can never be fully paid back. To prevent the victims from escaping, employers take full advantage of their vulnerable position. Unable to speak any of the local languages, the victims are not much familiar with the environment and they fear arrest. Moreover, they are under their employers' permanent control; these employers constantly keep their eyes on them, isolate them, threaten them and/or the members of their families and seize their passports.

Governments' efforts to combat traffic in human beings are inadequate. In many cases, the corrupted government workers in the countries of origin and destination of the victims actively facilitate the traffic by providing traffickers with fake papers and by receiving bribes and commissions to ignore such abuses. When workers are apparently confronted with trafficking or forced labour, they focus on the violation of immigration laws and the crackdown on prostitution rather than on the violations of human rights endured by the trafficked victims. Victims would be considered as immigrants or prostitutes and traffickers would not be prosecuted or would hardly be so.

Such policies and practices are inadequate and ineffective. Governments worsen the vulnerability of victims and discourage them to turn to people who could be of assistance to them.

3. Legislation

In her survey, Laetitia Bazzi-Veil⁷ indicates that child trafficking develops thanks to a legislative, coercive and political environment less focused on the issue. Her survey deals with the situation of child trafficking in West and Central Africa but her conclusions are valid for most regions worldwide. In most national legislations, there are no provisions that determine and qualify the criminal nature of the traffic. Such current juridical vacuum, worsened by a justice that is less prompt in sanctioning, basing on other legal grounds, not

⁷ Bazzi-Veil, Laetitia. "Sub-regional survey on child trafficking for economic exploitation in West and Central Africa", Executive summary in view of the Sub-regional Consultations on Strategy Development to fight against child trafficking for labour exploitation in West and Central Africa, Gabon, 22-24 February 2000.

only contributes to a feeling of impunity, but also to the absence of guilt in the wrongs done to the child, confirming the social impunity.

The absence of criminal sanctions characterizes the situation in many countries. Prosecutions and sentences are almost non-existent and hardly are traffickers or intermediaries worried. It also happens that governments, which should make sure these laws are enforced, are also often involved in child trafficking.

The International Community

For ten years the international community is being seriously getting mobilized to fight against trafficking in human beings. Nowadays, more and more initiatives are being taken: resolutions, recommendations and international conventions are adopted but they should also be ratified and implemented.

- The Parliamentarian Assembly of the European Council put forward a series of recommendations on trafficking in women and children and namely 1987 Recommendation 1056.
- The Conference of Ministers held in 1997 on the prevention of the illegal migration in the context of "Budapest Procedure". Some recommendations were made and mainly aim at the harmonisation of legislations in order to combat traffic in human beings and a technical and financial support to be brought to Central and Eastern European countries.
- The European Parliament and the Commission recently ordered the drafting of two reports on traffic in human beings (the Servo⁸ and Sörensen⁹ reports). Moreover, the "STOP" programmes (programme concerning the sexual exploitation of children) and "DAPHNE" (a programme that aims at preventing violence against children, youth and women) focusing on that issue).
- In March 2000, Asian and Pacific countries discussed the development of national plans of action and regional strategies on traffic in women and children at *ARIAT*¹⁰ meeting.
- An additional Protocol to the Children's Rights Convention had just been adopted by the UN General Assembly on 25th May 2000 about the involvement of children in armed conflicts as well as the trade in children, child prostitution and pornography staging love-making children.
- Negotiations are under way at the UN General Assembly about a protocol on the international traffic in women and children to be added to the Convention against Cross-border Organized Crime¹¹.
- The G8 cooperation increased over the past three years about organized crime, drug and human beings trafficking in particular.

⁸ Servo, Colombo. "Report on trafficking in Human Beings", European Parliament, A4-0326/95

⁹ Sörensen, Patsy. "For new actions to fight trading in women", Women's rights and equal opportunity Commission, European Parliament, A5-0127/2000

¹⁰ Asian Regional Initiative Against Trafficking in Women and Children, Manila, the Philippines, March 2000

¹¹ Convention against Cross-border Organized Crime

The International Organisations

The International organisations have very quickly focused on the issue of child trafficking. Many of them have adopted specific programmes and undertaken studies to fight against traffic in human beings and children in particular.

- The Organisation for International Migrations (OIM) has been working on the issue of traffic in human beings and on underground migrations for many years. It has published a lot of research works on these topics.
- ILO through the IPEC programme recently launched national programmes in several countries to combat child trafficking. Programmes are under way namely in ten West African countries where statistical studies were carried out and awareness campaigns launched.
- The Organisation of Security and Cooperation in Europe (OSDE) focused its work on the issue of traffic in human beings over the past ten years. Commitments were made at the Moscow (1991) and Istanbul (1999) Summits to combat the traffic. This issue is currently in priority at the Office of Democratic Institutions and Human Rights (ODIHR) which, in November 1999, proposed a 2000 plan of action for activities to fight against traffic in human beings.

3.1 Existing International tools

There are many tools in a view to combating trafficking in human beings (even if they do not always clearly and precisely refer to the traffic), starting with the Universal Declaration of Human Rights that recalls under its Article 4 that *“No one shall either be held in slavery or in servitude: slavery and slave trade shall be prohibited in any of their forms”*.

The International Treaty on Civil and Political Rights also mentions under its Article 8 that *“No one shall be held in slavery: slavery and slave trade shall be prohibited in all their forms. No one shall be in servitude. No one shall be compelled to a forced labour or do a compulsory work ”*.

Nevertheless, here is a non-exhaustive and chronological list of the main existing international tools:

- The 1926 UN Convention on Slavery and the 1956 UN Additional Convention on the Abolition of slavery, slave trade and institutions and practices alike.
- The Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, United Nations General assembly, 1949¹².

In its Preamble, the Convention asserts that: *"Prostitution and the evil that goes along with it, mainly, trade in human beings, are incompatible with the dignity and value of a human being"*.

- Convention 29 on Forced Labour, International Labour Organization (ILO) 1930 and Convention 138 on the minimum age, ILO 1973.
- Recommendation 1065 on child trade and other forms of child exploitation, Parliamentary Assembly of the Council of Europe, 1987¹³.
- Convention on Children's Rights, United Nations Organization, 1989.

Article 11

"Member States shall take all appropriate measures to control the illegal movements and migrations of children abroad"

Article 35

"Member States shall take all appropriate measures at the national, bilateral, and multilateral levels to prevent kidnapping, sale or trade of children for whatever purpose and under whatever form".

- Recommendation concerning sexual exploitation, pornography, and prostitution of, and traffic in children and young adults, Council of Europe, 1991¹⁴.
- Inter-American Convention on International traffic in Minors, Organisation of American States, 1994¹⁵.

In Article 2 of the Convention, child trafficking is defined as *"the kidnapping, disappearance, detention or attempt of kidnapping of a child for illegal purposes or by illegal means"*.

¹² "Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others", United Nations General Assembly, Resolution 317(IV), 2 December 1949

¹³ Recommendation 1065 of the Parliamentary Assembly of the Council of Europe on traffic in children and other forms of child exploitation, 1987

¹⁴ Recommendation N°R (91) 11 of the Committee of Ministers to Members States concerning sexual exploitation, pornography and prostitution of, and traffic in children and young adults, Council of Europe, Committee of Ministers, 9 September 1991

¹⁵ "Inter-American Convention on International Traffic in Minors", Organisation of American States, Fifth Inter-American Specialised Conference on Private International Law, 18 March 1994

- Resolution to prevent international illicit traffic in children and to establish appropriate penalties to such offences, Economic and Social Council of the United Nations, 1996¹⁶.

This Resolution recalls in its preamble that international child trafficking is a criminal activity and a violation of the Children's Rights Convention.

Article 4

The Economic and Social Council "*invites governments to adopt the necessary measures in accordance with their legislation to ensure that all persons involved in illicit traffic in children are subject to prosecution in a manner commensurate with the seriousness of the crime*"¹⁷.

- Convention 182 on the worst forms of child labour ILO, 1999.

Article 3

"For the purpose of this Convention, the phrase 'the worst forms of child labour' means:

- a) any forms of slavery or similar practices such as the sale and trade of children, debt servitude and bondage as well as forced labour or compulsory work including forced or compulsory recruitment of children for their involvement in armed conflicts;*
- b) the use, recruitment or offer of a child for prostitution, production of pornographic material or pornographic shows;*
- d) the works which, by their nature or conditions in which they are done, are likely to ruin the health, security or morality of a child''.*

- International Abolitionist Federation Resolution, 1999¹⁸.

In its recommendations, the Resolution calls for the suppression of the demand in trafficked persons for prostitution by enforcing existing laws, protecting those victims and prosecuting traffickers.

- Recommendation n° R (2000) 11 of the Committee of Ministers to Member States on the fight against trade in human beings for sexual exploitation, Council of Europe 710th meeting of ministers' Delegates, May 2000
- A series of recommendations of the Committee of Ministers to Member States of the Council of Europe: Recommendation n° R (91) 11 on sexual exploitation, pornography and prostitution of, and traffic in children and young adults; Recommendation n° R (96) 8 on the criminal policy in a changing Europe and the Parliamentary Assembly of the Council of Europe: Recommendation 1211 (1993) on illicit migration: "smugglers" and

¹⁶ Resolution 1996/26: "Measures to prevent illicit international traffic in children and to establish penalties to such offences, Economic and Social Council, United Nations, 47th plenary meeting, 24 July 1996

¹⁷ Original Text: "*Invites Governments to adopt the necessary measures in accordance with their legislation to ensure that all persons involved in illicit trafficking in children are subject to prosecution in a manner commensurate with the seriousness of the crime*"

¹⁸ International Abolitionist Federation, Resolution, 32ND Triennial Conference in Copenhagen, "Breakdown of Borders", 2-4 December 1999

employers of underground workers. Resolution 1099 (1996) concerning the sexual exploitation of children and Recommendation 1325 (1997) on trafficking in women and forced prostitution in the Member States of the Council of Europe.

- A series of resolutions on child trafficking adopted by the UN General Assembly¹⁹ and the Commission on Human Rights²⁰

Those resolutions call for a charge as an offence for trafficking in women and children of female sex in all forms as well as the sentencing and penalties against people involved in such traffics.

- A series of resolutions from the European Parliament namely on prostitution exploitation and on traffic in human beings (1989 and 1996).
- The Vienna Declaration on Criminality and Justice of the UN 10th Congress on Crime Prevention and Offenders Treatment, United Nations organisation, April 2000.

14. "We, Member States of the United Nations Organisation, commit ourselves to implement more effective means to collaborate among ourselves with a view to eradicating the scourge represented by the traffic in persons, in particular in women and children and traffic in migrants [...] and set the year 2005 as a deadline to get to a perceptible decrease of the incidence of such forms of international criminality."

- A series of provisions adopted by the World Conference on Human Rights (Vienna, June 1993), the International Conference on Population and Development (Cairo, September 1996) the World Summit for Social Development (Copenhagen, March 1995).
- An additional Protocol to the Convention on Children's Rights, adopted by the UN General Assembly on 25th May 2000 concerning the involvement of children in armed conflicts as well as trade in children, child prostitution and pornography staging the latter.

Besides, the United Nations is preparing the document of an International Convention against Organised Cross-border Crime which would include three additional protocols on the manufacturing and trafficking in firearms, illicit traffic and transportation of migrants and international traffic in women and children.

Such a Convention would enable Member States to control the various aspects of international organised crime and would provide a legal framework to harmonize the various legal systems. It would be submitted for adoption by the UN General Assembly this year.

3. 2 Legislation in West and Central Africa

Still, according to Laetitia Bazzi-Veil's survey, the policies that the governments of the countries under review implement or intend to implement against child trafficking reflect the classical cleavage between the country of emigration and that of immigration depending on whether they are child receiving or child providing countries.

¹⁹ Resolution 51/66 et 53/116 on traffic in women and girls, United Nations General Assembly Fifty-first session, 31 January 1997 et Fifty-third session, 1st February 1999

²⁰ "Traffic in women and girls", Commission on Human Rights resolution 1998/30 & Resolution 1999/40

In the receiving countries of West and Central Africa, one can observe that the responsibility of the fight to abolish child trafficking is entrusted to the providing state, that from an institutional point of view, the Ministry of Foreign Affairs or the Ministry of Interior are those that are regularly questioned as to how to manage the problem that the proposed mobilization and solutions could be found, besides, in the suppression, essentially in the control of the migratory flows and the systematic repatriation of children and that, mobilization of local actors remains poor given that this is a foreign phenomenon.

