Trafficking in children and child's rights

In recent years, trafficking in people has re-emerged as an issue of international concern. Despite a paucity of reliable data, there is a widespread view that the majority of victims of trafficking are women and children. Children, and concerns about violations of their human rights, also feature prominently in international rhetoric and policy. But in reality, the rights of child victims of trafficking are often lost in highly politicized debates that tend to focus on organized crime, illegal migration and issues of state sovereignty. In this paper I explore (some) causes of and responses to the trafficking of children through a human rights lens. A central causal factor is demand, which is closely linked to cultures of human rights denial and assumptions that some children are less than human. I argue that while the causes of trafficking are themselves violations of children's

human rights, so too are many responses. The denial of 'rescued' children's rights to protection and participation in decisions made about their lives is a further abuse of already traumatized children. If policy responses to trafficking in children are to support child victims, a greater recognition of human rights issues is necessary.

Children in the world's poorest countries face many risks. Many also run households, earn income, and have children themselves. They are holders of human rights and are key actors in their own development. They have the greatest potential to break the intergenerational cycle of poverty—given the right tools and the right opportunities.

The world has made strong commitments to the rights of children through the United Nations Convention on the Rights of the Child and the Millennium Development Goals, most of which involve the fulfillment of the rights of children.

Causal Factors: Vulnerability, Demand and Denial of Rights

The factors that contribute to trafficking are complex and multifaceted, and I do not seek to provide a comprehensive analysis of causes here. I will, however, focus on vulnerability and demand as particularly significant factors that result in the trafficking of children.

Poverty is often cited as a cause for trafficking in people, not only children. For example, Skeldon has argued that "the elimination of trafficking is unlikely to be realistically achieved through legislation and declarations of intent, but by improvements in the socio-economic status of the population" (2000, p 8). Poverty is a critical factor. But it is increasingly recognised that poverty alone is not a significant explanatory factor. Vulnerability and discrimination are equally important causal factors. Stephen Devereux defines vulnerability as "a concept that combines exposure to a threat with susceptibility or sensitivity to its adverse consequences." (2001, p508) As Devereux goes on to point out, "poverty and vulnerability are not synonymous, [but] the poor

face greater exposure to livelihood threats" (2001, pp508-9). Vulnerability is often greatest among marginalised groups that face discrimination and social exclusion.

For children, vulnerability also relates to their position in age-based hierarchies. If gender-based discrimination contributes to making women vulnerable to trafficking, it is age-based discrimination that makes children so.

Girls face dual vulnerability, based on sex and age. The nature of age-based discrimination is not only interpersonal (ie: based of personal relationships, such as parent-child, teacher-student, community elder-youngster), but is also structural – it is deeply imbedded in social and cultural values and reflected in policy processes and systems of governance.

Structural discrimination on the grounds of age – often manifesting in the disregard of children's concerns, experiences and views – spans religious, cultural and national differences.

The trafficking of children includes trafficking for purposes such as early marriage and illicit adoption. Each of these results from the relatively powerless position of children both within families and within communities more broadly. In parts of Africa, trafficking and traditional practices of early marriage have been linked – particularly when "men do not have the possibility of finding young girls in their community (such as in the case of migrant workers (UNICEF 2003, p 6). Similarly, in South Asia, there are linkages between early marriage and trafficking, "as control of the girl passes to the groom with social consent" (ILO 2002a pp 45-46). UNICEF estimates that between 1,000 and 1,500 babies are trafficked from Guatemala each year for adoption by couples in North America and Europe (UNICEF). While numbers of this kind must be viewed with some caution, there is considerable evidence that illicit/illegal adoption is an important dimension of international trafficking. When adoption occurs beyond transparent regulatory processes, it is even more difficult than usual to ensure that children are destined for caring families, rather than abusive or exploitative situations. These brief examples indicate that in diverse parts of the world – within very different cultural settings – children are often considered the chattels of adults. Children's rights frameworks are undermined by this ongoing reality – but are made all the more necessary because of it.

