



International  
Labour  
Office

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



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

Action against child trafficking at  
policy and outreach levels

2  
Textbook





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

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

Copyright © International Labour Organization 2009

First published 2009

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: [pubdroit@ilo.org](mailto:pubdroit@ilo.org). The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with reproduction rights organizations may make copies in accordance with the licences issued to them for this purpose. Visit [www.ifrro.org](http://www.ifrro.org) to find the reproduction rights organization in your country.

## IPEC

*Training manual to fight trafficking in children for labour, sexual and other forms of exploitation* / International Labour Office, International Programme on the Elimination of Child Labour (IPEC). - Geneva: ILO, 2009 - 4 v.

ISBN: 9789221220695 (kit); 9789221220701 (CD-Rom);

ISBN: 9789221220718 (Book 1 Print), 9789221220725 (Book 1 Web PDF);

ISBN: 9789221220732 (Book 2 Print); 9789221220749 (Book 2 Web PDF);

ISBN: 9789221220756 (Book 3 Print); 9789221220763 (Book 3 Web PDF);

ISBN: 9789221220770 (Exercise Book Print); 9789221220787 (Exercise Book Web PDF);

ISBN: 9789221220794 (Facilitators Guide Web PDF);

International Labour Office; ILO International Programme on the Elimination of Child Labour  
trainers manual / teaching material / child trafficking / children / child labour / sexual exploitation - 02.02.1

Also available in French: *Manuel de formation sur la lutte contre la traite des enfants a des fins d'exploitation de leur travail, sexuelle ou autres*, ISBN 978-92-2-222069-4 (Kit); 978-92-2-222079-3 (Facilitator's Guide), Geneva, 2009; and in Spanish: *Manual de formación para combatir la trata infantil con fines de explotación laboral, sexual y de otros tipos*, ISBN 978-92-2-322069-3 (Kit); 978-92-2-322079-2 (Facilitator's Guide), Geneva, 2009.

*ILO Cataloguing in Publication Data*

### Acknowledgements

This publication was developed by Dr June Kane, IPEC consultant, and Mr Hans van de Glind from IPEC Geneva office.

Funding for this publication was provided by UN.GIFT, ILO-International Training Centre, and United States Department of Labor (Project GLO/05/51/USA).

This publication does not necessarily reflect the views or policies of the United States Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the United States Government.

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address, or by email: [pubvente@ilo.org](mailto:pubvente@ilo.org) or visit our website: [www.ilo.org/publns](http://www.ilo.org/publns).

**Visit our website: [www.ilo.org/ipec](http://www.ilo.org/ipec)**

Photos: ILO. The photographs in this publication are for illustration purposes only. None of the children whose identity is revealed on the photos are victims of child trafficking.

Printed in

Italy

Photo composed by

International Training Centre of the ILO - Turin, Italy

## Table of contents

Introduction .....	5	Challenges regarding pre-departure procedures and services .....	24
List of acronyms .....	6	Challenges regarding regulation of recruitment agencies.....	25
<b>Section 2.1: Broad protection to prevent trafficking of children at risk and former victims.....</b>	<b>7</b>	Challenges regarding working conditions and rights .....	25
Identifying children at risk.....	8	Promoting decent work.....	25
Targeting vulnerable families .....	8	Demand reduction .....	26
Livelihood strategies .....	9	<b>Section 2.4: Prevention (continued) .....</b>	<b>29</b>
Employment for adults and young people of working age .....	10	Supply chain interventions .....	29
Conditional Cash Transfers (CCTs).....	10	Global frameworks .....	29
Local Economic Development (LED) ...	11	Corporate social responsibility.....	30
<b>Section 2.2: Protection (continued).....</b>	<b>15</b>	Other supply chain interventions .....	31
Youth employment.....	15	<b>Section 2.5: Law enforcement .....</b>	<b>34</b>
Job counselling and placement .....	15	Identifying traffickers and trafficking incidents .....	34
Education .....	15	Traffickers and exploiters at destination.....	35
Targeted awareness raising to increase children's self-protection instincts .....	17	Improving law enforcement and ensuring punishment of traffickers .....	35
Beyond awareness raising: Behaviour change .....	18	Supervision of the implementation of relevant ILO Conventions.....	35
Addressing exclusion and discrimination, including gender inequality .....	18	<b>Section 2.6: Law enforcement (continued) .....</b>	<b>38</b>
<b>Section 2.3: Prevention of the crime of child trafficking.....</b>	<b>22</b>	Identifying recruitment patterns and reporting recruiters .....	38
Strengthening the legal framework .....	22	Rapid response teams.....	38
Promoting safe, legal migration for decent work for youth of legal working age.....	23	<b>Section 2.7: Victim assistance .....</b>	<b>41</b>
Registration, licensing and monitoring of employment agencies.....	23	Victim identification .....	41

Needs assessment and appropriate response .....	41	Permanent or temporary residence status .....	46
Case management and service packages .....	43	Shelters and refuges for rescued children .....	47
Avoiding double victimization .....	43	Return and reintegration .....	47
<b>Section 2.8: Victim assistance (continued) .....</b>	<b>46</b>	Life skills and (re)training/education ...	47
Psychosocial counselling and support measures .....	46	Promotion of social integration through campaigns .....	47
		Economic integration of rescued children .....	47

## Introduction to textbook 2

This book is all about the actions that can be taken to prevent trafficking, protect children from being trafficked, pursue traffickers and support trafficked children to rebuild their lives.

These are categorized under four main headings that are commonly used to describe anti-trafficking actions:

- **Broad protection** — to prevent children and former victims from being (re)trafficked;
- **Prevention** – of the crime of child trafficking and the exploitation that is its end result;
- **Law enforcement** – in particular within a labour context and relating to labour laws and regulations;
- **Victim assistance** – covering the kinds of responses necessary to help trafficked children and to reduce their vulnerability to being re-trafficked.

In a number of instances, the actions described have several applications and could realistically be included in more than one category (for example actions to assist victims are also sometimes a way of protecting them from being re-trafficked). For simplicity, each kind of action is described only once.

Throughout this book, there are specific notes for each of the following groups: governments (G), workers' organizations (W), employers' organizations (E), and NGOs and international agencies (N).

## List of acronyms

<b>CCT</b>	Conditional cash transfer
<b>CEACR</b>	Committee of Experts on the Application of Conventions and Recommendations
<b>COMMIT</b>	Mekong subregional cooperation agreement to fight human trafficking
<b>CRC</b>	UN Convention on the Rights of the Child (1989)
<b>CSR</b>	Corporate social responsibility
<b>ETI</b>	Ethical Trading Initiative
<b>FLA</b>	Fair Labor Association
<b>ILO</b>	International Labour Organization
<b>IPEC</b>	International Programme on the Elimination of Child Labour
<b>ITC</b>	International Training Centre of the ILO
<b>LED</b>	Local economic development
<b>MNE Declaration</b>	Declaration of Principles concerning multinational enterprises and social policy
<b>NAP</b>	National Action Plan
<b>NFE</b>	Non-formal education
<b>NGO</b>	Non-governmental organization
<b>PRSP</b>	Poverty Reduction Strategy Paper
<b>SAI</b>	Social Accountability International
<b>SAPFL</b>	Special Action Programme to combat Forced Labour
<b>TBP</b>	Time-Bound Programme
<b>TICW</b>	ILO-IPEC's Greater Mekong Subregional project to combat trafficking in children and women
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>UN.GIFT</b>	Global Initiative to Fight Human Trafficking
<b>UNICEF</b>	United Nations Children's Fund
<b>US</b>	United States
<b><i>In exercises:</i></b>	
<b>G</b>	Governments
<b>GWEN</b>	Governments, Workers' organizations, Employers' organizations, NGOs and international organizations
<b>W</b>	Workers' organizations
<b>E</b>	Employers' organizations
<b>N</b>	NGOs and international organizations

## Section 2.1

## Broad protection to prevent trafficking of children at risk and former victims

## Resources for this section:

*IPEC: Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 4, sections 4.2.1-4.2.2. [These sections of the kit include 7 downloadable resources.]

Protection is a broad term that includes both protection of children to prevent them from being trafficked and protection of victims of trafficking from further harm. UNICEF emphasizes the point that successful child protection always begins with prevention, that is with broad measures that are aimed at building the kind of world in which children do not get trafficked in the first place. The priority given to education, health and addressing gender discrimination in the Millennium Development Goals underpins this essential point.

All children have a right to be protected, not only those who are at risk of trafficking, and reinforcing protection for all children also reduces the vulnerability of sub-groups of children. The concept of building a protective environment for children includes putting in place policies and programmes that ensure children's rights to survival, development and well-being in general. Child protection systems comprise the set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and respond to protection related risks. These systems are part of social protection, and extend beyond it. They include the aim of supporting and strengthening families to reduce social exclusion, and to lower the risk of separation, violence and exploitation. Strategic actions for supporting national child protection systems include: incorporation of child protection into national and decentralized

planning processes, including social protection strategies; ensuring that social protection reform contributes to the achievement of child protection outcomes; promotion of justice for children within the Rule of Law agenda; strengthening coordination amongst child protection system actors; strengthening the social welfare sector; and supporting birth registration. UNICEF has described the protective environment as a situation “where girls and boys are free from violence, exploitation and unnecessary separation from family, and where laws, services, behaviours and practises minimize children's vulnerability, address known risk factors, and strengthen children's own resilience.”

The broad protection/protective environment approach is clearly anchored in human rights in general and children's rights in particular. It is predicated on the clear understanding that building a world that is fit for children is the surest way to reduce and eventually eliminate all threats to their well-being, and ultimately to that of their families, communities and society as a whole. This over-arching goal underpins all actions for and with children, including actions aimed specifically at combating child trafficking.

It is also clear that anti-trafficking actions may have to be targeted in the first place at the children most at risk, given the need to prioritize the use of available resources. However it is vital never to lose sight of the imperative to protect all children.



### Identifying children at risk

Although the ultimate aim of work on behalf of children is to move towards ensuring that every child is protected and that child trafficking is completely eliminated, it is common to first target efforts at those children who are most at risk of child trafficking.

Remember that children who have been trafficked in the past are ready examples of much of the information you will need both to identify risk factors and also to identify the processes that traffickers have put in place to entrap children. Their experience is a rich source of such information (although of course every care must be taken not to put the children at risk of reprisals or of reliving the trauma they have experienced).