In the providing countries, where child trafficking is perceived in its economic and social dimension, one can observe that the responsibility of the handling of the phenomenon is essentially entrusted to the ministries of social affairs and that emphasis is placed on prevention through awareness in child providing areas.

The state's weaknesses are many: state control mechanisms restricted by the limited number of police check points, absence of check-ins and check-outs registry for minors travelling out of the territory, absence of efficient registry office, widespread corruption of services in charge of the issuance of travelling and authorization and control documents, poor awareness as to children's rights, poor motivation and mobilization in the peculiar protection of children's rights.

4. Related Problems

4.1. Migration and poverty

The issue of trafficking cannot be dissociated from that of migration.

According to the Constitution of the International Organization for Migrations, the term "migrant" refers to any person who freely decides to migrate, for personal reasons and without any external coercive factor coming in.

A lot of young girls, lured into promises of social promotion as well as training, reach the decision of leaving their countries for other more attractive and prosperous regions.

National and international recruitment networks as well as international prostitution networks²¹ take advantage of the desire of young people and children to improve their living conditions. On reaching destination, such young adults and children are victims of exploitation of their labour force, ill-treatments, physical and sexual abuses as well as lack of legal protection by their new employers.

The United Nations estimates that almost 130 million persons are constantly on the move, i.e. 2% of the world population. Such movements have always existed but they are considerably reappearing because of the growing inequalities. Women are those who more and more hit the road of exodus and who represent a key number of migrant workers. Several factors are at the origin of these migratory flows: civil wars, more and more degrading economic conditions (unemployment, poor salaries,..) developing countries indebtedness, bringing about structural

²¹ Anderson, B. "Britain's Secret Slaves - An Investigation into the Plight of Overseas Domestic Workers", Anti-Slavery International Human Rights Series - n°5, United Kingdom, 1993

adjustments programmes (cutback in social, educational and health budgets, worsening the social situation), ecological disasters, population growth, violence, persecutions.

It is difficult to make a difference between “willing” population movement and traffic in persons. Thousands of people move every year and enter other countries or other continents through legal immigration ways (request of asylum or family reunion) or more and more, illegally, through selective importations of manpower. Immigration is being criminalized and giving way to organized crime. Such organisations and networks control the whole channel: provision of fake documents and visas, border crossing, loans,...

4.2. Child labour

The linkage between child trafficking and child labour is obvious since child trafficking is mainly practised for labour exploitation. Child trafficking is also categorized as the “worst form “of child labour” under the ILO Convention 182.

In its 1996 report ²², the ILO maintains that some 250 million of children aged between 5 and 14, work. Among those 250 million children, 120 million are in full employment and 130 million have part-time jobs. Most of such children live in rural areas and work in very small enterprises, often in family-owned types of enterprises.

Among those working children, some are held slaves or are forced to work.. Others are sexually exploited or as domestic workers.

Slavery and child forced labour

Practices comparable to slavery are often illegal but the ILO report indicates that children are still well sold against a certain amount of money. Besides, it also happens that some house owners buy children from their tenants, or that “employers” pay in advance families working in rural environment with a view to abducting their children and employing them in weaving undertakings, glass factories or in prostitution. Mention has, for quite a long time, been made of this type of child slavery in South and Southeast Asia as well as in West Africa, even though its existence has often been strongly denied by public authorities.

Prostitution and child trade

The sexual exploitation of children as a business is on the increase. More and more children are bought and sold abroad by the organised networks. The ILO report determines at least five child trafficking international networks of that type: a network right from Latin America to Europe and the Middle East; a network right from South Asia and Southeast Asia to Northern Europe and the Middle East; a regional European market; a regional Arab related market; and a West African market specialised in girls exportation.

In Eastern Europe, Byelorussian girls, of Russia and Ukraine are transferred to Hungary, Poland and to the Balkan States or to Western European capitals.

²² International Labour Organisation. *“Child Labour: The intolerable in focus”*. International Labour Conference (VI) (I) Report – 86th session, 1998

According to the 1996 report by the Special Rapporteur of the United Nations on child trade, child prostitution and child pornography, there would exist a million of sex trade victims in Asia.

Several well established child traffic routes were identified in Southeast Asia: right from Myanmar to Thailand; an internal network in Thailand; right from Thailand and from other countries to China, the United States of America, Japan and Malaysia as well as to other countries.

About one million children, for Asia only, are victims of sexual exploitation and other reports indicate that traffic in teenage girls is on the increase in Thailand as well as in other countries. In Latin America, a great number of children work and live in the street where they become an easy prey for sex trade exploitation. A certain number of countries in Africa including Burkina Faso, Cote d'Ivoire, Ghana, Kenya, Zambia and Zimbabwe are facing an increase in child prostitution.

Domestic Labour²³

Child trafficking and domestic labour are intimately linked. In West Africa, traffic or traditional "placement" is often transacted for domestic labour purposes.

The domestic labour as executed by children is a current practice in many developing countries where employers often recruit children from rural areas through the family, friends or relations. Children face violence and sexual ill treatments.

Even if such practice is highly widespread, there is no estimate about the number of children doing house works because of the "invisible" nature of this type of employment. In Indonesia, there would be (5) five million children employed in domestic works.

The majority of children doing domestic works are generally between 12 and 17 years old, but according to surveys, it happens that children, hardly of five or six, do this type of works.

Children doing domestic works, do so for long hours and are often victims of physical, psychological and sexual abuses.

²³ For further information, please read "Invisible Servitude. An in-depth study on domestic workers in the world", first research work in the series "Research on Human Rights", Social Alert, March 2000

II. SITUATION OF CHILD TRAFFICKING IN THE WORLD

1. Africa

Most regions in Africa are confronted with the issue of child trafficking.

Some young girls between 8 and 14 years are moved from rural areas to cities to work as house servants, as “tiny hands” (servants) in petty jobs in restaurants or as prostitutes. Many of them work 12 hours a day and are victims of sexual, physical and moral abuse.

The child “providing” countries are: Chad, Cameroon, Ethiopia, Mozambique..., and the “receiving” or “transit” countries are Benin, Ghana, Nigeria, Togo, South Africa...; however it happens that a country is both supplying, receiving or transit country such as Burkina Faso, Nigeria, Central African Republic....

There are many reasons behind such traffic and the first is undoubtedly the abject poverty on the continent. Added to that reason are the lack of sensitisation and awareness of populations, the lack of education and training, cultural practices and tradition, the desire for social and economic promotion, the strong demand in cheap child labour force, the absence of national legislation or enforcement of existing laws, the almost inexistent border control and the burden of the informal economy.

1.1. West and Central Africa

Child trafficking in West and Central Africa covers many realities, which make difficult the understanding and recognition on the ground. The traffic would rest much both on the increased number of informal actors at the internal level than on the organisation into powerful cross-border networks²⁴.

In spite of the many initiatives to fight child trafficking, the phenomenon is gathering more and more momentum in West and Central Africa. Many countries are concerned: Benin, Cote d'Ivoire, Gabon, Ghana, Mali, Nigeria, Togo, Cameroon, Burkina Faso, Guinea, Niger. Such countries are either child providing or child receiving countries, or finally providing and receiving countries such as Senegal, Guinea, Burkina Faso and Nigeria.

There would be several forms of child traffic²⁵: the donation-traffic characterized by the absence of immediate compensation, the guarantee-traffic or debt servitude (the child is “deposited” to guarantee a debt payment); the labour-traffic characterized by the exploitation of the child as a labour force and the sale-trafficking characterized by the sale of the child whom the buyer never sends back.

²⁴ UNICEF/ILO. "Sub-regional consultation on Strategy Development to fight child trafficking for labour exploitation in West and Central Africa", Consultation acts, Libreville, Gabon, February 2000

²⁵ Sub-regional workshop on domestic child trafficking in West and Central Africa, Unicef, July 1998

Child trafficking in West and Central Africa each year involves hundreds of children: boys and girls aged between 6 and 18. The traffic has an exploitation nature that is to say working in houses as servants, manpower on coffee or cocoa plantations or as help in the informal sector. Children are used as cooks, servants, carriers, spices, volunteers for kamikaze operations (deadly assignments) and finally as regular soldiers.

Some children are kidnapped or abducted from their hostel, school or from sports grounds or refugee camps with a view to enrolling them by force in fighting armies during conflicts. Many parents are “accomplices” in such traffic. They do not have the means to meet their children’s needs i.e.: foods, school fees, etc. and decide to sell or “place” their children. They are not aware of the conditions in which they would be.

Moving and placing children under care or with guardian are common socio-cultural practices in West and Central Africa. Because of the important maternal mortality rate, children could be brought up in under the watchful eye of the community. With certain tribes, child movement aimed at strengthening cohesion between various clans. With others ones, one of the criteria to have acceded to the throne was the stay of the king-to-be in a family other than his²⁶. In addition, parents have always sought to place their children with a view to giving them more exposure to an education other than that of working on farms.

The cultural tradition in each region plays a role in the maintaining of a social consensus on practices that are becoming more and more similar to informal traffic. Because they turn the separation and the departure of the child into something normal, the cultural values make the trafficking and the traffickers’ activities easy. However, today, they mainly serve to hide some venal practices and exploitation situations.

Finally, “traditional placement” tends to become lucrative and aims at achieving economic objectives rather than educative ones, and is more and more displayed.

2. Country approach

2.1. Mali

According to Association Malienne des Droits de l’Homme – Malian Human Rights Association-, child trafficking has always been a reality in Mali but the phenomenon is poorly known.

Trafficked children, are in general between 7 and 15 year old males, from several regions in Mali (Bamako District, Koulikoro, Segou, Mopti regions) among which the Sikasso region, because of its geographical position represents a centre for child trafficking.

Children are trafficked mainly into Côte d’Ivoire where they stand as labour force in agricultural or plantations in forest regions (cotton, corn, or rice growing areas). Child trafficking also exists as part of international adoption.

Children are lured by the economic prosperity of Côte d’Ivoire and thus, are easily recruited or abducted by planters, transporters and other intermediaries organised into networks on either

²⁶ Adihou, Alain François & Al; Enfants Solidaires d’Afrique et du Monde/Anti-Slavery International. “*Child trafficking between Benin and Gabon*”, Cotonou, 1999

side of the Mali - Côte d'Ivoire borders to meet the increasing demand of cheap labour force. Such children work under difficult conditions and are permanently faced with the risks of obsolete tools and handling of chemicals.

The causes for the traffic in Mali are many and are essentially of socio-economic nature as well as increasing extreme poverty, degradation of the traditional family solidarity network, lack of adequate education, attraction by a paid job, porosity of borders, ...

At the legislative level, the Criminal Code refers to trade and to abduction of children but the suppression of the traffic is restricted because of the poor application of the criminal law to this type of practice.

On the international level, Mali ratified several international instruments relating to human rights (Convention relating to Children's Rights, ECOWAS Convention on free movement of persons and goods...). However, such tools are less or not implemented.

Nevertheless, a National Brainstorming Committee on the phenomenon of international adoption and fight against child trafficking (including representatives of the civil society) was established in 1998, with the mandate of participating in the drafting and implementation of a national policy in the fight against child trafficking. The duty of that Committee was to write a report on the issue of child trafficking in Mali and could put forward some proposals so as to improve upon the legislation in force when it comes to international adoption and fight against child trafficking and to make suggestions as to actions and measures envisaged by the Government and to draft some laws to fight against child trafficking.

2.2. Burkina Faso

According to ILO/IPEC, child trafficking in Burkina Faso is being practised for child labour exploitation: trafficked children are employed as domestic servants (girls, mainly) or as agricultural workers.

Burkina Faso is a child providing, receiving and transit country. Most trafficked children come from Mali. In addition, nationals from Burkina Faso (the Burkinabe) are trafficked into Côte d'Ivoire, Benin and Nigeria.

The traffic is favoured by the population's migratory habits, unfavourable economic situation, ignorance, inexistence of effective immigration services and inadequate or poor application of the legislation thereof.

2.3. Bénin

The phenomenon of "child placement" has been in existence for a long time in Benin. In some Benin societies, moving children from one family to the other was commonplace. However, for some time now, this social cultural placement practice turned into a trade in children.

