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**A CHILD-RIGHTS APPROACH TO INTERNATIONAL
MIGRATION: A UNICEF PERSPECTIVE
ON CHILD TRAFFICKING ***

United Nations Children's Fund **

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A Child-Rights Approach to International Migration: A UNICEF Perspective on Child Trafficking

Trafficking in children and, more generally, trafficking in human beings, is a multidimensional problem because it involves and affects human rights, the rule of law and migration issues. Eradication requires a broad set of responses and strategies.

Trafficking in human beings has been loudly denounced by the international community as an egregious and profound human rights violation. Trafficking is first and foremost a violation of individual human rights. The right to liberty, the right to dignity and security of person, the right not be held in slavery or involuntary servitude, the right to be free from cruel and inhumane treatment, various economic and social rights, and specific rights of the child are among the human rights affected by the practice of trafficking.

Trafficking in human beings, increasingly perpetrated by organised and sophisticated criminal enterprise, and the official corruption linked to it, undermine democratic institutions and challenge the principle of rule of law. To realise this principle, governments must suppress criminal activity and prosecute offenders.

In addition, trafficking has long been identified as a migration issue. Like migrant smuggling, trafficking involves facilitated, and often illegal, migration. Both practices may involve similar routes and mechanisms, and both are generally organised by criminal groups. Moreover, immigration and consular officials may aid and abet illegal passage across borders. Approaches to prevention and suppression of trafficking necessarily raise important migration and freedom of movement issues, from control of borders to the consequences of immigration law and policies of law enforcement and protection of victims.

The ILO estimates that 1.2 million children are trafficked every year.¹ ILO researchers limited their estimates of children trafficked for sexual and economic exploitation. This includes (i) child prostitution; (ii) other forms of sexual exploitation such as the use of children for pornography; and (iii) forced labour or services, slavery and practices similar to slavery and servitude.

Despite the difficulty of gathering reliable statistics, due to the “underground” and illegal nature of trafficking in human beings and the lack of data collection and research, experts in the field agree that the percentage of children involved is growing exponentially. Children are more and more the target of sexual exploitation, forced labour, illegal adoption, use in armed conflicts and trade in human organs.

Child Trafficking

Trafficking occurs for many purposes, such as sexual exploitation, agricultural and minework, but it also occurs for some forms of sport and for adoption. Both boys and girls are trafficked. Even when these children are not destined for the sex industry, they are often physically abused and sexually exploited. They are virtually powerless to prevent it or take action afterwards.

Increasingly, we know where to look for the most vulnerable. Most trafficked women and children are from minorities and disadvantaged groups. This helps explain the disregard for their maltreatment, and often the discrimination and lack of opportunity that has made them vulnerable to trafficking in the first

¹ ILO, Every Child Counts: New Global Estimates on Child Labour (2002), Geneva, p. 35.

place. As we plan steps to address child trafficking, it helps to understand the gaps and vulnerabilities that affect both the supply of, and the demand for, children.

Where social protection mechanisms erode, young people are vulnerable; this has been evident, for example, following the collapse of the Soviet Union, and in all conflict situations. Some of the side effects of conflict – the development of criminalized economies, powerful warlords, the advent of international peacekeepers – can enhance demand for prostitution. Where children are not registered at birth² they are readily ‘lost’ and untraceable; and their ages can never be known with certainty. Porous borders, as in west and central Africa, make it relatively easy to move children from country to country.

The illegality, shame and stigma that surround so much of this activity – principally for the victims, rather than the consumers – help to create an enabling environment for trafficking. So does official corruption, including of the judiciary. Public opinion in some receiving countries is not hostile but ambivalent to child trafficking. In some countries, children themselves glamorise trafficking and their future prospects.

By looking more closely at this phenomenon, we learn about the dynamics of child trafficking both across and within borders. Understanding and analysing the different variables lets us come up with a range of interventions, including preventive measures detection and identification of the children at departure, transit and arrival points, support of children trapped in exploitative work and post-trafficking rehabilitative efforts. We know that these must target children, but also their families, their communities, the recruiters, traffickers and exploiters, and civil society.