Once a child, family, community or workplace has been identified as being in a high-risk situation, then they should become the primary focus (target beneficiaries) of the actions to be undertaken. The focus, of course, should be on addressing the specific

risk factors that created vulnerability. These factors might relate to risks at source, in transit and/or at destination.

### Targeting vulnerable families

An important element of reducing the vulnerability of children to trafficking is addressing the risk factors that contribute to the family as a whole being open to pressure to send the child into work prematurely – whether in child labour in her/his home town or elsewhere. There are two main elements to this response that, ideally, should be implemented at the same time.

The first is helping the family to understand the risks to the child of trafficking but also the risks to the family and community and the advantages to be gained by protecting the child and her/his future contribution to the family's well-being.

Awareness raising must be carefully targeted to achieve this – for example, a multi-pronged outreach to mothers through

baby and child clinics, to fathers through workers' organizations or places where men congregate (for example clubs frequented mostly by men) and to children and adolescents through the media, schools and places where children meet (important especially for reaching out-of-school children).

This is only likely to have an impact if the family can see that there are affordable alternatives to sending a child to work. So the second element comprises programmes that give the family alternative ways to survive.

Helping these individual families should not be done in isolation, but as part of a larger strategy that is anchored in sound policy to create an environment that stimulates job creation – in particular aimed at creating more and better jobs for the poor in rural areas. This should be a central component of poverty reduction strategies in particular and social development actions in general.

There are four principal approaches to reducing family vulnerability that is economic in nature:

### Livelihood strategies

Getting one or both parents into a situation where they can earn enough to support the family is the key to strengthening the family's ability to survive without child labour and the trafficking that is potentially linked to it.

For a long time family poverty and unemployment have been addressed through micro-finance programmes. These provide start-up loans to families alongside livelihood projects that generally aim to help the family generate their own income, for example through a new small business or a cooperative that brings together a group of families to share resources and tasks.

Over the years such programmes have been run with varying degrees of success and a

number of lessons have been learned. These include the importance of putting in place medium-term plans to ensure that families who receive loans or credit can repay them without being put under undue financial pressure. It is also vital to make sure that any small businesses supported or any cooperative commercial schemes that are set up are based on sound business practices. It is necessary, for example, to make sure there is a market for any goods or services produced and that this market is not crowded with competing producers. This will require some market research and, of course, all small business undertakings should have a business plan, no matter how modest.

Encouraging and supporting families to set aside savings from their income or profits is key to ensuring good financial management and longer-term coping strategies for the family. It is also important to make sure that, as a small business or cooperative scheme becomes successful, children of school age do not get 'sucked in' as cheap labour.

Another important lesson is that credit is best provided to people who, although in poverty, clearly have opportunities and potential to raise income if they are given some set-up finance. Providing credit to the poorest of the poor who have no way to generate income on the back of that credit burdens them with an extra debt in the form of credit repayments and plunges them further into poverty. (In such cases, welfare assistance that is not tied to repayments should be considered.)

Another important lesson to bear in mind is that the medium- to longer-term implications of improved financial status must be taken into account. In some instances, improved financial status may prompt a family or some members of it (particularly adolescents) to use their resources to try and migrate in search of new opportunities. It is important, then, to make sure that programmes aimed

at increasing family income are accompanied by initiatives designed to ensure that improved financial status does not become a 'passport' to unsafe migration.

### Employment for adults and young people of working age

Improving the rates of employment for adults and for young people who have reached the minimum working age does not stop child trafficking. It does, though, increase the chance of the adults in the family being able to support the family and send the children to school, and it means that young people of working age are more likely to stay within their communities and contribute to both family and community development. This should contribute to reducing the child's vulnerability.

Increasing adult and youth employment is a complex and multi-faceted undertaking and is to a large extent the responsibility of governments who, working with investors and the business sector, aim to promote employment and productivity. However individual families at risk can be targeted in different ways to ensure that they are able to compete in the labour market when jobs are available. This might include improving the general educational levels of young people and adults through non-formal education (NFE) or basic literacy classes where necessary. Although NFE is often seen as a stop-gap option that focuses on helping people to 'catch up' with missed schooling or gain basic skills, it is in reality characterized primarily as education outside the normal educational stream. Many NFE courses lead to certification; workers' and employers' organizations, for example, may make NFE opportunities available to people who have not completed their education within the formal system and who have an opportunity, through NFE, to gain the qualifications they require. Vocational training is also a way to upgrade the skills of young people and adults to do particular tasks or provide them with

new skills where their own are lacking or do not match available work.

In rural areas, particularly where there is little wage employment available, skills training might have to be targeted at helping people to become self-employed. Traditional apprenticeship schemes also fall into the category of skills training and also need to take into account the demand for labour in a given market. With regard to youth employment particularly, it is vital to remember that adolescents who have reached the minimum working age (generally 15 or in some cases 14) but who have not yet reached the age of 18 have – in addition to their rights as workers – specific rights as children, including the right to protection from abuse and exploitation.

When designing and implementing vocational or skills training programmes, it is important to take account of gender differences in the marketplace but also to break free of 'traditional' approaches to gender-specific training. The skills training provided must match the work and market opportunities that are likely to be available to both men and women.

### Conditional Cash Transfers (CCTs)

Conditional Cash Transfer schemes (CCTs) provide modest cash incentives to parents on condition that they meet certain requirements – for example sending their children to school.

Micro-finance, small business development, livelihood and adult employment schemes are generally used in situations where there is a basis, however small, on which the family's finances can be built. They aim to give a much-needed boost where potential for economic improvement exists. CCTs, on the other hand, are more regularly targeted at the poorest families where there is an urgent need for support but no obvious basis on

which to grow the family's income-earning capacity in the short-term, or where the obstacle to achieving behaviour change (for example convincing parents that the children of the family must attend school) seems otherwise insurmountable.

CCTs are not just a question of 'handing over' cash but must be carefully targeted and monitored to ensure that they achieve the impact they are designed to have. They must also be monitored to ensure that there are no negative impacts – for example that the funds are not used inappropriately or that the increased income prompts the family to consider relocating without preparation and safeguards.

There have been several evaluations of CCTs, and these generally conclude that they have a positive impact on addressing some important family vulnerability factors such as family poverty, school attendance, household relationships (for example by reducing stress among the adults) and gender disparities (because the incentive is most often paid to the mother). Government resources are crucial to sustain this type of initiative. Also, it is important that families develop the means to move out of the programme at an appropriate time – for example by teaching skills that enable unemployed adults and adolescents to find work, or through other income-generating activities.

### Local Economic Development (LED)

The ILO's Job Creation and Enterprise Development Department and the ITC have pioneered research and training in LED

strategies. These are an approach to strengthening the economic capacity of a territory or locality, often within the context of low economic development in the country as a whole. Instead of targeting individual families at risk, they focus on identifying local competitive advantages and then providing communities with the means to boost local economies and create jobs. Clearly this whole-community approach is likely to reduce the vulnerability of struggling families within that community – provided that appropriate targeting and monitoring is put in place.

While it was developed within the framework of Decent Work and helping communities to face the challenges of globalization, LED is also a clear extension of work to improve the livelihood strategies of families and communities as part of efforts to eliminate child labour and combat child trafficking. Because it centres on the competitive advantage of a particular community, it is more likely to realise the economic potential of that community and to be sustainable.

LED initiatives are locally owned and managed, with strong participation of workers' and employers' organizations as well as governments at national and sub-national levels. Typically they include skills training, enterprise development, social protection, improving physical and financial infrastructure, strengthening institutional frameworks, improving local company competitiveness and exports, stimulating entrepreneurship and business or cooperative development, and attracting investment and tourism.

## Broad protection of families: What can 'GWEN' do?

### G - What can Government do?

- Governments have the primary responsibility for child protection, in line with the commitments they have made in ratifying the UN Convention on the Rights of the Child and other international instruments. This includes providing a broad range of social services relating to education, health, family well-being, freedom from abuse and violence in all its forms, and from exploitation in child labour.
- These are all elements that will have a place in poverty reduction strategies (including through PRSPs), NAPs on trafficking or other specific areas of child welfare and rights, time-bound plans (TBPs) to eliminate child labour, and strategies and plans developed around commitments to the Millennium Development Goals (MDGs) and a World Fit for Children. Governments are responsible for ensuring that the rights of children are given due weight in each of these plans and that their protection is guaranteed.
- It is important to remember that governments have a responsibility to ensure that all arms of government are individually and collectively accountable for the impact of their policies and programmes on children and families (due diligence).
- Governments also have the ultimate responsibility to provide the financial resources necessary to implement policies and programmes on behalf of children. In this regard, not only Finance Ministries but in particular Parliamentarians from all parties, their economic advisors, think-tanks and others having influence on budget allocation and priority-setting, play a vital role in ensuring that children remain high on national agendas.
- Governments can play a primary role in identifying families at risk through national surveys, census exercises, mapping of vulnerability and reporting through social service arms of government.
- Governments must set benchmarks that can be used to measure risk (such as the poverty threshold, household income barometer etc) and monitor these so that families who fall below the benchmarks, are identified and supported.
- Governments are responsible for allocating sufficient budget to be able both to support programming such as those outlined above to improve the financial status of the family, and for direct financial assistance for the poorest of the poor. This indicates the importance of coordinated action within government to ensure child protection. Ministries with responsibilities for children and families, labour, youth, employment, finance, social welfare, education and potentially others all have a role to play in child protection, and consultation and coordination across different ministries is important to maximize the impact of government policies and actions for children.
- In relation specifically to protection from trafficking, governments are tasked with promoting and facilitating safe migration so that those who desire to migrate legitimately for work are able to do so.
- Governments also, of course, have responsibility for policies to develop the labour sector and create jobs. Through Ministries of Education and Training, governments also have the task of ensuring that people are appropriately qualified to take up the jobs that are available or created.

### **W – What can Workers and Workers’ organizations do?**

- Workers’ organizations have an important role to play in protecting children from trafficking, because of their unparalleled access to workers and their privileged role as representatives of workers’ rights. In this regard, workers’ organizations also have a responsibility to ensure that their members are individually and collectively accountable for the impact of their policies and programmes on children and families (due diligence).
- Workers themselves are well placed to identify risk among their work colleagues and in their own communities.
- Workers’ organizations can be instrumental in putting in place workplace mechanisms that allow workers to report/advise on which members of their workplace or community are vulnerable, and workers’ organizations can feed this information into reporting processes around the NAP or other collaborative arrangements.
- In some countries, workers’ organizations have their own programmes to support vulnerable workers’ families and monitor their level of risk.
- Using their access to workers and communities at a grassroots level, workers’ organizations are able to conduct awareness raising on important topics linked to trafficking – for example on the rights of migrant workers to be protected from exploitative work, and on safe migration.