According to CGTB²⁷, ESAM²⁸ and CEO²⁹, child trafficking is a real and disparaged phenomenon in Benin, considered as a traffic centre and acknowledged as a child receiving,

²⁷ Confédération Générale des Travailleurs du Bénin/General Confederation of Benin Workers

²⁸ Enfants Solidaires d'Afrique et du Monde, Benin non-governmental organisation

²⁹ Carrefour d'Ecoute et d'Orientation, Benin non-governmental organisation

transit and child providing country for the West African sub-region (Côte d'Ivoire, Nigeria, Guinea,...) and for Central Africa (Gabon, Congo-Brazzaville, ...).

Since 1996, child trafficking gained worrying ground in Benin. Child trafficking affects four provinces out of six. Over four years, more than ten thousand (10,000) children were taken out of Benin without their consent. As regards the internal traffic, children come from the Northern part of the Mono province and are bought to the Atlantic and Oueme provinces in the South where they work for a remuneration paid to their guardians.

The reasons for such a traffic are many: poverty, unemployment, increasing need of cheap labour, lust for quick money, disintegration of the extended family or erosion of solidarity, degradation of the educational system, absence of risks and prosecution, lack of effective immigration services (border policies), corruption...

Trafficked victims are 4 to 15 year old children. They are mainly females and come from poor rural areas. Trafficked children to Gabon are quite often below age because when they reach the majority age of 16, they are compelled to manage and have a residence permit delivered to them at high cost.

The most common form of traffic is labour trafficking, characterized by children's labour force: children are employed as domestic workers (young girls of less than 17 years are trafficked to Nigeria and Gabon) as cheap manpower (young boys of less than 18 years are employed as workers in coffee and cocoa plantations of Côte d'Ivoire and Nigeria), or as prostitutes (in Niger and Nigeria).

Traffickers easily deceive the children by promising them better living and working conditions: a well paid and/or the chance to go to school.

There also would exist, according to testimonies, some traditional socio-religious practices that would demand human blood from a young child commonly called "spare parts"³⁰. Such children would then become preys to the fetish.

Intermediaries are generally people whom parents trust. They often settle in strategic regions where there are abject poverty and lack of control structures. Transactions and departures of children are negotiated in a very secret manner and are often done during the inactive agricultural season. Finally, children are taken away by night and in vehicles not in a good operational state and where their safety and well being are not always ensured.

In the Benin Legislation, there are many bills one of which dates back to 1961 but not specifically about child trafficking. It is rather about the movement of minors outside the Benin territory. There is also a 1973 Order, which modifies the provisions of the Criminal Code on the trade in human beings and abductions of minors.

These laws are obsolete and do not specifically tackle child trafficking. By way of consequence, there seems to have, therein, no reference of legal proceedings against people involved in child trafficking.

³⁰ Adihou, Alain François & Al.; Enfants Solidaires d'Afrique et du Monde/Anti-Slavery International. "Child trafficking between Benin and Gabon", Cotonou, 1999

In 1995, a new decree was passed determining the modalities of delivery of exit permit/authorisation by the administrative authorities to minors travelling outside the national boundaries. The decree's measures were meant to serve as deterrent to traffickers. Nevertheless, the boundaries are porous and it is therefore difficult to have such a decree implemented. Besides, the intermediaries succeed in getting all necessary documents to take the children out of the national territory and when they are caught red-handed for trafficking at the borders, they feel unworried because of the inexistence of laws and specific regulations concerning the legal proceedings, if any, to be taken against traffickers.

At the international level, several conventions were ratified but not always included in the National Legislation such as the convention relating to Children's Rights and the African Charter of Children's Rights and Welfare.

The Benin Constitution even indicated that priority should be given to provisions of international conventions over the national laws.

Child trafficking phenomenon has become a priority action for many NGO's working in the area in Benin. Actions underway are on the awareness of populations as to the drift of the socially accepted practice of "placement" of children, the granting of micro credit to parents so as to help them embark upon income generating activities and to take more care of their children, the building of classrooms to enable those children who have remained in the village to go to school, the achievement of community-based micro projects to help keep the children in their environment with better living conditions, the re-education of trafficked children arrested at the borders, the establishment of reception and rehabilitation centres for trafficked children as well as sponsorship for children.

2.4. Nigeria

Child trafficking can be defined as "placement" of a child through an agent with a view to exploiting the child as a labour force, and for ensuring material earnings³¹. Trafficked children are employed as domestic workers in the begging channels, in the informal economy and prostitution, drug trafficking and small-scale farming.

Child trafficking in Nigeria has internal as well as international dimension: Nigeria would be a child providing country namely for Italy and a receiving country for young girls from the Philippines³² among others.

Young Nigerian girls are recruited in the Lagos suburb and from the rural areas in the South and East to African neighbouring countries, but also to Northern Africa and to Europe. The traffic is organised around one person called "Mama" who plays a key role in persuading young Nigerian girls to leave their homes. The traffic is a three-level traffic: the first is around the "Mama" residing in the country of origin; the second one around the "Mama" in the country of destination and the third level is around the "Messenger", the person who takes care of the money transfer to Nigeria. Traffickers buy the necessary travelling documents and take care of the young girls' travel. The latter would be exploited in prostitution networks,

³¹ UNICEF/ILO. *"Sub-regional consultation on strategy development to fight child trafficking for labour exploitation in West and Central Africa"*, Consultation acts, Libreville, Gabon, February 2000

³² Coalition Against Trafficking in Women (CATW), 1999

trade and drug trafficking and should pay back the equivalent of the amount of their travel fares advanced by the traffickers for lengthy months or even for years³³.

Nigeria became aware of child trafficking but the ratification of international conventions is slow. The government however, took several initiatives through the Ministry of Woman and Child Development: research and data collection, awareness campaigns, establishment of an Information Centre of Children's Rights.

2.5. Togo

According to CSTT³⁴ and WAO-Afrique, child trafficking and "placement" are commonplace in Togo. Trafficked children are aged between 6 and 14 and represent a cheap labour employed in domestic works, informal trade, agricultural (plantations) and building sectors in Gabon, Nigeria, Côte d'Ivoire, Burkina Faso, Europe and even in the Gulf countries³⁵.

Most of the children have never been to school and come from rural areas and from an under-privileged socio-familial environment³⁶.

There are several forms of trafficking in Togo: parents who manage to sell their children, a traffic that is close to debt servitude, street children retrieved by traffickers and parents entrusting a third party with the guardianship of their children which "places" them either in Togo or abroad.

WAO-Afrique reports in one of its studies³⁷ that Togolese trafficked children have not always had access to basic food, health care and facilities and to clothing. It sometimes happens that they are not even paid for the job they do.

They are victims of serious ill treatments such as physical and sexual abuses. A sizeable number of them flee from the families in which they are employed and, incapable of going back to their countries of origin, indulge in prostitution to survive..

WAO-Afrique also informs that in Togo, there is an important increase of the traffic during the dry season when families have little income. Parents get indebted by selling their crops even before harvesting them and the labour force of their children is also sold out.

The poverty that brings parents to connive with traffickers and the socio-cultural, socio-economic and demographic factors (poverty, family burden...) are the main causes of child trafficking. Parents' complicity is either conscious (they accept that their minor child go and work abroad) or unconscious (they are deceived by traffickers' promises).

Until recently, the Togolese government became aware of the issue of child trafficking. The Criminal Code of Togo even plans for provisions that protect the children against trafficking,

³³ Organisation for Internationale Migration. *"Trafficking in Women for Sexual Exploitation to Italy"*, Migrant Information Programme, 1996

³⁴ Confédération Syndicale des Travailleurs du Togo/Trade Union Confederation of Togo Workers

³⁵ Kekeh, K. Roger. *"Child trafficking in Togo"*, WAO-Afrique, 1997

³⁶ UNICEF/ILO. *"Sub-regional consultation on strategy development to fight child trafficking for labour exploitation in West and Central Africa"*, Consultation acts, Libreville, Gabon, February 2000

³⁷ Kekeh, K. Roger. *"Child trafficking in Togo"*, WAO-Afrique, 1997

abduction of children and minors. But the traffic is not yet clearly defined, which consequently bring about a juridical vacuum.

In addition, Togo ratified the 1990 Children's Rights Convention and the provisions of its article 15 are repeated in the Draft Code of the Togo Children's Rights and Obligations. However, in spite of a harmonization of the national legislation, the implementation of such tools is still to be carried out.

Presently, a bill aiming at regulating minors' movement is being considered at the National Assembly.

Actions implemented by NGOs and trade unions are many: information and awareness campaigns, press conferences on the subject, creation of hosting and training centres for the re-education and re-insertion of young trafficked girls.

2.6. Ghana

Child trafficking has an internal as well as international dimension in Ghana. According to ILO/IPEC, children, sometimes too young, are trafficked to Côte d'Ivoire, Benin, Nigeria as well as to Lebanon.

These children are employed as workers in homes, restaurants, trade, prostitution, animal husbandry and fishing. Still according to ILO/IPEC, the intensity of the traffic would also depend on agricultural season particularly during the cocoa-harvesting season.

Children could be directly recruited through intermediaries such as traders but it also happens that parents "export" their own children by contacting a guardian.

At present, no policies and legislation seem to exist in Ghana in terms of child trafficking.

2.7. Côte d'Ivoire

The traffic was uncovered in Côte d'Ivoire between 1990 and 1992 and began gaining ground since 1995³⁸. Trafficked children come from Mali. They are employed as domestic workers, labourers in mines or agricultural workers on cotton, rice or corn farms. These children's working conditions are quite often very difficult as they work according to unregulatory time schedules, are malnourished and less paid or unpaid.

According to a UNICEF survey³⁹, *"the intermediary i.e. the main transaction actor, is a Malian citizen. He takes advantage of a tradition according to which children move freely as they follow the tracks of foreign agricultural migrant workers in Côte d'Ivoire"*.

The traffic is executed by road. On getting closer to customs barriers, traffickers pass through tracks to avoid every check. Trafficked children are therefore prevented from being in touch with their families and often find themselves in a no-return situation.

³⁸ UNICEF-Côte d'Ivoire. *"International child trafficking in Côte d'Ivoire"*, 1998

³⁹ UNICEF-Côte d'Ivoire. *"International child trafficking in Côte d'Ivoire"*, 1998

In spite of its high level of poverty, Côte d'Ivoire is a country that is more prosperous than the other countries in terms of economy, which, by way of consequence attracts a lot of children living in neighbouring countries (Mali, Burkina Faso, Guinea, Ghana...) in search of better living and working conditions.

Despite the voting of the 1970 minority law, social laws regulating child labour, criminal laws, immigration laws and the government's concerns, there are no national appropriate measures to fight against child trafficking. Only child abduction and kidnapping are punished. Child carriers, on the contrary, are hardly caught.

At the international level in 1991, Côte d'Ivoire ratified the Children's Rights Convention, which recalls that all States should take all appropriate measures to prevent the abduction, sale or trade in children. However it seems not to be fully implemented.

2.8. Sierra Leone

Child trafficking exists in Sierra Leone and is gaining ground since the armed conflict.

As a matter of fact, rebels of the Revolutionary United Front (RUF) would catch Sierra Leonean teenagers so as to have an obedient manpower to work in diamond mines and fund their war⁴⁰.

2.9. Cameroon

According to *Defence for Children International*, child trafficking is a current practice in Cameroon. Trafficked children are employed as domestic workers, cheap labour, and as prostitutes. According to ILO/IPEC, some children would also be used in drug/narcotics trafficking.

Children are victims of internal trafficking that is mainly backed up by decaying and obsolete traditional "placement" and international trafficking. Cameroon being a receiving country for children coming from conflicting countries (Chad, Congo, Rwanda, Burundi).

There is no direct reference to child trafficking under the national legislation. Besides, the fight against child trafficking is often hindered by administrative procedures and lack of coordination on the part of the various partners.

The government is however considering the draft national Plan of Action to fight against domestic exploitation and child trafficking.

2.10. Gabon

They said some 25,000 children were victims of exploitation in Gabon. Half of them come from Togo, Benin and Nigeria mainly. Child trafficking meets a high demand in child labour and its development is related to that of the informal economy sector. Children under 8 to 18, most of them females, are employed as domestic workers, in trade or sold out to agricultural firms. These children often work under bad conditions ranging from days without foods to ill-treatments.