A Rights-Based Approach: The basis for UNICEF’s Interventions

The Convention on the Rights of the Child defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is obtained earlier.”³ A human rights based analysis of international migration and its impact on children would require reviewing the treatment of unaccompanied migrant children and child victims of trafficking according to existing international law. International law establishes that every child has the right to protection from physical or mental violence, the right to education, and the right to enjoyment of the highest attainable standard of health, among other things, regardless of their residency status.

A growing body of international law related to trafficking exists, not limited to the Convention on the Rights of the Child, ILO Convention 182, The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children that supplements the Convention Against Transnational Organised Crime. These provisions set out definite international legal obligations and call upon States Parties to prohibit trafficking to ensure that related acts and activities are fully covered under national criminal law.

Current UNICEF Efforts

Regional Initiatives

² Some 50 million babies were not registered in 2000, representing 41 percent of births worldwide. South Asia has the highest number of unregistered births, approximately 22.5 million, or more than 40 percent of all births.

³ Convention on the Rights of the Child, article 1, *adopted* November 20, 1989, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (entered into force September 2, 1990). All members states, but for the United States, have signed or ratified the CRC.

UNICEF has found regional initiatives promising: they can offer a political entry point to this sensitive issue, and are practical when many neighbouring countries are affected. The strongest example, and one where we have been pleased to play a leading role, is in West and Central Africa.

West and Central Africa

Trafficking of children for economic exploitation is a growing phenomenon in West and Central Africa, and it involves almost all the countries in the region. Trafficked children work as domestic servants, plantation and mine labourers, are found in the urban informal sector and increasingly in the prostitution and pornography markets.

UNICEF has been working closely with partners, in particular the ILO, regional government organizations such as the OAU, international organizations such as the IOM, and NGOs. Since a meeting in Cotonou, Benin in June 1998, where seventeen governments came together to discuss trafficking for the first time – governments in the region have shown considerable political commitment and have adopted a number of measures in this relatively brief timeframe. The main workshop recommendations were to increase budget support to child protection activities, introduce emergency preparation into potentially problematic countries, adopt operational tools and increase the frequency and participation of regional networking meetings.

The Libreville Consultation

In February 2000, a Sub-regional consultation was held in Libreville, Gabon with the support of UNICEF and the ILO,⁴ capping extensive discussions between the UN and governments of the region. It brought together senior government officials, some representatives of employers' and labour organisations, representatives of national, regional and international NGOs, as well as media and representatives of UNICEF and the ILO from the headquarters, regional and country offices. Its objectives were to review follow-up to the recommendations made in Cotonou, to increase awareness of the problem of the worst forms of child labour in the sub-region, especially trafficking for exploitative labour purposes, and to adopt a common platform for action in this area. One of its outcomes was a **Memorandum of Understanding on international trafficking in children** between the Governments of Cote d'Ivoire and Mali – the first such agreement to be signed in Africa. It identifies areas for cross-border co-operation in combating child trafficking, including the repatriation of trafficked children and the detection and tracking of child trafficking networks. This is an extremely positive step.

This adverse implications of human trafficking and child abuse on sustainable development will be addressed at an upcoming international summit, *Combating Human Trafficking and Slavery through, International Co-operation and Legislation*, scheduled for 1st – 3rd August 2002 in Abuja, Nigeria. The summit will identify and examine the magnitude, nature, patterns and manifestations of human trafficking, child abuse and slavery, and seek an exchange of ideas and experience with a view to developing national and regional frameworks for international co-operation in combating the problem.

Southeastern Europe

UNICEF has joined with many partners⁵ in trying to address the explosion of trafficking in this region, initiating an assessment of the situation of trafficking in women and children in Albania, Bosnia and

⁴ Sub-Regional Consultation on Developing Strategies on the Trafficking of Children for Exploitative Labour Purposes in West and Central Africa, 22-24 February 2000, Libreville, Gabon.

⁵ Including the Office for the High Commissioner for Human Rights, the Organisation for Security and Co-operation in Europe, the Council of Europe, and IOM.

Herzegovina, Croatia, FYR Macedonia and Federal Republic of Yugoslavia. This report was released by the Stability Pact in August 2000, and provides an inventory of regional and country level anti-trafficking activities by governments, international agencies and NGOs.