### **E – What can Employers and Employers’ organizations do?**

- Employers’ organizations have a responsibility to ensure that their members, individually and collectively, remain accountable for the impact of their policies and programmes on children and families (due diligence).
- Employers’ organizations may be suitably placed to identify risk, particularly in relation to identifying the sectors or specific enterprises in which conditions increase risk. This might be risk related to an adverse business climate (leading to businesses closing and workers becoming unemployed, for example), or practices that leave workers at a disadvantage (for example a growing unregulated sector that undercuts prices and puts pressure on legitimate businesses to cut workers or wages). These are clearly areas where employers’ and workers’ organizations can work together to identify risk to workers and their families.
- Employers’ organizations, as part of their anti-trafficking efforts, can promote employment opportunities for disadvantaged families (both adults and adolescents of working age) and employers can provide vocational training and apprenticeships where possible.

## **N – What can NGOs and international organizations do?**

- NGOs and international agencies have a responsibility to ensure that they and their partners remain individually and collectively accountable for the impact of their policies and programmes on children and families (due diligence).
- At community level, NGOs, international agencies and civil society organizations working for children are generally well placed to work with communities to identify at-risk children and families and to design and target a range of appropriate protection actions.
- Such actions include broad protection to families whose children are at risk and protection measures that directly target specific children (see next section – Protection - Continued). All actions should be based on sound vulnerability profiling and target those immediately at risk as a priority. Where possible, also, the actions that are planned should coincide with the priorities, roles and responsibilities outlined in NAPs. They should take into account the differing needs and responses of girls and boys, women and men, and should involve families and communities as active players.
- NGOs and international agencies have a vital role to play in providing support to NAPs against child trafficking, on child protection and children's rights. This includes, among other things, encouraging and providing mapping, serving as focal points, documenting learning and sharing, and building capacity (more on this in textbook 3).
- In support of the NAP, children's organizations may provide technical support to governments and other anti-trafficking/child protection actors.



See Exercises 24, 25, 26 in the Exercise book.

## Section 2.2 Protection (continued)

### Resources for this section:

IPEC: *Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 4, sections 4.2.3-4.2.7 and 4.2.9. [These sections of the kit include 20 downloadable resources that may also be considered as individual resources for this session.]

Pinheiro, P: *World Report on Violence against Children*, Geneva, 2006 (outcome of the United Nations Secretary-General's Study on Violence against Children).

### Youth employment

In recent years we have come to realize that reducing youth unemployment is also a key to helping the family survive, while reducing child labour and trafficking. Getting young people into Decent Work means that they are not only able to survive and in many cases help their families cope, but it is also a longer-term contribution to reducing their vulnerability to exploitation and trafficking.

It is an ironic fact that, in many countries where child labour and child trafficking are problems, youth unemployment is also a challenge. This is partly because adolescents of working age are often overlooked in favour of employing children who are easier to control and exploit. However it is also a result of the same factors that make children vulnerable to child labour and trafficking: low education levels and lack of appropriate skills. For this reason, targeting youth unemployment through skills training as well as through programmes to encourage employers to employ more adolescent workers, is important in addressing the wider issues that provide a context in which child labour and child trafficking happen.

### Job counselling and placement

Job counselling and helping people to find appropriate work are important protection elements. There is little point equipping young people and adult members of a family with

skills to meet market demand if they do not know how to access that demand. In many countries, such services are provided by national authorities as part of the social welfare/employment system – for example through Job Centres – and sometimes job counselling is provided in the form of Career Guidance services in schools. Where such services are not provided, it is more likely that they will be provided through independent agencies and, if that is the case, it is vital that such services be regulated and monitored to reduce the risk that they may be used by traffickers or exploiters, as spelled out in the *ILO Private Employment Agencies Convention, 1997 (No. 181)*.

Careers guidance or job counselling are also important for children who may have been exploited in child labour – including through trafficking – and who have consequently missed out on schooling or who may have dropped out of school early. Sometimes, appropriately qualified and staffed NGOs are able to offer these services.

### Education

Getting girls and boys into school and keeping them there is a vital step in reducing their vulnerability to trafficking. This is especially true of children who are 'hard to reach', such as children living on the streets, who are especially vulnerable to being recruited into child labour or to being trafficked.

The importance of education is recognized in the *Worst Forms of Child Labour Convention, 1999 (No.182)*. The preamble calls for action that takes into account the importance of free basic education and recognizes that the long-term solution to ending child labour will involve universal education. The convention emphasizes that NAPs should take into account the importance of education and that national data on children should include information on school attendance. It underlines the right of children removed from the worst forms of labour, including trafficking, to have access to free basic education and, where appropriate, vocational training. The ILO considers the elimination of child labour and trafficking and the achievement of education for all children as interconnected challenges.

In 2006, the *United Nations Secretary-General's Study on Violence against Children* made a number of recommendations relating to preventing child trafficking. The Violence Study underlined the crucial role of education and called on states to support programmes that encourage at-risk children to stay in or return to school, or to participate in non-formal education (Violence in the Community, Recommendation 2). Such programmes should be based on a clear understanding of why children drop out or do not enrol in school in the first place.

There are many reasons why children are never sent to school: the parents may never have been to school and may not recognize the importance of education (and indeed children may not recognize the importance of education). Conversely, the parents may have been to school but found that it was a negative experience, providing them with few of the skills they subsequently needed to earn a living or leaving them with other negative attitudes towards teachers, studies or the school environment. It is crucial therefore to make sure that the school experience is a good one and that parents recognize this. It is



also important, as programmes are being developed, to reach out to parents and convince them that educating their children is a longer-term investment. Even where an action is principally aimed at children, running a parallel awareness/behaviour-change activity with parents or working with a partner organization that is targeting parents in the same location, can improve the likelihood of the children-focused intervention succeeding.

Governments have a responsibility to ensure that free basic education is, indeed, free. A major disincentive to school attendance is the fact that often families are faced with incidental expenses when they send children to school. These can include the costs of transport, uniforms, meals, heating and

lighting in the classroom, stationery and books. Sometimes children are expected to donate money to supplement the teachers' income. These hidden costs mean that free schooling is often not free at all.

The education of girls is a particular priority because in some families girls are seen as inferior to boys, or likely only to get married and leave home (so that educating them is considered a poor investment). Promoting the education of girls through targeted education and awareness raising of parents can make a difference. Linking girls' (and boys') education to incentives (for instance through provision of school meal programmes, cash transfers to parents or vocational training after school) or to other assistance has also been shown to be effective, although it must be sustainable or lead to other programmatic ways to convince the parents that the children should stay in school.

Children who have been trafficked, as well as children who have been out of school for other reasons, may need help to catch up with learning or may not be able to fit immediately into the school system. In sparsely populated areas and other places where the formal school system is not well represented, non-formal education and skills training may be part of the response to address child trafficking.

### Targeted awareness raising to increase children's self-protection instincts

In protecting children from exploitation and trafficking, children themselves are an important resource. Empowering children by helping them to be aware of some of the mechanisms of trafficking – without frightening them – can help to protect them. This is particularly true of children who are taking control of their own decisions and may put themselves at risk through uninformed

choices. For example, teenage girls need to be alert to men offering them good jobs in the entertainment sector, fashion or modelling; boys need to be aware that the adventure of going to the big city or neighbouring country may lead them into situations they cannot control. Both boys and girls may also be attracted to what they see as the celebrity lifestyles of those who excel in sport. In some instances, the lure of sports stardom has been used to draw young people into exploitation. There are examples of tested awareness-raising programmes in several countries involving sports personalities working with children to understand the realities of a sporting career and the pitfalls to be avoided.

There are also many school-based programmes that include information about trafficking, but it is important to remember that many of the children who are at risk of being trafficked are those who are not in school in the first place. Information on the risks of trafficking (and child labour exploitation more generally) needs to be made available in the places where such children can be found. Street outreach teams can build up trust with these children and help to build their understanding of the risks of trafficking (as well as keep an eye on them more generally). Another effective way to reach out to children at risk is through other children.

When preparing materials to transmit messages to children, it is vital to take the age and sex of the children into account in developing the format of the messages and the way they are presented and to 'test' these formats with children themselves or involve the children in designing them. It is also extremely important, in developing awareness-raising and behaviour change programmes, to develop from the outset mechanisms for measuring their effectiveness.

## Beyond awareness raising: Behaviour change

Ultimately, awareness raising is not only about sharing information; it is about affecting behaviour change. This requires a comprehensive understanding of the links between beliefs and behaviour, and of the mechanisms for encouraging these to change. It also presupposes a capacity to formulate the right messages to trigger these mechanisms and the right vehicles and formats to help them penetrate to the people being targeted. It also presumes an understanding of who those people are, why they need to change and how they might do that.

Affecting behaviour change can involve several different kinds of activity: TV and radio spots or programmes, posters and leaflets, music and theatre, displays and artwork, one-on-one presentations or discussions; formal speeches and increasingly websites, chats and blogs and mobile phone messages and images. Whatever the format, the same rules apply: know what you are trying to achieve, who you want to reach and what you want them to do as a result of your action; how you can reach them and the messages you will try to communicate.

Behaviour change to reduce the risk of trafficking should not only be aimed at children but also at the public at large, in particular in cases where the public is indifferent to (or even accepting of) the exploitative end results of trafficking.

## Addressing exclusion and discrimination, including gender inequality

Marginalization often excludes people from accessing basic services such as healthcare and education. Such exclusion and discrimination plays into the hands of traffickers and makes such people vulnerable to trafficking.

Registration at birth of all children – regardless of ethnic origin – is extremely important to ensure they have access to basic public services such as education and healthcare, and protection.

Anti-trafficking programmes should take into account the gender-specific dimensions to these problems. They need to take account of the particular needs and concerns of girls and boys, the different roles and functions they may have within their families and communities, and the different responses that will consequently be necessary. Understanding and addressing the gender dimension to child trafficking problems, and their links to other social and economic inequalities, are crucial to empowering the most vulnerable, and to ensuring sustainable action towards the elimination of labour and human rights abuses.