⁴⁰ "The Slave Children of the Diamond War", Chris McGreal, in *Le Courrier International*, n° 502

At the legislative level, the Gabon's government adopted a series of legal measures aiming at fighting against immigrant child trafficking. The new provisions to crackdown on traffickers and to protect children include, inter alia, the sentencing, by the courts, of people ill-treating immigrant children and repatriation of ill-treated minors. Those found guilty of ill-treating children are likely to be sentenced to several months or years of imprisonment.

Besides, the Gabon's government, has put in place a National Commission whose main mission is to put forward a Plan of Action to eradicate child trafficking in the providing countries, transit and receiving countries alike.

The Gabon's Human Rights League, in 1993 repeatedly alerted the authorities on children being exploited. Before the adoption of such new provisions, traffickers and child ill-treating convicted were virtually unpunished.

2.11. Mozambique

According to *Redd Barna*, cross-border child trafficking does exist in Mozambique in the broader sense of the word; children are displaced without their consent (in some cases, there could be some financial transaction with the parents) to other family households and forced to work.

The traffic exists for prostitution purposes but also for cheap domestic labour.

The worst cases of trafficking can be found at the border of Mozambique with South Africa: some young girls under 13 to 15 years are sold out or lured by the South African traffickers' promises and find themselves in prostitution groups. Some 10,000 to 30,000 young girls would find themselves in enslaved prostitution channels. Potential clients would buy these young girls for less than 100 US\$ and could choose the ones they prefer. Child prostitution is present in all urban centres in the country.

In Mozambique, the legal age for consent is 18 and prostitution is illegal. The issue of child sexual exploitation for commercial purposes appeared subsequent to civil war. Abject poverty, rural exodus, structural adjustment programmes are the main causes of the increase in child trafficking for prostitution purposes.

2.12. South Africa

According to the *Molo Songololo* NGO, child trafficking is a current practice in South Africa. Trafficked children are employed as domestic workers, cheap labour, prostitutes and even recruited as gang members.

South Africa is a receiving country for many young girls from Mozambique. These young girls get into situations comparable to modern slavery.

There seems to be no peculiar legislation in South Africa about child trafficking but a proposal for a new statement on the offence with sexual connotation refers to it.

In some cases, children are sold or bought for pornographic and prostitution groups. It even happens that they are victims of organ trafficking.

2. The Near East

2.1. Israel

According to *Amnesty International*⁴¹, hundreds of young women and girls from the Commonwealth of Independent States⁴² are trafficked and sent to the sex industry in Israel every year.

The Government has not yet succeeded in taking adequate measures to prevent, investigate, prosecute and condemn such violations vis-à-vis the trafficked persons. Besides, those victims are considered according to the Israeli Law, as foreigners in illegal situation and even as criminals; as a matter of fact, they have no work permit and only have fake documents. Therefore, they are not considered as victims of traffic and are likely to face penalties, as they are illegal residents in Israel.

Some of these young women are victims of debt servitude and are forced to work to pay back huge debts. Some are kidnapped or lured into false promises of earnings and work.

Israel signed the International Treaty on Civil and Political Rights as well as the Convention on the Eradication of all forms of Discrimination against Women in 1991. Such a treaty recalls that the States should take appropriate measures to suppress all forms of traffic in women and girls.

In March 2000, the Israeli Parliament even passed the law on Women Equality. In its article 6(b), the law mentions that every woman is entitled to protection against violence, sexual harassment, sexual exploitation and traffic.

3. Eastern Europe

In Eastern Europe, women and children were the first to fall victims of the political, economic and social crisis of the 90's (unemployment, disintegration of social security systems...)

Traffic in women is a profit-making activity in the region. The United Nations estimate of criminal networks' activities in terms of traffic in human beings annually yields some 7 (seven) billion US dollars⁴³.

The traffic is commonplace for prostitution purposes. Young girls are economically motivated and have social ambitions; as a result they are led into prostitution networks and find themselves in situations similar to slavery in which their basic human rights are violated.

Poland and Turkey are regular destinations for trafficked girls. They are sexually exploited and come from Ukraine, Bulgaria, Byelorussia, Russia and Romania⁴⁴.

⁴¹ Amnesty International. *"Israël : Human rights abuses of women trafficked from the Commonwealth Independent States"*, mai 2000

⁴² Commonwealth of Independent States (CIS), former Soviet Union

⁴³ According to Global Survival Network

⁴⁴ CATW, 1999

In Slovakia and the Czech Republic, organised criminal networks embarked upon traffic in young women to Western Europe and particularly to Germany, Italy, the Netherlands and Greece⁴⁵. Some criminal gangs from Russia control the market of trafficked women and girls bound for Poland and Germany, whereas Ukrainian criminal gangs control the Hungarian and Austrian market. As for the Italian market, Russian and Albanian gangs mainly control it. The severity of violence, including murder also increased⁴⁶.

Three types of traffickers were categorized:

1. In the border regions, *occasional traffickers* are generally taxi, canoe or lorry owners who can carry individuals or some small groups of people through a strait or an irregular border. That type of traffic is not well organised.
2. *Small well-organised trafficking networks* often specialize in the traffic in nationals from a specific country in particular, constantly using the same route.
3. *The International organised trafficking networks* are the most sophisticated, by way of consequence, the most dangerous and more difficult to fight. Traffickers have access to fake and/or authentic documents, usually stolen, or they are capable of reproducing them by themselves. They can change their route and their transport media when a usual channel is detected. A logistic backup is available in countries of transit and of destination⁴⁷.

3.1. Lithuania

According to the *Lithuanian Labour Federation*, the traffic exists in Lithuania for domestic labour, cheap manpower and prostitution.

Poverty, economic and social crisis and the desire for better working and living conditions are the main causes of child trafficking.

The Lithuanian Criminal Code doesn't directly refer to child trafficking but includes articles referring to the child exploitation through prostitution and pornography. However, in March 2000, a round table bringing together the Bulgarian government authorities as well as NGOs was held so as to work out strategies to combat women and girls trafficking. The objective was to propose a draft national Plan of Action for 2001.

3.2 Bulgaria

Trafficking in women and children exists in Bulgaria. Young girls, sometimes under 14, are trafficked to Turkey, Greece, Macedonia, Albania, Italy, Poland and the Czech Republic.

⁴⁵ "Highway to prostitution", in *The Euroreporter*, 1995

⁴⁶ "Trafficking of Women to the European Union: Characteristics, Trends and Policy Issues", European Conference on Trafficking in Women, June 1996

⁴⁷ "Trafficking of Women to the European Union: Characteristics, Trends and Policy Issues", European Conference on Trafficking in Women, June 1996

Young women are kidnapped or recruited through deceptive announcements in the press, with promises of employments in modelling, dancing, baby-sitting, in homes and at last, they finally find themselves in prostitution channels abroad.

A survey⁴⁸ conducted by the Organisation of International Migrations with young Bulgarians of between 12 to 35 years, allows us to conclude that 20% of young girls are not aware of the traffic, 17% are not aware of the risks they run when they report to job announcements in the press and 25% would apply for an employment even if they knew that this was illegal.

3.3. Albania

Albania represents a traffic centre for prostitution because of its geographical position.

According to *Children's Human Rights Centre of Albania*, trafficking in children is a current practice in Albania and is practised for prostitution and illegal adoption. Young girls are kidnapped and sold at a price between 1,000 and 5,000 dollars depending on their beauty, age, and virginity. They are ill-treated: drug-addicted, beaten up, raped and deprived of freedom. They pass through Albania, victims of unscrupulous traffickers. They wished to leave behind the misery that prevails in their country (Ukraine, Moldavia, Rumania or Bulgaria) and they end up in the hands of a mafia, sold from one trafficker to another and submitted to any kind of bad treatment: drugged, battered, burnt, raped, obliged to remain silent, deprived of freedom, "used on the premises" by men or taken by the clients, forced to prostitution without any limit. One of these girls commented: "we were obliged to be at the complete disposal of the international force. Clients were exclusively people employed by the UN and soldiers sent to Albania: Italians, Pakistanis, and even more, Germans. With the latter, they had said they we had to be kind and always available because they used to pay better than the rest, essentially the officials. At the end of the day, my boss was cashing the incomes and was giving a part of it to Spiro, an Albanian who was in charge of the contacts".⁴⁹

For these young girls, the Albanian mafia is the most cruel of all. "I thought I had seen everything with the Italian mafia. But the Albanian is the most cruel. Without any limit. Unscrupulous... If they bring you through Austria, it is better. The worst thing that can happen is Albania... The Albanian mafia does not respect anything. I have seen nothing as terrible as this. When women resist to the Albanian "bosses", it sometimes happens that their members are cut, .. or that are thrown to the all the clients of the brothel".⁵⁰

Some testimonies helped to discover that "auction sales" of these young girls sometimes take place when they arrive in Albania through these networks. Naked, all the people see them and they are at the disposition of the one who offers more. There is no worse ignominy. As we said earlier, they can cost between 1,000 and 5,000 US \$.⁵¹

Albania has very few legislative measures about child trafficking. A trafficker can be arrested and sentenced to imprisonment. However most traffickers run free, unarrested. Besides, many organisations tackled this very serious problems and develop programmes of awareness-raising, lodging and legalisation of their documents. Their work is worth being mentioned... but more must be done to eradicate such practices. We must keep on sensitizing populations

⁴⁸ Quoted from Bulgarian News Agency, 15 March 2000

⁴⁹ Marion Van Renterghem, 1 December 2000

⁵⁰ Le Monde Op. Cit.

⁵¹ Le Monde, Op. Cit.

on these atrocities, on similar practices that trample over the dignity and basic rights of these girls. The judicial branch must also strengthen the measures and the investigations to reach a better monitoring, pursuit and punishment of those responsible, as of their accomplices in these mafia channels that traffic women and girls.

Until the 60's, young Albanian girls were sold in marriage by their parents to strengthen the bonds between clans. Should she lack respect for her husband, the rural justice would authorise her execution. Such a cultural heritage led many families (80% of families living in the northern mountains do live in poverty) to abandon their daughters in prostitution channels.

We mentioned that Albania is a central point of this traffic of women. The most common destination after this terrible stop is Italy, where they can be found in professional networks of prostitution. According to the IOM, approximately 300,000 women from Eastern Europe work as prostitutes in Western Europe, among them 35,000 in Italy. The whole industry provides between 5 and 12 billion US\$ a year".⁵²

3.4. Macedonia

According to JCWE⁵³, traffic in children is a current practice in Macedonia. One could come across prostitution children but also children in armed conflicts. Children could also be found in illegal adoption channels.

There is no provision in the national legislation for child trafficking.

⁵² Le Monde, Op. Cit.

⁵³ Journalist about children and women's rights and environmental in Macedonia

4. Western Europe

Trafficking for prostitution purposes is widespread in Western European countries. Such countries would be the destinations for thousands of young girls from Eastern Europe. Traffic in the region is very profitable: the cost of border cross from Eastern Europe to Western Europe is around 500 dollars.

Traffic in women in Western Europe is more widespread than traffic in children. However, a lot of teenage girls are trafficked and could be found in prostitution channels. Germany would be, for example a regular destination for thousands of young girls⁵⁴, sometimes teen-age girls, coming from Eastern Europe as well as from Thailand.

4.1. Sweden

The traffic exists in Sweden and tends to increase.

Sweden is the destination and transit country for many young women from the Balkan States and from Russia. According to Swedish police investigations⁵⁵, some young women would also emanate from Thailand and the Gambia.

Such young women gain entry with a tourist visa and stay for short periods. They work in the sex industry but also in restaurants.

Civil society organisations such as ECPAT-Sweden⁵⁶, are fighting against child trafficking and collaborating with travel agencies and police services to raise awareness to the traffic for child sex exploitation.

⁵⁴ Global Survival Network. *"Crime and Servitude : An expose of the Traffic in Women for Prostitution from the New Independent States"*, 1997

⁵⁵ National Criminal Investigation Department, Organized Crime Unit, Stockholm, Sweden

⁵⁶ End Child Prostitution and Trafficking of Children for Sexual Purposes

Sweden adopted a National Plan of Action against child sexual exploitation and a child pornography act is included in the Swedish Criminal Code. Nevertheless, there is no definition and reference to traffic in human beings in the Swedish legislation.

4.2. Ireland

The traffic exists in Ireland mainly under the form of criminal organised networks specialized in refugee trafficking⁵⁷.