East Asia and the Pacific

In the greater Mekong Sub-region, UNICEF has been a major partner in developing the UN Project on Trafficking of Women and Children in the Mekong Sub-Region, and is identified as the key UN facilitating agency in at least four of the six participating countries.

In 1998, UNICEF introduced a Strategy Framework to improve protection of children in the region, including protection against trafficking. The strategies, broken down into prevention and early intervention, responsive social service systems, recovery and reintegration services, and comprehensive legal protection, include awareness raising campaigns, parenting education, outreach to vulnerable school children, the creation of special police units for child protection and rescue, centre-based crisis intervention services for child victims, and support in helping trafficked children re-enter society. In addition, legal reform and the training of lawyers have been undertaken.

South Asia

Two regional conventions on the trafficking of women and children and child welfare were signed by seven South Asian countries during a SAARC summit in Kathmandu, Nepal this past January.

Country level efforts:

Prevention: UNICEF is trying to help families and communities become the first line of protection for children.

- In Cambodia, a Child Protection Network is being established in Poipet, the border town that is the main gateway to Thailand. It will inform children and families about child rights and to encourage communities to look for early warning signs of children at risk.
- In Thailand, community based activities to counter trafficking focus on the Northeastern provinces. These activities include volunteers who report abuses at the local level.
- Benin's first village committees were created in August 1999 in the sub-prefectures of Ze, Dogbo and Agbangnizoun in the south of the country - the area most infected by child trafficking - following research by the Government of Benin and UNICEF, and a plan to decentralise activities against child trafficking. There are now more than 170 committees carrying out a range of activities, most of which are believed to have an impact on trafficking. These Committees raise community awareness, report cases of sexual or other abuse of children by assigning a Committee who keeps a close count on the number of children in the village. In addition, the Committee contacts the police immediately when a child is discovered to be missing, and monitors the re-integration of children who return to their villages.

Education: UNICEF recognises that early interventions are the most effective, and works closely with the Ministries of Education to ensure that children, particularly girls, are enrolled in school and that they do not drop out. Life Skills are incorporated into school curricula: this information gives children and parents better information with which to protect themselves.

Economic Support: In Thailand and the Philippines, an innovative partnership with the hotel industry provides much south-after training and employment opportunities to youth regarded as being in situations of particular vulnerability.

Strengthening legislation and law enforcement:

- In Vietnam, an amendment to the penal code has increased sanctions against adult offenders.
- In Cambodia and Thailand, police and justice officials are being trained on child rights and child friendly procedures that treat the child as a victim, rather than as a criminal.
- In Thailand, UNICEF has supported the Government's initiative to establish a "Common Agreement" with other countries in the Mekong Sub-Region to improve cross-border procedures. The first agreement is being drafted by Thailand and Cambodia.
- In Nepal, UNICEF has initiated community surveillance systems and para-legal communities working against child trafficking in 14 districts. UNICEF has also assisted in establishing women's cells in district police office.

Recovery and reintegration: Helping children who have been trafficked and exploited re-enter into society is a key area of UNICEF's work. We support social workers and teachers to respond to the need of existing, often traumatised children. Transit centres and training activities are underway in China and Cambodia, with some 180 female victims of trafficking waiting to be reintegrated into their countries. These girls are from China (8), Laos (104), Cambodia (28), Myanmar (23) and the rest from South Asia. In Nepal, UNICEF has supported hostel facilities and rehabilitation centres for sexually abused and working children.

Data-and information gathering:

Research and analysis of existing policies and programmes is essential to the creation of effective strategies against child trafficking, as are better data. The UNICEF Innocenti Research Centre has worked with the UNICEF Regional Office for West and Central Africa in indemnifying more effective anti-trafficking measures in eight countries: Benin, Burkina Faso, Cameroon, Cote d'Ivoire, Gabon, Mali, Nigeria and Togo⁶

Conclusion

In summary, in countering trafficking UNICEF seeks and encourages community mobilisation and vigilance; regional and cross-border initiatives, time-bound measures linked to national development goals; the strengthening of existing laws and the implementation and monitoring of international conventions; and raised awareness of the consequences of trafficking, including among children themselves, schools and parents.

⁶ More information on this and related efforts of the UNICEF Innocenti Research Centre can be found at the www.unicef-icdc.org.