The differences between girls and boys also need to be built into the processes that are put in place when implementing anti-child trafficking actions. For example, is there anything that may limit the ability of girls (or boys) to participate fully, such as a male facilitator in a male-dominated community who ignores any girls who wish to speak, or is patronizing or dominating towards them?

ILO-IPEC has recommended a four-pronged approach to factoring gender into anti-child trafficking work. This involves (1) carrying out a gender analysis (to map out the gender issues); (2) programming interventions or strategies that are gender-specific (and that take account of the gender issues that have been identified); (3) starting a process of institutional change in procedures and processes to take account of gender specificity; and (4) giving girls and women a voice by involving them in all these elements of anti-child trafficking processes.

## Broad protection of children: What can GWEN do?

### G – What can Government do?

- Governments are responsible for developing policies and programmes to promote social development and poverty reduction at a national level.
- They are responsible for policies, laws and actions to promote free basic education for all. These government actions are fundamental to establishing a ‘protective environment’ for children, because they have a direct impact on the level of vulnerability of children and families.
- Governments are primarily responsible for policies and actions that promote Decent Work, including through a national Decent Work Country Programme.
- Included in Decent Work strategies should be initiatives to promote youth employment and to eliminate child labour.
- Governments are responsible for providing and/or regulating and monitoring job counselling and careers guidance services, including for youth of working age.
- At all times, governments have a responsibility to take into account the need to address problems of exclusion, discrimination and inequality, including in their own efforts to develop and implement legislation and provide government services.
- In these areas in particular, governments can show leadership. National campaigns promoting any or all of the issues relevant to protecting children from trafficking are an element of many governments’ leadership initiatives.

### W – What can Workers and Workers’ organizations do?

- Organizing young people of working age that are at risk of trafficking can contribute to reducing their risk of trafficking. In line with the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87), it is crucial that young people who have reached the minimum age for work or employment are given right of access to join trade unions, make their voices heard, and participate in collective bargaining processes. Empowering young people in the workplace sends a clear signal about the universality of labour rights and underpins the ILO’s efforts to promote Decent Work.
- The same is true of organizing and empowering migrant workers. The International Trade Union Confederation and the global union federations now promote different forms of cooperation including portable trade union membership for migrant workers who cross borders, and this may contribute to providing protection if trade unions are active at both source and destination.
- Trade unions in origin and destination countries may conclude bilateral agreements to ensure protection of migrant workers and to overcome language, cultural and financial hurdles.
- Workers’ organizations have an important role to play, alongside employers, in promoting youth employment, and vocational training and educational opportunities for young workers of working age.
- Workers’ organizations are able to develop workplace awareness-raising campaigns, including those that address areas such as the rights of migrant workers, inclusion and discrimination. Information campaigns on child trafficking and child labour help workers to understand the issue better and be alert to exploitation and trafficking, and training for union officials in these areas is particularly important.

## E – What can Employers and Employers' organizations do?

- Employers have a vital role to play in sending clear messages about the importance of protecting children from exploitation and trafficking. This can be done in a number of ways, including in a company's mission statement, and in marketing and advertising materials. Ideally these should be part of a broader corporate social responsibility (CSR) strategy within an individual business and within a sector, and in communications with clients as well as suppliers.
- Employers are also well equipped to provide education and skills training in the sectors in which they operate, for example by contributing to courses offered in local vocational institutions or through NGOs – by offering training, equipment and/or scholarships.
- Employers can also offer decent work to children of working age – to reduce the risk that these children are trafficked into situations of exploitation.
- Employers' organizations can contribute to promoting the importance of child protection messages, as well as messages about the rights of migrant workers, treatment of young workers, gender equality and anti-discriminatory practices.
- To back up these publicized values, employers' organizations can promote among members approaches that combat discrimination, such as the integration of migrant workers, support services such as non-formal education for young workers, and ancillary services such as career guidance. The 'lead company' concept, in which companies that have successfully achieved corporate social responsibility goals in relation to such principles and services are nominated as good examples in the field and appropriately recognized, is a way of spreading these experiences and promoting healthy competition.

## N – What can NGOs and international organizations do?

- NGOs, international agencies and other organizations working in the areas of child rights, child welfare or child labour, have a long tradition of implementing a wide range of child protection actions. It is equally important, though, that all agencies have an internal child protection policy that covers issues such as discrimination and exclusion in their own structures and work.
- Gender sensitivities, issues of exclusion and discrimination (on various grounds such as ethnicity, impairment, sex etc) should be mainstreamed into policies and programmes at all levels.
- Children's agencies are able to offer a range of initiatives in the fields of education, NFE and vocational and skills training. These may be run through and in collaboration with schools and training centres or as stand-alone initiatives, perhaps in conjunction with other projects such as removal of children from child labour, for example.
- Agencies run programmes to help children who do attend school to access school necessities such as uniforms, stationery or insurance fees, where these are an obstacle to the child's full participation in otherwise free education. Under the Education for All banner, agencies collaborate in other programming. Obviously, since there is a broad body of experience in these areas, learning from good practices that have already been tried and tested is important.

- Children's organizations may be able to contribute to job counselling, careers guidance and placement services where these are not provided by government or schools.
- Independent advice to children approaching the minimum working age is a crucial element in protecting them from trafficking, especially in areas where unregulated recruitment agencies operate. Through partnerships with local businesses and sponsors in the corporate sector, children's organizations may be able to place children of working age in decent work.
- Children and young people of working age need to know their rights as workers and understand notions of exploitation and trafficking, for their own protection. They also need to know what to do and where to report if they are approached by recruiters with offers that seem attractive. Children's organizations are well equipped both to inform and educate on labour and children's rights, and to contribute – with government, employers' or workers' organizations – to putting in place reporting processes and support services that children can turn to.
- More general programming in the areas of awareness raising, capacity building and behaviour change are also regularly run by children's organizations. The key to the success of such programmes lies in the careful targeting and preparation of messages.



See Exercises 27, 28, 29 in the Exercise book.

---

## Section 2.3

# Prevention of the crime of child trafficking

### Resources for this section:

IPEC: *Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 4, sections 4.3.1-4.3.4. [This section of the kit includes 14 downloadable resources that may also be considered as individual resources for this session.]

IPEC: *Trade union resource manual on child labour – Module on child trafficking*, Geneva, ILO (draft forthcoming 2009).

ILO: *Human trafficking and forced labour exploitation – Guidance for legislation and law enforcement*, Geneva, SAPFL, 2005.

Protection actions in anti-trafficking work are essentially focused on children and contribute to preventing these particular children from being trafficked, but this does not mean that the crime of trafficking is stopped. The traffickers may move their operations elsewhere or focus on other groups of people (sometimes called ‘displacement and replacement’ or ‘push down, pop up’). Prevention actions are therefore generally focused on addressing the problem of trafficking itself, including demand for exploitation in all its forms.

### Strengthening the legal framework

Countries must have the legal instruments to pursue traffickers and those who facilitate – or demand – their work. The United Nations High Commissioner for Human Rights’ *Recommended Principles and Guidelines on Human Rights and Human Trafficking* call on states to provide for criminal liability for trafficking offences and effective penalties, including those that fall under extradition treaties, and to confiscate both the proceeds and the instruments of trafficking. The guidelines cover the status of the victim in legislation and protection for witnesses. The document notes that one of the major

obstacles identified in the fight against trafficking is the lack of specific and/or adequate legislation and calls on countries to amend or adopt legislation so that the crime of trafficking is precisely defined.

Despite this, many countries still do not have specific anti-trafficking laws. Legislation and law enforcement are often also weak in relation to those sectors of the labour market where many trafficked children end up, such as domestic labour. Because labour inspectors and law enforcement officials cannot readily enter the ‘premises’ in which domestic labourers are to be found – generally private homes – these workers are denied the protection that the law should offer them.

The Palermo Protocol calls for the criminalization of corruption on the part of public or other officials that allows trafficking to occur. This ranges from border guards who turn a blind eye to irregular documentation, to civil service agents who provide illegal documents – for example a copy of someone else’s birth certificate so that the trafficked child’s age can be hidden – and others who, in various ways, contribute to trafficking.

## Promoting safe, legal migration for decent work for youth of legal working age

In recent years there has been a growing realization that one of the important ways of preventing child trafficking (and indeed adult trafficking too) is to promote safe, legal migration for those of legal working age, so that they are able to seek out decent work or training if it cannot be found in their place of origin.

Safe, legal migration is not the same as open borders – just opening up borders and letting people move freely across them is a recipe for uncontrolled migration and vulnerability to exploitation as people move with no means of support. Rather the answer is ‘migration governance’ – putting in place procedures for safe migration of young people of working age and adults, based on cross-border or inter-provincial cooperation among governments, and measures to ensure that people who do migrate have a clear path to employment and stability. This also means making sure that the labour market realities of origin and destination places are well understood and form part of the migration management plan. This would allow for the promotion of migrants into a certain place where there is a shortage of skills (or unskilled labour) in a controlled way with safety mechanisms built in.

It is important to accompany a strong, fair migration policy with ways of letting people know how it works and what it means for them. It is particularly important to make sure that those who might be likely to want to move for work (or for other reasons) know how they can do so safely. To do this, it will be necessary to identify who these people are. Migration services should be made accessible to the target group and relevant to their needs. Ideally they should be offered in target communities, geared towards the specific needs of girls and boys of working age, and offered at times of the day and week that are convenient to them.

## Registration, licensing and monitoring of employment agencies

The registration, licensing and monitoring of recruitment agencies, travel agencies, temporary human resource bureaus and other agents involved in recruiting, organizing and facilitating labour migration (both domestic and cross-border) is an essential element in preventing trafficking. Such registration, licensing and monitoring should include provisions that apply particularly to the recruitment and movement of people under the age of 18 years of age. A range of issues must be taken into account: checks on the age of the child (has s/he reached the minimum working age in the country in which s/he will be employed? Is the family supportive of the child seeking work? Are there any indications of coercion in the child’s leaving? Is the employer known and does s/he have an anti child labour policy?) Registration and licensing have to be accompanied by monitoring for compliance and sanctions for non-compliance. Such regulatory processes are particularly important for sectors that are open to abuse and often completely unregulated, for example domestic labour.

One important point to remember also is that, if one or both parents or the whole family are migrating for work, there may be child protection issues that should be checked. In some seasonal work, for example, children are obliged to work alongside their parents as a condition of their employment. Often workers’ organizations in the country of destination will have insights into such exploitative practices.