The government recently approved (1998) the *Child Trafficking and Pornography Act*. Such an act contains a lot of measures to protect children and condemn child trafficking for sexual exploitation. The most important measure consists in the creation of a bureau of trafficked persons under 17 for sexual exploitation. People proved guilty of trafficking could be sentenced to penalties of up to 14 years of imprisonment. Other measures exist in the 1999 Illegal Immigration Act. Such an act condemns the trafficking in immigrants and provides for penalties up to 10 years imprisonment. In addition, Ireland is participating in the Europol works whose role is to facilitate exchange of information between the various European Union police forces. Traffic in human beings is included in the Europol mandate.

4.3. The Netherlands

Trafficking is a current practice in the Netherlands, country of destination for mainly many young Thai girls trafficked for prostitution.

The government, in response to this problem, modified its criminal law in 1991. The maximum penalty for traffic offence was increased from 5 to 6 years, and to 10 years for traffic in children under 16 followed by assault and battery⁵⁸.

4.4. Belgium

In Belgium, the traffic exists for prostitution purposes only. Several tenths of minors, sometimes very young, arrive, among other countries, from Albania and Ghana, lured by false promises in dancing or waitres jobs. Trafficking in young girls developed from Albania and is closely related to drug trafficking.

These young girls are snatched sometimes even abducted from their families and they live under bad conditions in Belgium. They are ill treated in case they do not bring enough money back home to their guardian. It also happens that young girls of African origin are threatened of witchcraft through voodoo rites⁵⁹.

Often, the police would remain powerless vis-à-vis such traffic phenomenon that is gaining ground. In addition, there are no appropriate prevention measures. The young girls arrested by the police defend themselves by uttering the only French word they know i.e. "majeure" or "adult", which enables them to move around, undisturbed.

⁵⁷ Cullen, Paul. "Gardai investigate asylum welfare frauds", in *The Irish Times*, August 1997

⁵⁸ Louis, Marie-Victoire. "Legalizing Pimping, Dutch Style", in *Le Monde Diplomatique*, March 1997

⁵⁹ In "Mise au point" / "A Recap", a radio & TV programme in Burkina Faso - RTBF, Sunday 4 June 2000

However, Belgium has some legislative and regulatory provisions in terms of traffic. A royal decree dated 16 June 1995 empowers NGO's to file a suit on behalf of victims. In addition, the victims who lodge a complaint against a trafficker in human beings can be permitted to stay in the country till the end of the trial.

4.5. Italy

Italy is a regular destination for women (30 % of whom would be minors⁶⁰) and coming from the Eastern European countries but also from Nigeria.

These trafficked women and young girls find themselves in professional prostitution channels.

The *Coalition Against Trafficking in Women* indicates that 80 % of prostitutes in the streets of Milan would be of foreign origin.

Italy has some legislative and regulatory provisions for trafficking. Actually, the victims who lodge a complaint against a trafficker in human beings are allowed to remain in the country till the end of the trial.

4.6. Greece

According to *Save the Children*, many cases of trafficked minors for economic purposes were reported.

Children under 5 to 15 years, mostly come from Albania and the former Yugoslavia but also from Pakistan, Poland and Kurdistan. There would also be a great number of gypsy children who would be "hired" to traffickers to work in the street as beggars or vendors.

Such children are considered by the Greek law as delinquents and are likely to be arrested and repatriated to their country of origin. Other children find themselves in the sex industry and have fake documents. They gain illegal entry to Greece or with a tourist visa.

Some young women are also trafficked to Greece. The traffickers whom they pay back in full pay for their transport fares. The work contracts indicate that they recruited as "artistes" but most of them get into the sex industry. Their passports are impounded, placing them in a position of no escape. They are also subjected to regular ill-treatment.

When it comes to the legislation, the Criminal Code in Greece contains several articles relating to trafficking in human beings or articles that could be used to sue traffickers. An article mentions, inter alia, that minors should be protected against sexual exploitation and prostitution. However, the existing legislation is inadequate and/or poorly applied.

⁶⁰ CATW, 1999

5. Asia

5.1. Various forms of trafficking - Overview

The traffic exists in Asia essentially for prostitution purposes. But the International Labour Organisation (ILO)⁶¹ also indicates that in certain countries like Cambodia, some children would be trafficked to Thailand to find themselves in professional beggars' networks or in gangs. Cambodia would be where some 15,000 young girls (most of them Vietnamese), would also be found⁶² in professional prostitution environments.

Enslaved girls should stay in brothels until full repayment of their debts. This is difficult if not impossible since owners of brothels consider that these young girls are constantly indebted to them for their food, clothing and medical care,.. By way of consequence, brothel owners would keep them prisoners till they became very old or too ill to display any sex appeal on customers⁶³.

In the rural underprivileged areas of the region, agents and traffickers would deceive the children coming from Cambodia, China, Laos and Myanmar, promising them a decent job in Thailand, a country with a flourishing economy.

According to M.Iijima, Bangladesh and Nepal would be the key sources of child trafficking in the Southeast Asian region⁶⁴. As for India and Pakistan, they would be the most frequented destination for children under 16 who are trafficked to South Asia.

The traffic would be practiced in the Republic of Korea to Hong Kong, from Ukraine and Russia to Macao, from Indonesia to Saudi Arabia, from the Philippines to Japan and Nigeria, from Sri Lanka, Bangladesh and Pakistan to the United Arab Emirates.

The traffic has many forms: trafficking in children for their use as jockeys in camel races in the Middle East, trafficking for begging purposes.

⁶¹ Muntarhorn, Vitit. *"Trafficking in children for labour exploitation in Mekong Sub-region"*, ILO, 1998

⁶² "Vietnam Child Sex Trade Rising" - in *AP Online*, April 1998

⁶³ Bobak, Laura. "For Sale: The Innocence of Cambodia, in *Ottawa Sun*, October 1996

⁶⁴ Iijima, S, Masako. "Asia urged to unite against child prostitution", in *Reuters*, June 1998

Camel races in the Middle East

According to ILO⁶⁵, very young children from Pakistan, Bangladesh and Sri Lanka are victims of cross-border traffic to the Middle East countries to be employed as jockeys in camel and dromedary races.

Thus, 19,000 young Southern Asian children under 2 to 11 years were trafficked (kidnapped, sold by their parents, or lured by traffickers' false promises of well paid jobs) to the Near East and the United Arab Emirates in particular.

These young boys are employed as jockeys because of their lightweight. They are tied to the camels' back and were forced to shout at and whip to run the camels quickest. *Anti-Slavery International* mentions⁶⁶ that "the young boys are often malnourished and subjected to an intensive diet before the races [...] They could easily slide, be trapped under their camel or even trampled on by the camel. It is not scarce to see these children fall or dragged along the camel, sometimes till their death".

The children fully depend on their employers because of their not being acquainted with the people, the local language and culture. They are also often ill-treated should they refuse to ride the camels or when their performance in the race were not satisfactory.

In 1993, after they had observed a great number of deaths and casualties, human rights organisations in Europe and in South Asia succeeded in getting from the United Arab Emirates' government, the prohibition of children under 15 being used as jockeys. However, in 1998, the UN Special Rapporteur on child trade indicated that such a decision remained ignored.

Anti-Slavery international noted in addition, that there would be some new traffic routes to recruit child-jockeys bound for the Middle East (Qatar, the Persian Gulf). Children from West and North East Africa would also be victims.

Trafficking for prostitution purposes

Prostitution in the South Asian region developed into a profitable business, which influences employment and national income and even contributes more meaningfully to the region's economic growth⁶⁷.

According to the Population and Social Research Institute of the University of Mahidol in Thailand, there would be tenths of thousand children from Thailand, Birmania Cambodia and Laos in prostitution circles in Thailand.

The "green rice season" during which farmers no longer have sufficient money is the main season for the "hunt for young girls" in rural areas.

And yet, the UN Convention on Slavery and the Additional Convention on the Abolition of Slavery, slave trade and institutions and practices similar to slavery were signed by the

⁶⁵ Muntarbhorn, Vitit. "Trafficking in children for labour exploitation in Mekong Sub-region", ILO, 1998

⁶⁶ In site internet de Anti-Slavery International. www.antislavery.org

⁶⁷ Lim, Lin Lean. "The Sex Sector: The Economic and Social Bases of Prostitution in Southeast Asia", International Labour Office, Geneva, 1998

majority of South Asian countries including Bangladesh, India, Pakistan and Sri Lanka⁶⁸ mainly.

Traffic for begging purposes

The ILO indicates⁶⁹ that there would be a resurgence of child traffic phenomenon for begging purposes in the Mekong region.

The children would be victims of assault, battery and discrimination. Some of them would be kidnapped, but most of them would simply be given away by their families.

The authors of a report ordered by ILO-IPEC from the Population and Social Research Institute of the University of Mahidol in Thailand, actually noticed that *"not knowing neither the language nor the customs of the country they were in, these children were easily deceived and were often treated as slaves. They were so isolated that they did not know whom to turn to for assistance"*.

5.2. Country approach

5.2.1. Pakistan

According to *Save the Children* and *All Pakistan Trade Union Congress*, child trafficking is commonplace in Pakistan. The trafficked children are employed as cheap manpower mainly in the agricultural sector. Some children are also victim of cross-border traffic and are employed in industries, as domestic workers, baby-sitters and in-house jobs as in (garment making, carpet weaving, embroidery works). There were also reports in the press that some children would be involved in drug trafficking and prostitution. A sizeable number of women and their children from Bangladesh would thus find themselves in prostitution channels in Pakistan.

It happens that some young girls are auctioned to three types of buyers: rich Arab visitors (Sheiks, businessmen, ...), the high local gentry 'bourgeoisie' and farmers⁷⁰.

Pakistani police consider the trafficked prostitute children as criminals. The highly controversial ("*Hudood*"⁷¹) Islamic Law, condemns sexual relations outside the marriage bond. Such an act is even considered by "*Zina*"⁷², as a crime against the State. It happens that, once young trafficked girls were arrested, they were sent to jail, sometimes for long periods⁷³.

Pakistan has a clear-cut and strict legislation concerning child trafficking: Article II of the 1973 Constitution prohibits "traffic in human beings and recruitment of children under 14 in hazardous employment". The Criminal Code restricts, besides, under its paragraph 364-A, the

⁶⁸ UBINIG. "Trafficking in Women and Children: The Cases of Bangladesh", 1995

⁶⁹ In <http://www.ilo.org/public/french/bureau/inf/magazine/26/child.htm>

⁷⁰ "Trafficking in Women and Prostitution in the Asia Pacific", CATW - Asia Pacific

⁷¹ The word "hudood" is the plural of "hadd," a word meaning the legal categorization, according to Islam, of offences for which definition and punishment are determined by God.

⁷² Infringement to the Law of "Zina" (Application of "Hudood"), condemns and criminalizes the "zina" or the sexual relations outside marriage.

⁷³ Ahmed, Nausheen., "Rights-South Asia: Slavery Still A Thriving Trade", in *IPS*, December 1997

recruitment of children into employment. The Pakistani government also ratified the Children's Rights Convention.

5.2.2. Nepal

According to ILO⁷⁴, child trade would be one of the key social problems confronting Nepal. A great number of children, the majority of which are girls, would be victims of internal and international trafficking to the sex industry. In the country, the number of prostitutes is estimated at 25,000, 20 % of which would be under 16. The total number Nepali girls working currently in prostitution outside the country would be estimated at 200,000 persons, of which 60,000 children.

Young Nepali girls are trafficked to India. According to a study⁷⁵, 5,000 to 7,000 young Nepali would even be trafficked to India each year. 50,000 young Nepali prostitutes under 10 to 14 years would be kept in brothels in Bombay, India and against their will.

Young Nepali girls from isolated districts where the population is mostly illiterate, are sold by their very poor parents lured by marriage promises (child marriage is an accepted practice in Nepal, India, Bangladesh and Sri Lanka) or works in Indian cities. They finally find themselves in prostitution circles. They are deprived of freedom and are victims of ill treatment.

It happens that the police be accomplice in accepting bribes from brothel owners to keep their eyes closed on the case⁷⁶.

Still in Nepal, there is a system called "*deukis*" which enables childless rich people to buy some children of female sex from very poor families with a view to offering them to temples as if they were their own children. In 1992, 17,000 victims of such a system were counted⁷⁷.