Children without family support are particularly vulnerable to trafficking. A 2001 ILO-IPEC study of trafficking in children in West Africa found that of the 96 children interviewed in Togo "almost 30%…had experienced the death of a mother, father or both parents"; in Cameroon, 60% of the 329 children interviewed were from single parent families (see ibid, p 11). Included in the broad group of children without family support are children who have been abandoned or have run-away and those who have migrated alone from rural to urban areas in search of work. Many of these children seek an income on the streets, where they are regularly viewed as a public order or security problem by authorities and afforded little protection from the state. Given their separation from their families and the hostility of their environment, promises of work in other places are likely to be appealing.

Vulnerability – in conjunction with discrimination and social exclusion – creates an environment within which it is possible for trafficking to occur. But this is the only part of the picture; an equally important dimension is demand. The practice of using very young boys as camel jockeys in the United Arab Emirates, is linked to the poverty and vulnerability of poor children in parts of South Asia. More fundamentally, the practice results from the demand of wealthy camel owners and race enthusiasts for light weight, compliant jockeys, and from an acceptance of the exploitation of some children within the industry. Human rights groups, such as Anti- Slavery International, have questioned the political will of the Government to end the trade, which

continues despite the announcement in 2002 of a ban on the use of children under the age of 16 years and lighter than 45 kilograms in camel racing.

Human Rights Watch notes that the “trade in Togolese girls was particularly extensive in Gabon, a relatively wealthy country with a small population and consequently a labor shortage, and where compulsory schooling and strict child labor laws fuel a growing demand for foreign child labor.” Trafficking continues despite the existence of anti-trafficking laws. Many girls trafficked into Gabon are destined for household service. Indeed, in many countries around the world, there is a demand for cheap, controllable domestic labor, although this does not necessarily equate to a demand for trafficked labor. It does, however, often equate to a demand for child labor (usually of girls), and may result in trafficking when “local supply” is insufficient. As Judith Ennew has pointed out, the “close links between bonded labor, fake adoptions, prostitution, trafficking and…maids of all work” is well recognized by those working to combat child labor.

Each of these examples demonstrates to critical role that receiving countries play, both in terms of adopting and enforcing legislation – but also in terms of the attitudes of their citizens to the young of other countries, and towards children who are considered to belong to no-one.

Conclusion

Human Rights Watch spokesperson Widney Brown argues that “It has become obvious…that the only way to successfully end trafficking is for states to hold abusers accountable and to remedy the underlying human rights abuses that create the conditions for trafficking”. Remedying the underlying human rights abuses requires us to reflect on a number of issues.

First, how does development impact on vulnerability? Here ideas around human development pioneered by Ul Haq and the human capabilities promoted by Amartya Sen may offer some potential by focusing attention not only on the eradication of poverty, but also on responding to social exclusion and discrimination, including age-based discrimination. Rights-based approaches to development may also be useful, particularly if they contribute to a rethinking of children’s roles in development and the ways in which development impacts on children. This essentially means shifting away from a view of children as victims or beneficiaries towards an understanding of children as citizens. A rights based approach would also necessitate according equal priority to children’s participation and protection rights, alongside survival and development rights.

A second, perhaps more challenging question, is how to the demand for forced children’s labour can be quelled. Where they exist, domestic institutions and organisations based on principled ideas around human rights accompanied by legal sanctions and operating within the broader framework of international human rights standards, may offer some potential for change, albeit incrementally and over the medium to long term.

Third, how can responses to trafficking in children be transformed? The first step towards such a transformation is a recognition by governments and communities of child victims as bearers of human rights, as set out in CRC, and complimented by the range of human rights instruments outlined earlier in this paper. As such, they are entitled to be both heard and to be protected. To be meaningful, such recognition would be followed by the revision of existing policies to bring them in line with basic principles and strong commitment to implementation. This is no easy task, and we are still a considerable distance from this first step.