In late 2007, ILO-IPEC’s subregional trafficking programme in the Greater Mekong Subregion (TICW) convened consultative meetings at the national and subregional levels to discuss commissioned multi-country research and to develop guidelines on good migration recruitment practices. The guidelines were approved at TICW’s tri-partite



Sub-Regional Advisory Committee meeting in November 2007 and the COMMIT Senior Officials Meeting in Beijing in December 2007.

TICW also developed a training programme and materials on applying the guidelines. The objective of the course was to train mid-level government officials, workers' and employers' representatives (especially recruitment agencies) on the strengths and weaknesses of the current migrant recruitment system and on ways in which they might improve the system.

At the end of the first training course, a list of challenges and recommendations was drafted. Although this was put together in relation to two countries participating in the course specifically, it gives insight into many of the elements to be considered in relation to the work of recruitment agencies in facilitating safe labour migration and so reducing the risk of would-be migrants and their families falling victim to traffickers. The following list of challenges has been edited to take out specific country details.

### Challenges regarding pre-departure procedures and services

- There are long delays at three of the stages of the process – advertising vacancies, obtaining travel documents, and obtaining a work permit. (Note that it is at this point that specific issues relating to migrating minors should be checked.)
- Many migrant workers have no identity documentation and it takes a long time to verify their identity and obtain passports. (Specific attention must be paid to documentation to ensure that the age of a migrating child is verified and that there has been no falsification of documents by people aiming to move or exploit the child.)
- Unfortunately, in most cases workers have to pay for pre-departure training, which can put them in debt. (Debt, of course, is a risk factor for children moving to find work because it sets up a dependent relationship.)

- Workers' and other mass organizations are not included in the development and delivery of pre-departure training. (Workers' and employers' organizations, as well as NGOs and other civil society agencies, can play an important role in ensuring that child protection issues are monitored.)
- There is a lack of awareness about employer expectations for work standards and conduct in the destination countries (e.g. working hours).

### Challenges regarding regulation of recruitment agencies

- Brokers and people in authority may make false promises to workers in provinces on behalf of recruitment agencies. (This would constitute deception.)
- Lack of trained inspectors.
- Fees are charged for the processing of documents at each level of government. The forms and amounts charged vary from province to province.
- There is no publicly available information about the costs breakdown, especially the recruitment service fees.
- A large portion of the recruitment costs are for services in the receiving country – these costs can be quite high and it is unclear what the breakdown of these costs is.
- There are no low-interest loans available for workers who cannot afford the recruitment costs (e.g. loans provided by government). (Note that all these points relating to fees are significant in the case of young workers, since they might conceivably lead to a situation of debt bondage or a relationship of dependency.)

### Challenges regarding working conditions and rights

- Often there is no labour attaché from the receiving country posted in the sending country.
- No clear understanding or information about why workers return prematurely
- Government should have a strategy to provide and manage information, even in remote areas.
- Workers who are under 18 years migrate informally because they are not able to migrate through formal channels.

### Promoting decent work

In recent years, the ILO has brought its anti-child trafficking work under the umbrella of its overarching policy to promote and ensure Decent Work. The thinking behind this is clear: where adults and adolescents of legal working age can earn a fair living, with access to their rights as workers, they and their families are less likely to be vulnerable to exploitation, discrimination, trafficking and child labour. Their communities and countries are more likely to be able to achieve the development goals agreed by the international community, including the goal of education for all children.

The tools of decent work are important tools to combat child trafficking: labour inspections, for example, are vital to reducing exploitative labour practices, including child labour. Important to the promotion of Decent Work and to its role in reducing the vulnerability of young people of working age is the concept of 'good demand'. This recognizes that encouraging employers to recruit young people of minimum working age and to make opportunities available to them in the context of Decent Work is one way of protecting these young people from exploitation, including through trafficking.

## Demand reduction

In contrast to 'good demand' for labour, there is also what has been called 'bad demand'. This is characterized by:

- pressure for cheap and subservient labour;
- weak or absent labour law enforcement;
- informal and unregulated forms of work;
- restrictive migration policies; and
- a lack of organization or representation of workers.

(In some specific areas, such as commercial sexual exploitation, there may also be particular factors that underlie 'bad demand',

for example a preference for sex with children or young women.)

Tackling these factors and in particular recognizing that most occur at destination, rather than at source, is fundamental to preventing trafficking. In recent years, there has been a shift towards the realization that 'prevention' cannot only happen at the source/sending end of the trafficking chain but also at destination/receiving end. This reflects the reality that trafficking includes both movement and exploitation, and that addressing the exploitation component, including at destination, is a valid way of preventing trafficking from occurring.

## Prevention: What can GWEN do?

### G – What can Government do?

- Governments are responsible for putting in place the legislative framework that is instrumental in preventing child trafficking. This includes anti-trafficking legislation, migration and labour laws, as well as legislation relating to child protection generally. A complete battery of anti-trafficking legislation will also cover areas such as money laundering, the intermediary 'services' involved in trafficking such as counterfeiting of documents, corruption of officials etc.
- Labour market regulation and monitoring are primarily the responsibility of governments and, in this regard, should include appropriate attention to issues related to child trafficking and exploitation.
- In implementing the law, governments can also do much to promote safe, legal migration and provide services to people who wish to seek work legally within a country. This includes providing accessible, updated information on migration, recruitment services, labour laws and rights, and support services at both source and destination. Programmes like the ILO's 'Travel smart, work smart' initiative, which is run jointly by governments, NGOs and the ILO, are useful in getting information to potential labour migrants that will help them to make the right choices as they prepare to move or to encourage younger members of their family (above the minimum working age) to migrate for work.
- In relation to labour migration and especially the movement of young people (of working age) for work, governments are also able to make sure that the visa system in their country is designed to provide conditions that reflect both the right to work and other rights. For example, temporary work visas should not have conditions imposed upon them that might empower traffickers, for example by stipulating that an employer should hold on to the travel and identity documents of a worker.

### **W – What can Workers and Workers’ organizations do?**

- Workers’ organizations are well placed to campaign for ratification and effective implementation of relevant international legislation, and monitoring effective implementation, and pressuring employers and employment agencies to be vigilant against the use of trafficked child labour in their supply chain and effectively monitor their effective implementation through presence on the work floor;
- The role of workers’ organizations may vary depending on whether they operate in sending or receiving areas, but in both these instances, counselling for (potential) migrant workers on their rights is appropriate. Workers’ organizations are well placed to implement destination-side prevention programmes, especially those designed to integrate migrant workers and prevent their exploitation.
- Workers’ organizations can target ‘bad demand’ by identifying unscrupulous employers/exploitative workplaces, helping workers to recognize these and putting in place suitable processes for reporting these to the appropriate authorities.
- In relation to promoting safe migration, workers’ organizations should pay attention to young migrants, look out for illegal employment brokers/recruiters, ensure viable, monitored contracts and designate trained supervisors for these purposes.
- Workers’ organizations can offer training (including in labour rights in the host country, systems of redress etc).
- Workers’ organizations have an important role to play in supporting labour inspections and in educating and encouraging all workers to cooperate with these inspections.

### **E – What can Employers and Employers’ organizations do?**

- Employers are well placed to develop policies against exploitative labour and to identify unscrupulous employers who exploit labour and turn a blind eye to trafficking. This is a sensitive area since employers may not wish to ‘police’ other employers, however it makes good business sense to eliminate unsound work practices that could ultimately result in price pressures, for example, or consumer boycotts.
- Employers are able to cooperate with labour inspectorates to this end, as well as with workers’ organizations and law enforcement.
- Employers’ organizations have in some countries introduced anti-trafficking statements and actions in bipartite and tripartite negotiations and agreements.
- Employers’ organizations are also able to use their influence to lobby governments to act decisively against unscrupulous employers and workplaces and to introduce and implement effective legislation to this effect.

## **N – What can NGOs and international organizations do?**

- NGOs, international agencies and other civil society organizations have an important role to play in working with government to ensure the rights-based development of laws and policies. This includes particular attention to the best interests of the child, gender sensitivities, and an absence of discrimination and exclusion of elements that exclude some groups.
- Agencies can develop and implement safe migration programmes and provide support programmes to the migrant population, as well as destination-side prevention programming, for example working with employers and workers' organizations to report exploitative workplaces.



**See Exercises 30, 31, 32, 33 in the Exercise book.**

---

## Section 2.4 Prevention (continued)

### Resources for this section:

*IPEC: Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 4, section 4.3.5. [This section of the kit includes 3 downloadable resources that may also be considered as individual resources for this session.]

*ILO: Employer handbook on Combating forced labour; a handbook for employers and business*, Geneva, SAPFL, 2008.

### Supply chain interventions

Child trafficking can and does occur into labour, and this labour may be just one link in a complex chain of production or supply. For example, a piece of fashion clothing produced by a reputable garment manufacturer may have been manufactured by workers whose conditions of employment fully conform to labour standards. But what about the buttons on that garment? Or the decorative trim at the neckline? Or the cotton picking that preceded it?

At any stage of the supply chain, children (and indeed adults) may have been exploited, and may have been trafficked into that exploitation. As sub-contracting arrangements become more complex and increasingly global, it is an enormous challenge to check every link in the chain and be able to guarantee that end products are, indeed 'child trafficking-free'. This is increasingly, however, what consumers desire and require. A number of high profile campaigns in some sectors against reputable manufacturers whose supply chains were shown to include exploitative sub-contractors, have illustrated in recent years how vulnerable reputable employers can be if they are not fully aware of all the elements of their supply chain, all the sub-contractors used (and the sub-contractors of their sub-contractors) and cannot guarantee 100 per cent that their output is child trafficking/labour-free.

To prevent this from happening, it is crucial to have transparency with regards to all actors in the supply chain, and stringent monitoring by independent and well resourced agencies.

### Global frameworks

A number of frameworks have been developed that promote corporate social responsibility (CSR) and ethical business in relation to child labour and child trafficking. The 1977 'Tripartite Declaration of Principles concerning multinational enterprises and social policy' (MNE Declaration) is one of the foundations upon which the corporate social responsibility movement is built. It includes a statement on multinational enterprises' duty to take immediate and effective measures within their own competence to secure the prohibition and elimination of the worst forms of child labour including child trafficking as a matter of urgency. The third section of the Declaration, entitled 'Conditions of work and life' covers minimum age requirements.