5.2.3. Sri Lanka

According to *National Workers Congress*, child trafficking is not currently practised in Sri Lanka but does exist more particularly in plantation areas and remote villages.

The traffic exists because of abject poverty: the children are given away to employers for their parents could no longer fend for their needs. The children are employed as domestic workers in rich homes as baby-sitters and they also clean suck-away gutters...

Some children were also victims of traffic to the dried fish industry and more particularly to little islands on the Eastern coast. However, the increase in Sea patrols forced that type practice to disappear.

Recently, there were report of cases of children abducted to work in the fishing industry (*Dry Fish "Waadiyas"*).

⁷⁴ In <http://www.ilo.org/public/french/standards/ipecc/publ/expls-98/examp113.htm>

⁷⁵ Saunders, Penelope, "Sexual Trafficking and Forced Prostitution of Children", 1998

⁷⁶ Wadhwa, Soma, "For sale childhood", in *Outlook*, 1998

⁷⁷ Radhika Coomaraswamy, "UN Special Report on Violence Against Women", Gustavo Capdevila, in *IPS*, 2 April 1997

Some militant groups such as the *Liberation Tigers of Tamil Eelam (LTTE)* also enrolled young children to increase their strengths. The children were used in mine laying and even in armed conflicts.

Child traffic is illicit in Sri Lanka. The *Child Protection Authority* was recently established to examine cases of abuses, child labour and child prostitution,... There is also a Unit within the police and a Special Unit in each Police station to record and handle the complaints of abused children. A hot telephone line is also installed to record complaints.

5.2.4. Bangladesh

Child trafficking exists in Bangladesh and is gaining ground. Trafficked victims are under 7 to 15 years and are employed as cheap manpower in bracelets and carpets factories, as domestic workers, prostitutes (in brothels, or "tourists" areas), beggars, jockeys in camel races in the Middle East and in organs trade channels.

According to UNICEF⁷⁸, thousands of young Bangladeshi girls would be trafficked each year to India, Pakistan and Middle East countries.

According to CATW⁷⁹, there would be around 10,000 Bangladeshi children prostitutes in Bombay, Goa, in India.

In general, traffickers, who have young girls go through Bangladesh in transit to a neighbouring country, do not cross the border by themselves. Consequently, it is difficult for the police to arrest them.

The government passed several acts referring to traffic in women and children for exploitation purposes within the country and abroad such as the 1933 *Children (pledging of labour) Act*, the 1974 *Suppression of Immoral Traffic Act* and the 1974 *Children's Act*.

Besides, in 1995, the Bangladeshi Act on the "Suppression on Women and Children" was passed. It provides for the death sentence for any person breaking that Act. Paragraph 8 of the said act provides for life imprisonment for people proved guilty of traffic. However the act is not applied mainly because of corruption and complicity of authorities⁸⁰.

5.2.5. China

In China, child trafficking increased over the past years. Trafficked children are employed as prostitutes but also as beggars, domestic workers and workers in garments factories.

Children are abducted from the poor provinces of China such as the Guizhou province and are sold back in the most prosperous neighbouring provinces. According to ILO, 7,000 child traffic cases would be itemized for the only Yunnan province. Many children do not have any memory of their family and there is sometimes need to resort to costly DNA tests to uncover their identity and biological parents.

⁷⁸ UNICEF. *"Atlas of South Asian Children and Women"*, 1996

⁷⁹ CATW, 1999

⁸⁰ Bangladesh CEDAW Report, April 1997

In China, traffickers can be sentenced to several years of imprisonment or receive the death sentence. The Minister of Public Security recently announced an anti-kidnapping operation, which should concentrate on tracking down the traffic channels and preventing trade in human beings⁸¹.

According to the new act recently adopted by the Macao Legislative Assembly, kidnapping, human being trafficking and forced prostitution are considered as organized criminal activities and are likely to punishment ranging from 5 to 12 years of imprisonment.

Despite all these measures, child trafficking is poorly controlled because of the lack of political will and absence of society awareness. Besides, China prefers not to make traffic cases public so as to keep her image clean.

5.2.6. Vietnam

Child trafficking is increasingly gaining ground in Vietnam. Trafficked children are under 13 to 18 years and are employed as domestic workers, cheap labour (in the worst forms of labour as for example: in construction and steel works), in prostitution, begging, in marriage (some young children are victims of traffic through their marriage Chinese men) and in adoption businesses (adoption is very lucrative business).

There exists an internal as well as an international traffic in children to China, Laos, Cambodia, and other Asian countries, Australia, Europe and Americas.

Traffickers who take advantage of the difficult economic situation and promising them a well-remunerated job recruit children.

At the legislative level, several acts refer to the traffic issue but remain poorly applied.

In the Vietnam Criminal Code, several articles refer to the traffic in women and children and some of them mention the sentences and penalties to inflict on persons involved in trafficking. Under the Vietnamese "Child Protection and Welfare Act", article 8 stipulates that "... *any ill-treatment actions against children, child traffic and kidnapping... shall be prohibited*".

5.2.7. Cambodia

According to LICADHO⁸² and *Child Workers in Asia*, child trafficking is more and more widespread in Cambodia.

The number of trafficked children is estimated at several thousands including the local and international trafficked children.

The report of the Cambodian High Commission Office for Human Rights estimates at 3,000, the number teenage girls from South Vietnam who were trafficked for prostitution in Cambodia and at 500, the number of young Cambodian boys trafficked to Thailand as gang members.

⁸¹ "China to use high-tech to fight abductions of women", in *Associated Press*, 21 March 2000

⁸² Cambodian League for the Promotion and Defence of Human Rights

Trafficked children are employed as cheap labour, domestic workers or prostitutes.

The main causes of the traffic can be found in poverty, impunity, and non-implementation of existing laws and ignorance of children's rights.

Human rights activists recently uncovered a traffickers' network, operating under the cover of local authorities. For at least 2 years, that network was able to traffic in hundreds of children to the Trat province in Thailand. The children were sold at 70 US\$ each and several of them were under drug and forced to prostitution⁸³.

In 1996, the "Suppression of kidnapping and traffic/trade in human beings and exploitation of persons" act was passed and enabled to inflict imprisonment penalties on any person involved in kidnapping, trade, or forced prostitution on people who join the sex industry. However, that act is not applied as a result of corruption and complicity of authorities.

5.2.8. Thailand

In Thailand, the traffic represents an annual trade equivalent to 500 billion baht, which corresponds to 50-60% of the government's annual budget. The traffic also represents a business that is more profitable than drug trafficking⁸⁴.

Child trafficking increased Thailand because of the Asian economic crisis. The country is facing a national "shortage" in working children as a result of an increasing demand in manpower in the poorest neighbouring countries. Thai children from the middle class are more and more lured into prostitution, drug consumption and begging⁸⁵.

At the legislative level, there are several measures to control the traffic beginning with the Constitution, which guarantees children's rights against of violence and exploitation. The Criminal Code also includes measures such as penalties against traffickers whereas a new act was passed in 1997 and was directly about traffic in women and children.

According to that act, victims could be welcomed into government receiving centres or other centres such as those of the NGO's and victims' complaints should immediately be forwarded to the tribunals.

To date, there are some more active awareness campaigns against trafficking in human beings. A socio-economic aid could be granted to families to assist them in fighting poverty, and there is collaboration with a view to facilitate victims repatriation.

However, a trafficked victim is still considered as an illegal immigrant by virtue of the Thai national immigration act whereas it would be ideal to treat that person as a victim rather than as a criminal.

5.2.9. The Philippines

Child trafficking is a current practice that is on the increase in the Philippines.

⁸³ "Child slavery ring uncovered in Cambodia", in *Associated Foreign Press*, December 1997

⁸⁴ Chaipipat, Kulachada. "New law targets human trafficking", in *The Nation*, November 1997

⁸⁵ "Children hard-hit by Asian crisis" in *United Press International*, September 1998

The Philippine Minister of Foreign Affairs recently mentioned that 5.5 million Filipinos were working abroad, making the Philippines the biggest ‘manpower-providing country’.

Teenage girls are legitimately recruited by false promises of well-paid jobs. They finally find themselves in prostitution groups.

Under certain cases, children are sold and bought for pornographic and prostitution circles. It even occurs that they are victims of trafficking in organs.

6. Central and South America

6.1. Various forms of trafficking - Overview

In South America, two phenomena seem recurrent: the disappearance of children for their illegal adoption and for trafficking in organs. However, child trafficking for prostitution and cheap labour purposes is also a reality that seems to be gaining ground.

Thus, some children are lured by traffickers from Ecuador to Venezuela where they work under conditions of modern slavery. They are employed as peddlers (street vendors, domestic workers, employees in small informal workshops and are also employed in professional prostitution groups)⁸⁶.

In Mexico, young girls are trafficked for prostitution in Florida and South Carolina⁸⁷.

In Peru, several hundreds of thousands of young girls are trafficked for prostitution purposes⁸⁸.

Organised criminal networks carry out these forms of trafficking.

Disappearance of children for illegal adoption

The proliferation of illegal adoption networks, the huge amounts of money they handle and the high demand bringing about waves of children abductions became ordinary deals in Latin America.

The *Center for Attention to Migrants*⁸⁹ of Guatemala reported that over the past months, trafficking in Guatemalan children sold and carried away to Europe and USA increased. According to the Centre's reports, the "*coyotes*" (cross-borders traffickers) sold children for 25,000 US\$. The centre also noticed that many women were living under conditions close to slavery whereby they were forced to have babies that would be sold abroad for adoption.

In Guatemala, the phenomenon of child disappearance led to the setting up of a National Commission on disappeared children⁹⁰ in the course of the 36 years of civil war that the country went through. The Commission would be entrusted with the mission of shedding light on such a phenomenon as well as that on illegal adoptions. The Commission came into being on the morrow of observations made by the "Truth Commission" which investigated into the violations of human rights during the country's lengthy domestic conflict.

The Commission's findings recommended to the Guatemalan government to promote legislative measures in case of illegal adoption without the consent of the biological family. In Salvador, several non-governmental organisations take care of the uncovering of the identity of children, who also disappeared during the domestic armed conflict experienced by the country. Most of these children were abducted and introduced into the international illegal

⁸⁶ CATW, 1999

⁸⁷ CATW, 1999

⁸⁸ Mainstreaming Gender in Ipec activities 1999

⁸⁹ Guatemala Human Rights Commission/USA, April 2000

⁹⁰ Casa Alianza Costa Rica Covenant House Latin America, press release of 25 April 2000

adoption channels. Traffickers make sure they remove every evidence likely to lead to the uncovering of the children's identity⁹¹.

Trafficking in organs

According to a survey of *le Monde Diplomatique*⁹², it was in the early 90's that rumours spread out in Latin America about children abducted and employed against their consent as organ donors.

The South American governments would therefore instruct investigations to confirm such rumours. Thus, in Mexico, an investigation that would remain without any subsequent feedback, revealed that some children would disappear and reappear after some few weeks after they had undergone a surgery leading to the removal of one of their kidneys. Ministers, high officials and judges who had denounced the existence of trafficking in organs, were either dismissed or condoned to silence.

Such a scenario had already been confirmed in the late 80's in Honduras where they discovered several secret centres called "*casas de engorde*" (fattening houses). Children were admitted in these houses to be later used as "organ donors".

New cases of organs trafficking were uncovered in Peru, Brazil, Costa Rica, Colombia, Argentina and in Mexico where the "Population and Development" Commission of the Chamber of the Deputies established an investigating team on organs trafficking. The Commission actually suspected the existence of underground clinics at the frontier.

In Uruguay, a network, which used to send some "voluntary" adults to some Brazilian clinics for organs ablation dismantled.

Finally, even if the investigations were not successful, if the authorities often seemed to ignore the fact and if witnesses and victims disappeared, no one could no longer deny the existence of an awful underground organs market.

The World Health Organisation (WHO) adopted in 1990 some guiding principles, the first article of which stipulated that "*no organ shall be collected from a living minor for transplant*". WHO also stated that "*one of the features of organs transplant, from the start, was the lack of organs. The supply was never enabling to meet the demand. Such a shortage led to an increase of traffic in human organs for commercial purposes. Some fears were also expressed as to the possibility of traffic in human beings*"⁹³.

6.2. Country approach

6.2.1. Salvador

According to the national statistics, the traffic would not be a very current practice. The Salvadorian Child Protection Institute, between 1995 and 2000, investigated in 16 traffic cases. A dozen of children came from Honduras and were found in prostitution channels.