In 2007, an ILO forum marking the thirtieth anniversary of the MNE Declaration underlined the changing environment in which multi-national enterprises operate including the challenges global companies face because of the growth and complexity of supply chains and the fact that sub-contracting reaches down into the



informal, unregulated economy. The importance of harnessing the strength of tripartism and the cooperation of employers and workers in upholding, implementing and monitoring the impact of the MNE Declaration was stressed.

The United Nations-led Global Compact is another framework that supports environmental and social principles, which includes principles on the effective abolition of child labour, including child trafficking. The Global Compact is not a mechanism to check compliance, a mandatory set of guidelines or a regulatory system. It is a voluntary initiative that is a valuable platform for social dialogue and a mechanism that allows businesses to demonstrate a position of leadership and demonstrate the values that characterize the enterprise. The Compact also provides companies with access to UN expertise, for example through the sharing of experiences and learning among like-minded companies and organizations.

### Corporate social responsibility

Companies, small and big, local and multi-national, can enshrine the values that they stand for and that they believe all their management, workers, suppliers and sub-contractors should uphold in a code of conduct/ethics or similar statement. To date, very few codes that have been developed include an explicit statement rejecting child labour or child trafficking, and details on what the company will do to contribute to eliminating them.

When a code of conduct is in place, it should be actively used: as a measure to evaluate candidates for jobs in the company, as part of initiation briefings and training, when performance is evaluated and when employers and workers' organizations sit down to discuss progress and negotiate terms.

Codes of conduct and other value statements can also be used to indicate to customers and the broader public what the company

stands for (and is in that way also a form of awareness raising about child labour and child trafficking). Smaller companies may not have the resources to do this regularly or actively, but some multi-national corporations issue annual Corporate Social Responsibility (CSR) reports, including on how the code of conduct has been implemented. These may describe supply chains and outline policies and practices that are designed to keep the supply chain child labour/trafficking-free.

### Other supply chain interventions

In recent years, a number of multi-stakeholder initiatives have been launched that reinforce partnerships at industry level to, among other things, commission research, implement pilot projects and develop model codes supported by exchange of good practice and experience.

The Ethical Trading Initiative (ETI) is an alliance of companies, workers' organizations and NGOs that aims to promote and improve the implementation of codes of conduct/ethics covering supply chain working conditions. The ETI is UK-based and focuses on workers producing for the UK market. The ETI has developed the ETI Base Code, which is a model code indicating the minimum elements that all company codes should cover. Section 4 states that 'child labour shall not be used' and, although there is no specific mention of child trafficking in the ETI Base Code, there is an overarching reference to the fact that "policies and

procedures shall conform to the provisions of the relevant ILO standards". Companies that join the trading initiative commit to implementing the ETI Base Code in their supply chains and reporting each year on progress.

The ETI Base Code complies with 'SA8000', the Social Accountability 8000 Standard developed in 1997 (revised 2001) by Social Accountability International (SAI). SAI convened an international, multi-stakeholder advisory board to coordinate the development of standards and systems relating to workers' rights. This multi-stakeholder partnership includes workers' organizations, retailers, manufacturers and contractors, human rights organizations and consulting, accounting and certification firms. SAI coordinates independent verification of compliance of SA8000, public reporting on progress, training and research. The first element of SA8000 covers child labour, and is based on ILO Minimum Age Convention, 1973 (No.138).

SA8000 forms the basis for other multi-stakeholder partnerships that have adopted the minimum elements of the standard in the codes that they promote to their members. The US-based Fair Labor Association, for example, has developed the model FLA Workplace Code of Conduct that reiterates the minimum age requirements. However, none of these initiatives specifically addresses child trafficking nor indeed human trafficking.

## Prevention (continued): What can GWEN do?

### G – What can Government do?

- The central role of labour inspections should be stressed by government, including through information campaigns, and labour inspectorates must be adequately resourced.
- Governments can do much to support the efforts of business in promoting standards and practices that focus on raising awareness of and eliminating child labour and child trafficking. Among other actions, the award of ‘ethical business’ labels or prizes to companies that put in place monitored, reliable codes of practice that apply at all levels of the supply chain are both a way to reward ethical business practice and promote consumer awareness.
- The arms of government that deal with labour, trade and commerce can provide support to the development of CSR statements and practices.

### W – What can Workers and Workers’ organizations do?

- Workers’ organizations and employers can together develop, implement and monitor CSR statements and codes of conduct that include specifics on fighting child trafficking.
- Workers’ organizations are well placed to engage the informal sector and to organize workers in the informal sector with a view to ensuring their rights and monitoring compliance with standards, including in relation to child labour- and trafficking-free workplaces.
- Workers’ organizations can contribute to promoting cooperation with labour inspections as a legitimate contribution to CSR and upholding labour laws and standards.

### E – What can Employers and Employers’ organizations do?

- Employers are individually responsible for supply chain management, including sourcing, procurement, logistics and coordination with all points of the chain. Theirs is the primary responsibility for ensuring that all links in the chain are child trafficking-free and that company policies and processes in this regard are communicated to suppliers, intermediaries and customers. However employers’ organizations can contribute by participating, with workers’ organizations, in the development and monitoring of international framework initiatives (examples are in the automotive and garment industries).
- Management and workers of individual companies should develop ethical procedures within the company and transmit these values to suppliers and sub-contractors, and monitor compliance.
- In respect to child trafficking in particular, attention needs to be paid to recruitment and hiring, including of short-term casual labour. Employers’ organizations and workers’ organizations can promote and facilitate good practice exchange related to workplace-related processes, structures and mechanisms for recruitment and hiring to ensure that they are child trafficking-free.

- Employers have been called upon to engage the informal sector in adhering to child trafficking-free practices, including through bringing them in to employers' organizations and sectoral groupings.
- Employers and workers together should develop codes of practice and monitoring processes that underpin the company's values in relation to child labour, child trafficking and child protection.
- Employers' organizations can contribute to promoting cooperation with labour inspections as a legitimate contribution to CSR and upholding labour laws and standards.

#### **N – What can NGOs and international organizations do?**

- NGOs and international agencies are often called upon to 'police' supply chain processes by media and consumer groups and to 'expose' instances of child labour and child trafficking. This is not always helpful if the result is a boycott of products and services that might lead to a lay-off of workers.
- NGOs and children's agencies have much to offer governments, employers' and workers' organizations in putting in place appropriate policies, codes and processes aimed at protecting children from child labour and exploitation, and can work pro-actively to establish child protection mechanisms and make these known.
- NGOs and children's agencies are also able to contribute to employer-run projects designed to reinforce the resilience of children and families in areas that are known to be source or destination points in child trafficking chains.



See Exercises 34, 35, 36 in the Exercise book.

## Section 2.5 Law enforcement

### Resources for this section:

*IPEC: Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners, Geneva, ILO, 2008, Book 4, sections 4.4.1 and 4.4.3. [These sections of the kit include 1 downloadable resource.]*

Effective law enforcement against traffickers is a major deterrent to trafficking. Bringing these criminals to justice and increasing the chance that traffickers get caught, is the surest way to send a clear message that child trafficking will not be tolerated. It is also a strong deterrent to casual traffickers and to those who help them or exploit the children they supply.

Prosecuted traffickers may desist from trafficking again if their operations are small-scale and the losses incurred (or the sanctions imposed) no longer seem worth the risk. Even large-scale, organized trafficking rings may be at least temporarily interrupted by law enforcement actions if the penalties meted out are strong enough to be seen as significant by traffickers, particularly in relation to the substantial profits that are to be made. The sanctioning of traffickers presumes clear and unequivocal laws that can be used not only to bring them to justice but also, through confiscation of their assets, dismantle the mechanisms they use to traffic and exploit children. Confiscation of assets and financial compensation for victims is both a deterrent to traffickers and an appropriate support to those who have been affected by their actions.

The United Nations Secretary-General's Study on Violence against Children called on governments to increase their efforts to punish child trafficking, recommending 'vigorous law enforcement action' while ensuring that trafficked children, or those who are used to traffic drugs and weapons, are not re-victimized as criminals (Violence in the Community, Recommendation 8).

The public reporting of prosecutions is also important, because it lets other traffickers know that law enforcement is being successful. Public reporting of prosecutions is also important because it helps to break down social indifference – something that is often a result of apathy and ignorance rather than a positive tolerance of criminal activity. Reporting and a consequent belief that law enforcement is being successful against traffickers also helps to address the fears that people may have that 'nothing can be done' to stop trafficking or bring traffickers to justice.

Law enforcement in relation to trafficking applies not only to the implementation of criminal law but also labour law, which is a potent weapon in anti-trafficking efforts. It has to be borne in mind however, that labour law cannot reach into the underground economy or unregulated workplaces. It is important that those working in the legal professions understand trafficking, labour exploitation and the realities of the underground economy. They also, of course, should appreciate issues relating to victim protection and rights.

### Identifying traffickers and trafficking incidents

Although trafficking is a clandestine affair, its results often hidden away behind the closed doors of exploitative workplaces, there are times when it comes more prominently into public view. The most visible moments in trafficking are:

- during recruitment;
- when a border is crossed; and sometimes
- when children are being exploited.

Recruitment is by nature a relatively open process since it often works by word-of-mouth and by person-to-person connections being made. Border crossings are relatively open to scrutiny. Transport hubs are also places where traffickers and children may be recognized – for example bus and railway stations, ferry terminals or airports. Exploitation by unscrupulous employers in a range of different sectors and types of work is sometimes visible to the public – for instance when children work on plantations or in agriculture, or when they are involved in organized begging.

The instances when trafficking is visible provide some opportunity for interrupting the trafficking event, although it is important to stress that such actions are the business of law enforcement because of the danger they present. There is also a role, however, for NGOs, social welfare agents and others to stay alert to recruiters and traffickers, report these when they are identified and above all be ready to support the children who may be rescued if the traffickers are interrupted.

### Traffickers and exploiters at destination

It is important to remember also that unscrupulous employers, who generate ‘bad demand’ for trafficked children, are a significant element in the trafficking chain and are considered traffickers (because they have ‘received’ trafficked children and conform to the Palermo Protocol’s definition of trafficking). Identifying exploitative employers and bringing them to justice is an important element of law enforcement. This may occur through police actions but also through the work of labour inspectors who identify cases of child labour/child trafficking and use the power of labour laws to bring exploiters to justice.

### Improving law enforcement and ensuring punishment of traffickers

The role of the judiciary in bringing the full weight of the law to bear on trafficking cases is crucial, and it is therefore important that judges, prosecutors and attorneys are well versed not only in the laws that apply in child trafficking cases but also in labour laws that provide the framework in which exploitation can be identified and punished.

This should ideally be covered in advanced training courses for those entering the legal profession, however it is also important that knowledge of labour law and of the growing battery of anti-trafficking instruments should be updated through regular briefings and training of practising law enforcement personnel. NGOs and international agencies have been instrumental in providing awareness raising and education to legal personnel on trafficking and victims’ rights.

The proof of improved law enforcement is in the number of successful convictions and measure of punishment imposed on child traffickers. Annually updated records on these are valuable in measuring progress.

### Supervision of the implementation of relevant ILO Conventions

Most countries have ratified the ILO Conventions on child labour (Nos. 138 and 182) and forced labour (Nos. 29 and 105). Supervision of the implementation of the Conventions is based on governments’ bi-annual reports submitted to the ILO. Governments are expected to consult employers’ and workers’ organizations when they draw up periodic reports. This consultation is obligatory if a country has ratified the Tripartite Consultation Convention, 1976 (No. 144).

National workers’ and employers’ organizations, who receive copies of the



government report, are encouraged to submit their own comments and observations on reports by governments – including on efforts to fight child trafficking. The government reports and comments provided by employers and workers organizations are examined by an independent supervisory body, the Committee of Experts on the Application of Conventions and Recommendations (CEACR), which adopts comments regarding the application of a Convention by individual countries. Its report is submitted to the International Labour Conference, where it is

discussed by a tripartite committee. The comments of the Committee and the discussions at the Conference are public.

Workers' and employers' organizations can make their views known to the government or submit them directly to the ILO in a simple letter. Such submissions are important, because they allow for a fuller assessment of government reports. Increasingly, workers' and employers' organizations benefit in their submissions from inputs by NGOs and others such as academic researchers.

**Law enforcement: What can GWEN do?****G – What can Government do?**

- Governments are responsible for introducing, reviewing and enforcing national legislation in line with international commitments.
- Governments are responsible for regulatory and/or legislative regimes, for example relating to residence permits and the licensing of recruitment agencies.
- Governments are responsible for periodic reporting to the ILO after consultation with employers' and workers' organizations, and for other scheduled reporting to, for example, the Committee on the Rights of the Child (including on issues related to child labour and child trafficking).
- In line with international commitments, governments also have responsibility for ensuring that the rights of children who are victims of trafficking are appropriately accompanied throughout law enforcement and legal proceedings and that their rights to protection, confidentiality, legal representation and recourse etc. are upheld.

**W & E – What can Workers' and Employers' organizations do?**

- Workers' and employers' organizations play an important role in consulting with government when the latter submit reports to the ILO. They may also submit separate reports to the ILO.
- Workers, employers and the organizations that represent them are a key element of law enforcement at destination, since they are well placed to observe and identify those who exploit children, including as a result of trafficking. Such organizations can work alongside labour inspectors to report cases of which they become aware.
- Some specific sectors have an important contribution to make to identifying traffickers and trafficking routes. These include transport workers and companies, and workers in high-risk sectors where there may be a large unregulated and/or migrant workforce (construction, tourism, seasonal agriculture for example).
- It is important to bear in mind the risks inherent in reporting incidences of trafficking. The safety of those who have information to provide to law enforcement officers must be taken into consideration at all times.

**N – What can NGOs and international organizations do?**

- The focus of NGO and agency support to law enforcement should be the child. NGOs are well placed to provide capacity building to law enforcement to help them understand issues of child protection and the needs of children during law enforcement operations. NGOs and agencies can provide support services directly to the children and work to ensure their protection.
- International agencies have a specific role in providing technical assistance to governments, workers' and employers' organizations in the preparation of reports to the ILO and treaty bodies such as the Committee on the Rights of the Child. NGOs may provide inputs to the former and are able to submit separate reports to the latter.
- NGOs and international agencies working for children have an important support role to play in law enforcement. Their safety, also, must be considered and it is not advisable for child rights workers to attempt to intercept traffickers or intervene in law enforcement operations.

 See Exercises 37, 38 in the Exercise book.

## Section 2.6 Law enforcement (continued)

### Resources for this section:

*IPEC: Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners, Geneva, ILO, 2008, Book 4, sections 4.4.4 and 4.4.5. [These sections of the kit include 2 downloadable resources.]*

### Identifying recruitment patterns and reporting recruiters

Communities are often involved in surveillance of traffickers and intermediaries, because they are best placed to know who is doing what within their community. The ILO has had considerable experience in establishing, training and supporting 'community watch' teams that report on trafficker/recruiter activity (and who additionally can provide information on shifting vulnerability in the community and at-risk children or families). These grassroots-level surveillance teams (sometimes also called 'vigilance committees') need to have access to reliable, confidential reporting processes that prompt rapid response and that do not put them at risk of reprisals.

Similar grassroots surveillance can also occur within other kinds of 'community' – for example around transport hubs such as bus stations, where the 'community' of food and drinks vendors is often ideally placed to observe patterns of movement and the people who are moving. Such 'informants' are often a vital link in law enforcement although, naturally, they should never be put at risk. Here also, reliable, confidential reporting lines need to be put in place, and reports should prompt a speedy response or they will not be used.

### Rapid response teams

What do the vigilance or community watch members do when they become aware of trafficker/recruiter activity, increased vulnerability or the movement of children? They cannot just intervene themselves but need to call on others to act: police, local authorities, immigration officers, social workers or others. The back-up to monitoring therefore has to be a group of different people ready to act speedily according to the specific needs of the situation and contactable through a single contact point.

In some countries this multi-sectoral response team can be activated through a well publicized telephone hotline number. The person who takes the call has to be trained to react quickly to determine the needed service(s), provide referral and ensure that service(s) are offered, and keep a record. The telephone hotline model only works however where people regularly use the telephone as their means of communication. The key to rapid response is to base the channel for that response on a clear understanding of how people communicate information speedily – it may well be by telephone, but it could also be by sending an SMS message or an e-mail, or by getting on a bicycle and going to the local police station, or maybe running to the local place of worship and calling the person in charge.

In many communities, the local police post is an obvious first point of call. Child-friendly police desks at community level are staffed by police officers who have received special training in child-related issues such as trafficking, exploitation, violence and other crimes. They can mobilize other services such as child-friendly lawyers, and social workers who focus on children's issues. Similar drop-in centres may be housed not in the police station but in the offices of a child welfare service or an NGO or, for reporting or advice on child labour/exploitation particularly, in the office of a trade union.

It is important to remember, of course, that rapid response is only a first step. Rapid response procedures must have built into them plans for responding to children's longer-term needs. This can be done in different ways but is often addressed through a referral system so that, when the immediate needs are addressed, an assessment is also made of the likely medium- and longer-term needs of the child and who is best placed to ensure that these are taken care of (it does not need to be the rapid response team itself but the team should have the means to know who to refer the child to).

### Law enforcement (continued): What can GWEN do?

#### G – What can Government do?

- It is important that governments understand that there is an unbreakable chain between the actions of community/grassroots organizations and other levels of law enforcement and governance. Governments – particularly at local and provincial levels – can learn a great deal from information provided to them through community watch groups and should make a local government representative available as a liaison person. Ideally, this person should also provide support, both in facilitating the development and maintenance of reporting lines and through practical help in funding or equipment.
- Very often, community groups – especially women's groups operating in male-dominated communities – say that they have valuable information about what is happening to children in their community but do not know where to go to prompt action to be taken. It is the responsibility of governments to make sure that such avenues are open and that community groups know about them and trust them.
- Governments are instrumental in promoting a policy of multi-disciplinary response and supporting multi-sector teams in practical terms. Coordination across different ministries must be smooth if multi-disciplinary team members are to feel comfortable in a team that moves outside the boundaries of their normal management lines, and this can only happen if the signal from leadership is positive.
- Since multi-disciplinary teams also involve cross-ministry/agency budget requirements, there needs to be good cooperation to make sure that all members of the team are fully resourced and that the team can function. This also requires a clear signal from the highest echelons of government through policies promoting multi-disciplinary action.

**W & E – What can Workers' and Employers' organizations do?**

- The workplace is itself a 'community' and the concept of community watch/surveillance can similarly apply to the workplace. Workers' organizations are able to mobilize workers and encourage the creation of workplace anti-trafficking surveillance/cooperation teams that, additionally, could also be tasked with keeping oversight of the welfare of young workers, migrant workers or other potentially vulnerable groups.
- At the level of the workplace, there will need to be procedures for reporting suspected instances of child trafficking, traffickers or children at risk. Often this is done through a union official or nominated representative to a specially constituted committee of workers' representatives. In some instances, employers may also participate in the committee.
- Employers should be consulted in relation to workplace committees and contribute to them by, for example, making time available during working hours for them to meet, funding posters or other means to publicize the reporting mechanism or in other ways negotiated with the workers' organizations concerned.
- Some specific sectors have privileged access to children, or potentially contact with children at risk or being trafficked and can reach out to them to offer help. Such workers include teachers, transport service staff (bus or railway station personnel, for example) or taxi drivers, for example.

**N – What can NGOs and international organizations do?**

- NGOs and international agencies are able to work closely with communities in source, transit and destination places to establish and equip community watch/surveillance teams and help put in place appropriate reporting and referral mechanisms. This support may include community consultation, training, financial assistance, necessary equipment (for example bicycles to help team members to get around, or a meeting room), case management training and facilities.
- Agencies are important partners in putting a case to local, regional or national authorities to support community surveillance teams in the long term.
- The same is true of child-friendly police desks, which require ongoing support after their initial establishment (i.e. assistance, training and procedural help). Child-friendly police desks also need to be publicized so that children know about them, and in this children themselves are important partners.



See Exercises 39, 40 in the Exercise book.

## Section 2.7 Victim assistance

### Resources for this section:

IPEC: *Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 4, sections 4.5.1 – 4.5.3. [These sections of the kit include 3 downloadable resources.]

IPEC: *Child-friendly standards and guidelines for the recovery and integration of trafficked children*, Bangkok, ILO, 2006

UNICEF: *Guidelines on the protection of child victims of trafficking*, New York, September 2006

UNICEF: *Reference guide on protecting the rights of child victims of trafficking in Europe*, Geneva, 2006 (Implementation guide to accompany the UNICEF guidelines)

### Victim identification

It is vitally important to speedily identify children in a trafficking situation as victims of trafficking, in order to provide protection and make sure that the child's rights are safeguarded. Identifying victims and referring them to appropriate services is the responsibility first of all of government services such as immigration officials, labour inspectors and police.