⁹¹ Casa Alianza Costa Rica Covenant House Latin America, press release of 25 April 2000

⁹² Pinero, Maité. "Child kidnapping and trafficking in organs", *le Monde Diplomatique*, August 1992

⁹³ World Health Organisation, "*General Report*", November 1990

Yet, according to *Pro Búsqueda* and *FESPAD*⁹⁴, child trafficking does exist. The most noticeable form of trafficking is traffic in teenagers bound for the prostitution circles in other countries (mainly Guatemala).

A form of traffic also consists of selling children for their adoption abroad and in the United States of America in particular. In these cases, it is common that lawyers and government officials collaborated in delivering fake birth certificates. Newly born babies were also reportedly abducted once discharged from hospitals.

The weakening of the institutions due to armed conflict in Salvador had as consequence the favour done to these illegal adoption practices.

Investigating into the subject was difficult as a result of the invisibility in this kind of trafficking. Child trafficking is characterised by the total disappearance of the child's identity with a view to totally eliminating all evidences of his/her abduction. Restoring the identity of these trafficked children was a major challenge in as much that the only person capable of taking steps in that direction was the very person who did that illegal transaction.

The *Pro-Búsqueda* organisation, which takes care of lost children during the armed conflict in Salvador, compiled a series of information allowing to prove the forced disappearance of children in military operations in relation with child trafficking networks. Such an organisation succeeded in investigating over the past five (5) years into 545 cases of lost children 175 of which had been able to be identified and 84 handed over to their families.

At the legislative level, the Criminal Code regulates the trade in human beings and provides for penalties against traffickers between 4 and 8 years of imprisonment. In the case of trafficking in women and children, penalties could be more remarkable. There are also other articles that could be used but did not directly refer to child trafficking. These articles mainly mention the corruption, prostitution and pornography of minors.

The Family Code also refers to child protection against all forms of physical, moral and psychological prejudices as well as child protection against economic exploitation and prostitution.

Yet, less attention is given to child trafficking by the State, which does not do much to dismantle criminal networks.

On the international level, Salvador ratified the Children's Rights Convention.

6.2.2. Guatemala

Trafficking and trade in child for international illegal adoption channels exists in Guatemala. Besides, Guatemala is known as being the fourth child exporting country in the world.

Some women's children are stolen on discharge from hospitals and they couldn't do anything about it as they are powerless against the phenomenon⁹⁵. Many actors are involved in this form of trafficking and mainly contribute in the forgery of trafficked children's documents.

⁹⁴ Fundación de Estudios para la Aplicación del Derecho

Many women also abandon their children to traffickers for economic reasons. These women find themselves under extreme poverty conditions that traffickers take advantage of and they are often motivated by the money they can make out the sale of their children.

6.2.3. Honduras

According to CGTH⁹⁶, child trafficking is current practice in Honduras.

The traffic exists through organs trafficking, prostitution and drug trafficking.

Children are snatched from their mothers' arms on leaving hospitals and markets. Children who disappear are extradited to foreign countries.

The authorities in charge of the citizen's security could not fight against child trafficking.

Yet, there is a "children and Teenagers' Code" which came into force subsequent to the law passed under a 1996 legislative decree. The institution responsible for ensuring its implementation is the "Honduras Children and Family Institute". However, the State pays very little attention to it and the budget earmarked to cover the issue of child trafficking is insufficient.

6.2.4. Bolivia

According to *Defensa de los Niños*, in Bolivia, child trafficking is alleged to be current. There is an international traffic to Argentina, Brazil and North Chili.

Poverty is the main cause of child trafficking.

Trafficked children are employed as domestic workers, prostitutes and as cheap labour. Families abandon their children to traffickers hoping that they would enjoy good education. They ignore that their children would finally fall victims of the exploitation of their labour force. Besides, parents receive no economic return from this kind of practice.

6.2.5. Brazil

Child trafficking in Brazil is often linked to forced labour and to recruitment of children from certain regions located in the Northern part of the country towards agricultural plantations and to some industries. It is also associated with the employment of young girls for prostitution purposes (namely in Rondonia State).

In February 1993, the Latin American Workers' Centre (CLAT/WCL) introduced to the International Labour Office (ILO) a claim about the violation of Conventions 29 and 105 relating to forced labour. Such a claim reiterated several cases of forced labour namely involving the transfer, under precarious conditions - (generally on board of lorries) - of adults and even children being carried to new working places. A report by Anti-Slavery International specified that the young employees were under 15 or more. According to the international

⁹⁵ "Baby selling is a major business in Guatemala", *Miami Herald*, 4 June 2000

⁹⁶ Central General de Trabajadores de Honduras

legislation, these were well cases of child trafficking. They were recruited in North East of Brazil, and employed in some properties in the Amazonia or Para State⁹⁷.

Once in the place, these people were forced to do their shopping in the company store or on the farming premises at unregistered prices and on credit. After several weeks, these workers would become heavily indebted. The salaries, obviously quite poor, were not always paid and activities to be achieved did neither take into account the minimum sanitation and security standards in the work place, nor even working hour standards.

The claim was declared admissible and gave rise to an ILO international inquiry and to measures taken directly on the spot by the Brazilian government. Some progress was noted but the practice of forced labour and by way of consequence, traffic in human beings for labour purposes, was not successfully eradicated.

As highlighted in the last report by the ILO Expert Commission “the Commission observed that on many occasions the government expressed its intention to eradicate forced labour in the country and that in this respect, it had taken some measures aiming at improving the implementation of the convention, namely through the establishment of the Forced Labour Suppression Executive Group (GERTRAF) and Special Labour Inspection Groups and through the adoption of a legislation taking into consideration certain behaviours relating to forced labour. However, the Commission noticed that the absence of applications of effective sanctions, the impunity enjoyed by the guilty parties, the slowness of justice and the absence of coordination between the various government structures as part of the fight against those involved in forced labour, compromised the effective eradication of this plague within a reasonably short period. The Commission instantly urged the government to renew its efforts at all levels to eradicate once and for all, the practice of forced labour from the country on the whole. It hopes that the government would soon pass on some information about any improvement of the situation in these areas”⁹⁸.

6.2.6. Colombia

In 1999, traffickers sent some 35,000 Colombians to Europe and Asia and deceived and forced them into prostitution.

During the first meeting on human beings trafficking which was held in Colombia in November 2000 and organized by the Ministry of Justice of that country, the International Organization of Migrations (IOM) and the Esperanza Foundation, it was proved that Colombia was the third Latin American country, after the Dominican Republic and Brazil where such a traffic is rampant.

Young girls under 16 to 23 are promised highly interesting employment (business manager, baby-sitter or old folks minder, even a promise of marriage). But after they left their countries, their nightmare would begin and they would indulge in prostitution, often under the effects of drugs, ill-treated and would be less paid or not paid at all.

7. North America

⁹⁷ Anti-Slavery International also studied in details the forced recruitment of young girls who are later compelled to indulge in prostitution.

⁹⁸ Report by the Committee of Experts, ILO, 88th session, International Labour Conference, June 2000, pp. 92-93.

North America is also confronted with the issue of child trafficking, often for prostitution purposes.

7.1. Canada

Child trafficking exists in Canada. Children and teenagers, victims of trafficking are exploited in prostitution channels, in drug/narcotic trafficking, marriage by mail or as domestic workers⁹⁹. In Canada, one can find trafficked children from South - East Asia, Eastern Europe and Latin America. Tenthhs of young Asian girls are thus sold each year, in the Canadian prostitution milieus.

Some National Post newsmen¹⁰⁰ carried out some investigations and discovered that tenths of Honduran young boys were taken down to Vancouver to sell drugs in the streets. Canada, in addition, would have become a destination for trafficked children and women from poor countries and a transit centre for traffic for prostitution and labour purposes bound for underground workshops in the USA.

A new act entitled "*Immigration and Refugee Protection Act*" was passed in Canada. Such a law provides for heavy penalties and fines against people involved in traffic in human beings.

7.2. The United States of America

According to ECPAT¹⁰¹, the traffic in children between 13 and 15 exists in the whole country and mainly for prostitution purposes. Trafficking does also exist in domestics labour in hotel employment, underground workshops and plantations. Regarding the internal trafficking, recruiting agents recruit youngsters in shopping malls and places where these young boys meet. They succeed in convincing them to leave their homes and to follow them.

According to a recent CIA study¹⁰², a total of fifty thousand (50,000) persons are victims of traffic to the United States every year. These persons come from the former Soviet Union, Central and Eastern Europe (Ukraine, the Czech Republic, Poland...); from Central and South America (Mexico, Brazil, Honduras...) and from South-East Asia (Thailand, China, Vietnam..)

They frequently go through three means to introduce people into the U.S. territory: use of fake travelling documents, fake passports and "unnoticed" or fraudulent entry, avoiding checks.

Traffickers take advantage of the difficult economic situation of many minor young girls. They are lured by promises of well-paid jobs (au pair girls, housekeeping...) and finally find themselves in the sex industry. Their particulars or documents are impounded, their freedom restricted and their wages unpaid till their debts are cleared (travelling expenses, travelling documents...). They are displaced from one major city to the other to dodge police searches. They are also victims of ill-treatment (physical abuse, rape, brutality...) and of threats of ill-treatment vis-à-vis their families in case they refuse to cooperate.

⁹⁹ "Ottawa helpless to stop global traffic" in National Post Online, 17 May 2000

¹⁰⁰ "Ottawa helpless to stop global traffic" in National Post Online, 17 May 2000

¹⁰¹ End Child Prostitution and Trafficking of Children for Sexual Purposes

¹⁰² O'Neil Richard, Amy. CIA. "*International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime*", Center for the Study of Intelligence, April 2000

Young women are also employed in underground workshops or on farms, as domestic workers, housekeeping women in hotel industry or as beggars.

Another form of the traffic is also gaining ground: traffic in young children for illegal adoption purposes in the United States of America. In Central America (Mexico, Guatemala...), children are abducted and traffickers provide them with fake documents. It also happens that their biological mothers are given drugs and forced to sign papers acknowledging their abandoning their own children for adoption abroad¹⁰³.

The CIA study also notices that the justice and immigration system in the United States were ill-equipped to deal with the challenges represented by the traffic, partly because of the confusion in the jurisdiction, the investigating difficulties and insignificant penalties inflicted onto traffickers (maximum penalties do not exceed ten years of imprisonment). Such penalties are deemed insufficient compared to those inflicted upon drug traffickers.

Victims, in particular the persons who are forced to work in the sex industry are, in most cases, immediately deported to their countries of origin where they could not testify against the perpetrators of such crimes.

Trafficking is referred to in the labour legislation and in immigration acts such as the *Federal Mann Act* which spells out that the transportation of persons for sexual exploitation purposes is a crime, yet the United States of America do not have a specific legislation on the matter.

Recently, the United States embarked upon several key initiatives such as the participation in the negotiations of a protocol on the traffic which should be added to the convention against organised cross-border criminality¹⁰⁴, the implementation of assistance programmes worked out to prevent the traffic, assistance to victims, persecution of traffickers by the U.S. Congress.

Moreover, a bill entitled "*The Trafficking Victims Protection Act*" was recently introduced to the United States of America. It particularly concerned trafficked women and children for sexual and forced labour purposes. The Act aimed at preventing traffic in persons, ensuring a protection and assistance to victims and to strongly punishing those responsible for such acts. This bill made criminal penalties harder and granted substantial resources to victim-assisting programmes. It provided for life imprisonment for traffickers of minor children under 14 and up to 20 years of imprisonment for perpetrators of trafficking for sexual exploitation.

¹⁰³ O'Neil Richard, Amy. CIA. "*International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime*", Center for the Study of Intelligence, April 2000

¹⁰⁴ Convention against Transnational Organized Crime

CONCLUSIONS

Child traffic exists in all regions worldwide. The only difference, sometimes is to be found in the form depending on the continents. Actually, certain forms of traffic are peculiar to some few regions (traffic in children for their employment as jockeys in camel and dromedary races in the United Arab Emirates or traffic in children for illegal adoptions in South America) whereas child trafficking for prostitution and domestic labour could be found everywhere.

Besides, it came out that factors favourable to child trafficking are the same in all continents:

- extreme poverty in the region
- lack of decent and well-remunerated employment for parents and the burden of informal economy
- ignorance of hazards
- crisis in the educational system
- children's desire to migrate (lured by major cities or by other countries living conditions seem better)
- quest of economic and social promotion
- strong demand in cheap and obedient child labour
- inadequate or inexistent national legislation
- impunity
- poor border control

In view of such observations, this is a series of actions which could be implemented at national, regional and international levels. Besides, one could refer, in annex (Annex 1) to the common platform for actions of the sub regional consultations on strategy development to fight child trafficking for labour exploitation in West and Central Africa organised by UNICEF and ILO in Gabon in February 2000.

Even if these actions were decided upon with Africa in mind, some of them could be carried out in other regions confronted with child trafficking.

1. Actions to fight against child trafficking

Several types of actions could be undertaken to control the child trafficking phenomenon. In the short or medium terms, actions could mainly concentrate on the improvement of the acquaintance with the traffic phenomenon (origin of the phenomenon, methods used by traffickers,...), awareness, mobilization, prevention, protection and defence and re-insertion of trafficked children.

In the long term, actions could concentrate on the control of the structural causes of the traffic and the improvement of immigration and hosting policies as well as the document issuance policies to refugees.

All these initiatives should, of course, be accompanied by a strong political will, adequate material means and specialized appropriate skills.

1.1. Awareness

Awareness and information should take place at several levels: governments, diplomatic representations, NGOs, social stakeholders, parents and children, media.

Awareness and information actions are many :

- training and awareness of NGOs personnel working for the defence and promotion of children's rights
- training of police immigration services and customs
- dissemination of information (documentation, videos,...) to governments, diplomatic representations, NGOs, social stakeholders, parents and children, media, teachers, medical staff)
- dissemination of existing national laws and international conventions
- centralisation of information regarding trafficking cases and child repatriation
- insertion of the issue of child trafficking in studies and campaigns as the worst forms of child labour as defined under ILO Convention 182
- organisation of information campaigns to fight against child and sexual tourism.

1.2. Legislation at national and international levels

Here, governments have a key role to play. To efficiently fight against child trafficking they should quickly take appropriate measures and initiatives. they should:

- define child trafficking
- adopt regulations aiming at sentencing those people and authors involved in all forms of trafficking
- see to the awareness and training of police services
- develop and/or strengthen the legal and Judicial system
- ratify, adopt and implement international Conventions relating to Human Beings and child trafficking
- develop, harmonize and strengthen national legislations
- improve emigration and immigration policies (borders policies)
- ensure effective legal protection of children's Rights
- train people entrusted with the control of application of new laws
- ensure and improve upon the protection and care to trafficking victims.

Concerning the judicial cooperation, governments should:

- plan for measures enabling the extradition of traffickers to countries where evidence of offences could be gathered against them
- establish an international legal body to facilitate legal proceedings against traffickers.

1.3. Hosting and caring for trafficking victim children

There is need to plan for appropriate structures and procedures for welcoming, hosting, caring and empowering of trafficking victim children. Repatriation of the children to their countries of origin stands as the most frequent solutions; however, such a repatriation should be rigorously monitored.

Several actions should be undertaken to cater for and monitor trafficking victim children:

- establishment and development of hosting and transit centres for trafficking victim children

- provision of psychological medical and social care to trafficking victim children
- offer of a legal assistance in the mother tongue of trafficking victim children
- the search and identification of parents
- census of cases or assessment of cases of trafficking victim children with a view to improving the co-ordination coherence of actions
- training of NGOs and social stakeholders working in the field of child protection
- the implementation of accompaniment measures for families of trafficked children during their return.

1.4. Partnership

Individual actions to fight against child trafficking seem ineffective because of the nature and scope of the phenomenon. As a matter of fact, no country can, on its own, fight against child trafficking (since the trafficking goes beyond national and even regional framework).

Strengthening of cooperation and coordination between the various actors is a pre-requisite condition for the effectiveness of the fight against child trafficking, that is why it is important to adopt a common strategy of communication and exchange of information and common multidisciplinary actions between the various actors (non-governmental organisations should be directly involved but also actors from social, judicial, administrative, customs and police spheres).

Such strategy could be worked out namely thinks to:

- establishment of police and customs observation and co-operation networks
- a better dissemination of information
- appointment of a focal point on child trafficking within each concerned government and ministry
- development and implementation of an international policy to fight against child trafficking.

Some collaboration should also exist on the international level between government and NGOs, between countries of origin, transit and destination of trafficking victims with a view to:

- exchanging information, data and figures
- conducting joint operation in particular during the repatriation of children
- improving collaboration with police services
- planning for bilateral and multilateral agreements.

1.5. Actions at international level

On the international level, actions as proposed could concentrate on:

- the strengthening of international legal child protection against trafficking through the drafting of an additional Protocol to the children's Rights Convention, child trading, child prostitution and pornography which would include the issue of trafficking as well as a Protocol which would concentrate on the follow-up of the situation of child trafficking worldwide
- the assistance to offer to NGOs working in that area
- the questioning of governments and public opinion regarding the scope of the trafficking
- the establishment of an international coordinating structure against child trafficking

- the strengthening of information exchange and cooperation between countries.

Government should in addition, ratify and implement various existing laws and conventions such as the United States Convention on Children's Rights and the ILO Convention adopted in June 1999 on worst forms of Child Labour.

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ANNEXES :

Annex 1 :

Common sub-regional platform of actions on strategy development to fight against Child trafficking for exploitation purposes in West and Central Africa organised in Gabon in February 2000 by UNICEF and ILO.

Delegates to the consultations proposed the following actions:

Concentrate advocacy and awareness efforts on the strengthening of regulatory social mechanisms within communities and institutions:

1. Strengthening awareness campaigns through:
 - A local advocacy: encourage the establishment of local alertness and monitoring committees and train the members of such committees on communication techniques ;
 - Vicinity radios and televisions with a stress on the ill-treatment and testimonies of children, parent education on the children's Rights;
 - The associations and NGOs for the defence of the Children Rights;
 - The associations and women groupings in this respect;
 - The associations and nationals of the concerned countries;
 - An advocacy with the legislative body.
2. Promote the participation of children in awareness programmes through the Children's Parliament and through any other forms of children's organisation
3. See to an increased inclusion of awareness activities on Children's Right under articles 11, 18, 34 and 35 of the Children's Rights Convention
4. Improve the quality and processing of information by the media through:
 - Awareness seminar for journalists as to the investigation techniques into the trafficking
 - Consolidated implementation of the code of conduct on children's rights by journalists

At the global level:

5. Develop periodical information exchange (Programmes, reporting, etc.) between regional, national and local radios.

Establish an appropriate legal and institutional framework:

1. Reform the criminal Legislation: Definition of Child Trafficking Offence (definition of the charter, definition of the perpetrator and co-perpetrators, definition of aggravation and determination of severe penalties) and the strengthening of coercive provisions/measures:
 - Advocacy with the judicial body and at the Bar ;
 - Setting-up of a working group (composed of jurists, representatives of governmental and non-governmental structures working in the area of child trafficking)
 - Contribution to the harmonization of the legislative provisions within the ECOWAS (Economic Community of West African States), the CEMAC - EMCCA (Economic and Monetary Community of Central Africa) and the IOM (International Organisation of Migrations)
 - Drafting, within a reasonable period of time, of an international legal instrument on child trafficking bearing in mind the already existing relevant conventions.

2. Adopt a regulation relating to child movement outside his/her territory, enabling previous control in the areas of origin of the Children and develop identity papers issuance to teenagers;
3. Train the personnel in charge of the enforcement of new laws and regulations on Children's Rights in particular;
4. Strengthen the capacities of control structures and task forces with human and material means;
5. Encourage the setting-up and strengthening of juvenile bureaus;
6. Swiftly ratify the ILO Convention 182 on worst forms of Child Labour and ensure its wide dissemination and popularisation;
7. Ensure the implementation, follow-up and evaluation of the implementation of Children's Rights Conventions, ILO Convention 182 and Recommendation 190 on the worst forms of child labour;
8. In case of consideration of national reports on Children's Rights Conventions, implement the United Nations Committee for Children's Rights Recommendation;

Improve upon the care brought to trafficked children :

1. Establish or strengthen the hosting and transit centres for trafficked children;
2. Generate the necessary resources to support the medical and psychological care to children and any other form of assistance, and any other form of assistance in appropriate structures, pending the family re-union;
3. Draft a manual of procedure for public and private services likely to experience cases of trafficked children. Such an instrument should specify the roles, determine the responsibilities and measures to take;
4. Agree on the search for solutions as to the meeting of costs of return to places of origin (internal trafficking) and repatriation costs of children to their countries of origin (cross-border trafficking);
5. Build the capacities and hosting abilities of NGO's working in the area of child protection and which need special protection to cater for trafficked children ;
6. Build the social workers' supervising and monitoring capacities in a decentralized manner ;
7. Ensure accompaniment measures for trafficked children families during their return (improve upon the parents' protection capacities);
8. Develop a participatory problem-solving approach for children.

Improve the knowledge and follow-up on the traffic leaning on decentralised, flexible and indirect mechanisms:

1. Build the capacities of community surveillance committees:
 - organise the committees into regional and national network;
 - train members in information collection and dissemination techniques;
2. Raise the awareness and train NGO's in the identification and assessment of cases of child trafficking as part of their traditional support activities;

3. Centralise data collected on the traffic:
 - Appointment or setting-up of a structure entrusted with the establishment of a data base and equipped to do so;
 - Draft a manual of procedure capable of assisting in tracing all information on child trafficking (collected from the care to ill-treated children or children in difficulties, interception or repatriation of trafficked children by the public or private services) to that structure;
4. Systematically include concerns relating to trafficking into child labour-related studies;
5. Search for partnerships with research institutes to better understand the links between child trafficking and poverty, the globalisation context and cultural values;
6. Extend the scope of research to:
 - ramifications of child traffic within the sub-region and to the rest of the African continent and to the other regions of the world;
 - international adoptions.
7. Make use of flexible research methods as the Participatory Research Action (PRA) or “Rapid Assessment Surveys”;
8. Develop and integrate follow-up indicators in the traffic into the national social statistical system;
9. Establish a sub-regional observatory on child trafficking;
10. Consolidate the reciprocal sharing of information through the systematic periodical transfer of data and information between ministry departments, NGO’s, between UNICEF and ILO.

Strengthen inter-ministerial cooperation:

1. Extend partnership to sovereign ministries;
2. Appoint a focal point in each of the ministries under review;
3. Set up of working group (or a coordinating body) at government level;
4. As far as states are concerned, clarify the institutional leadership and areas of competence of technical ministries in the drafting and implementation of a government policy to fight against child trafficking in particular the ministry of family or social affairs and the ministry of labour.

Strengthen inter-governmental cooperation:

1. Adopt a child repatriation procedure based on appropriate measures;
2. Conclude bilateral and regional police cooperation agreements on child trafficking specifically;
3. Strengthen the role of Interpol bureaus in the fight against the traffic through:
 - A regional training ;
 - A systematic involvement of country bureaus during exchange and discussion fora at national and regional levels.
4. Include in the agenda of forthcoming OAU, ECOWAS, ECCAS and EMCCA summits the issue of child trafficking, bearing in mind the related procedures;

5. As far as the United Nations Agencies and International Organisations are concerned:
 - determine the comparative advantages of each organisation for a efficient sharing of resources and efforts (prevention, protection, rehabilitation);
 - coordinate approaches, in particular in the bilateral dialogue with the government;
 - avoid duplication and capitalize on past efforts, by ensuring that plans of action, projects and activities are integrated in the framework designed in national pre-existing strategies and plans of action
6. On the international level, include the fight against child trafficking as part of :
 - the strategy to fight poverty;
 - a more increased inclusion of policies and programmes in favour of the child into the public budget ;
 - an advocacy for the cancellation of the debts of the most underprivileged countries.

Ensure the implementation and follow-up of the platform of action :

1. Delegates from countries participating in the consultations should commit themselves to account on the outcomes of proceedings to their able authorities once they are back.
2. They should commit themselves to take necessary actions at national level to ensure a noticeable replication of the common platform of action;
3. Establish a standing sub-regional follow-up and evaluation committee composed of government representatives, social stakeholders, and civil society representatives with the participation of UNICEF and ILO;
4. Organize a sub-regional technical follow-up and evaluation consultation periodically.

Annex 2.

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