One of the most important reasons for having specific anti-trafficking laws in a country is so that the status of 'trafficking victim' is enshrined in law. The trafficking victim has very specific needs because of the nature of the crime committed against them. For example, the fact that they are removed from family and support networks greatly increases their suffering and means they are likely to feel particularly isolated. In situations of cross-border trafficking, trafficked children may not be able to speak the language of the place they find themselves in and so be unable to express their fears or needs. Once the status of 'trafficked person' is clear in law, then it is much more likely that the provision of appropriate support services will be on the political agenda.

The identification of the trafficking victim is not, therefore, a matter of picking them out of a crowd at a transport hub, or recognizing them in a clandestine workplace (although of course these forms of identification are also important). It is more than anything recognizing their specific needs and knowing how these grow out of the very fact that they have been trafficked.

### Needs assessment and appropriate response

When children are removed from a trafficking situation or when they return by themselves or, occasionally, are sent back by traffickers because they are no longer 'useful', that is far from the end of the trafficking event.

Children who have been trafficked need special assistance to help them to recover their lives or build new ones. From the outset of what is sometimes called the 'rehabilitation and reintegration' process, children should have an appointed guardian – perhaps a trained NGO staff member, a social worker or some other dedicated person – to accompany them through the steps they will take as they begin rebuilding their lives. UNICEF recommends immediate appointment of a guardian to accompany the child through the first steps of recovery and



up to the age of majority (or until the child leaves the jurisdiction of the state if s/he is relocated). The guardian's task is to

- be an advocate for the child;
- ensure all decisions are in the best interest of the child;
- ensure appropriate care, legal assistance and rights of the child;
- be a link between the child and various agencies; and
- accompany the child throughout the entire process.

Children may or may not be traumatized by their experience and a prompt assessment of their psychological and physical health, as well as their material and family situation, is vital so that appropriate steps can be taken to help them.

Article 39 of the CRC specifically states that "States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of child victims". Throughout the process of assessment and in all dealings with children who have been trafficked, it is important

never to lose sight of the children's rights and their needs. Their best interests should be paramount in all actions, even when it may seem urgent to pursue a trafficker or get information.

UNICEF has developed a tested set of guidelines on the protection of child victims of trafficking that provide a comprehensive but succinct guide to appropriate responses. These underline the child's right to non-discrimination, to express her/his views, to receive appropriate information, to confidentiality, and to be protected.

The guidelines also cover in detail important principles such as presuming - if a child has no documentation to prove her/his age - that s/he is under 18 and therefore a child in international law. Where states proceed to try and verify the child's age in the absence of official documents, this must be done in a way that causes no harm to the child. Where possible, the child should be helped to return to and live with her/his family in the first instance, and that family may need assistance to allow this to be successful. There are other guidelines on appropriate ways to interview

the child, regularizing the child's status, and providing interim care and assistance.

Safe accommodation of course is an important element of providing stability and comfort to the child and also must take into account any possibility of the trafficker(s) or exploiter(s) attempting to reach the child. The guidelines outline the need to find a 'durable solution' that will ensure the child's medium- to long-term safety and ability to survive.

The importance of taking an individual approach to each child is also stressed. Each child is different and each child's trafficking experience is different, so a custom-made response for each child is needed. This can be done through individual assessment of each case so that decisions in the best interest of each child can be made. These can then be followed through by tracking the child's progress in a confidential case management system.

### Case management and service packages

Case management is a system that includes assessing, planning and responding to each individual child who has been trafficked, from the point of intake to their eventual successful (re)integration, and sometimes after. It has five basic features:

- Collecting facts and evidence;
- Protection of the trafficked child;
- Assessment and planning of appropriate treatment and services;
- Implementation of treatment and recovery services;
- Planning and implementing of a social (re)integration programme.

Clearly implementing a case management system cannot be the task of one organization, so a multi-disciplinary approach will be necessary, with various agencies taking on the tasks most suitable for their

skills, experience and role. The members of a multi-disciplinary team might include medical personnel, psychologists, psychiatrists, social workers, legal professionals and general carers. Together, the team will work with the child and, if appropriate, her/his family to put in place a customized plan to cover all the child's needs.

A service package covers the more practical needs of the individual trafficked child, and might include accommodation, healthcare (including dental care), a balanced diet (taking into account special dietary requirements), legal accompaniment during any legal processes, education/NFE, vocational training, job placement, and life skills training. A decision will have to be taken on whether/how/when the child will have access to her/his family – clearly this is desirable unless there are safety concerns for the child. A trafficked child should also have opportunities for social interaction with other children and the wider community, with due attention being paid to her/his safety and well-being.

### Avoiding double victimization

Importantly, legislation as well as processes and structures often fail to take into account the fact that children who have been trafficked, regardless of their status and circumstances, are victims of crime and not criminals. International instruments stipulate that no matter how children (and adults) got into that situation, they should not be pursued as criminals, illegal migrants or undocumented workers, and their status as victims must be recognized in national laws and in all procedures relating to trafficking.

Children need support services that are tailored to their needs as victims and as children. This applies to support in possible judicial proceedings as well as the support they need either to stay in the destination place or return to their place of origin. Very

often children who have been trafficked are returned to a situation where they are still vulnerable to being trafficked, and so risk being trafficked again. Sometimes such decisions discriminate against certain children because of their sex or their age – for example a trafficked girl may be returned to her family more readily than a boy would be, or an adolescent child may not be given full protection because s/he is seen as ‘old enough to look after her/himself’. If children have been moved across borders, therefore, they need to be able to stay in the destination country until it is safe for them to return, and they will require a range of services for this to be possible, including accommodation as well as education/NFE. This should not be conditional on their giving testimony against their traffickers (there is more on this in the next section).

Child-friendly police desks with trained police officers of both sexes who are sensitive to children’s rights and needs are a further element of response to exploitation and to risk situations. These officers should know and understand what these children have gone through, what their needs are and the rights that are guaranteed to them in law. They should also be alert to the specific needs of girls and boys, and how the needs of children change depending on their age. Such awareness is also important for all those in the judicial system – lawyers, judges, court officials – who come into contact with the children and will be instrumental not only in securing justice for them but also in aiding their rehabilitation through fair treatment and respect for their rights. To this end, the training and support of child-friendly lawyers and court officers – possibly through their respective unions/associations – is recommended.

## Victim assistance: What can GWEN do?

### G – What can Government do?

- Governments have the primary responsibility for providing the social, legal and other services that victims of trafficking require in order to rebuild their lives.
- Where victim assistance services do not exist at the level of local or national authorities and have to be provided by charitable organizations, civil society organizations or private enterprise, then it is the responsibility of government to provide support for these and also to monitor their operations and to ensure that children are at all times protected.
- Governments have a particular responsibility to put in place policies and procedures that not only do not discriminate against child victims of trafficking but also that actively facilitate their rescue, reintegration and rehabilitation. This includes, for example, suitable visas to allow children who have been trafficked into a country to remain in the receiving country until it is safe and appropriate to leave.

### W & E – What can Workers’ and Employers’ organizations do?

- Workers’ and employers’ organizations can contribute greatly to the protection of children of working age who have been victims of trafficking. Legitimate employment for such children (or apprenticeships or skills courses) can be as one step in rebuilding their lives. Being accepted and integrated into the workplace is of paramount importance for such children and both workers’ and employers’ organizations are well placed, for example, to provide mentoring services and help them to access other support that they may require.

- Workers' associations are additionally able to organize the young workers and help them to understand how they can enjoy all their rights.
- It is particularly important that children who have been trafficked and who are entering work at whatever level are not singled out and 'labelled' as trafficking victims, but that their privacy is respected. Both employers' and workers' organizations are also able to implement awareness raising/behaviour change campaigns within the workplace to help all personnel to understand the rights of trafficking victims to rebuild their lives, including through decent work.

#### **N – What can NGOs and international organizations do?**

- NGOs and international agencies are crucial in providing a wide range of initiatives in the field of rehabilitation and reintegration of trafficked children, always with the best interests of the child as a focus.
- In addition to supporting the actions of other actors (see the G,W,E sections above), particularly in assuring that the rights of trafficked children are protected, children's organizations play a role in needs assessment, psychosocial therapy and support, family reunification, the provision of safe housing and basic needs, and reintegration through education/NFE/training.
- Essential to the work of children's organizations in this area are UNICEF's *Guidelines on the protection of child victims of trafficking*. These rights-based guidelines include several general principles which are to be "taken into account during all stages of caring for and protecting trafficked children in the country or place of origin, transit or destination, and in cases of internal trafficking". They include the imperative that all actions undertaken in relation to child victims will be guided by applicable human rights standards and in particular the CRC, and that these rights will not be limited to children who are citizens of a State, but must also be available to all children including trafficked children, irrespective of their nationality and immigration status. The principles also stress that the involvement of child victims in criminal activities should not undermine their status as both a child and a victim. The views of the child victim should be sought and given due weight in accordance with his or her age and maturity and in particular trafficked children should have the opportunity to be heard in any judicial and administrative proceedings affecting her/him, either directly, or through a representative or an appropriate body. There are other guidelines relating to the child's right to information, confidentiality, risk, and protection. The guidelines also spell out the roles and responsibilities of different actors in relation to child victims of trafficking and the need to avoid duplication. It is worth noting in this regard that 'victim assistance' is an important heading in any NAP relating to child trafficking, where respective roles can be assigned.
- ILO-IPEC has also produced a manual on *Child-friendly standards and guidelines for the recovery and integration of trafficked children* (Bangkok, 2006) that cover practical issues such as case management, healthcare, education, life skills, recreation, nutrition and access to family.

 See Exercises 41, 42 in the Exercise book.

## Section 2.8 Victim assistance (continued)

### Resources for this section:

IPEC: *Combating trafficking in children for labour exploitation: A resource kit for policy makers and practitioners*, Geneva, ILO, 2008, Book 4, sections 4.5.4-4.4.10. [These sections of the kit include 4 downloadable resources.]

IPEC: *Rehabilitation of the victims of child trafficking – A multidisciplinary approach*, Bangkok, ILO, 2006

IOM: *The IOM handbook on direct assistance for victims of trafficking*, 2007

### Psychosocial counselling and support measures

ILO-IPEC has piloted a number of methodologies relevant to supporting children who have experienced child trafficking and has developed several useful resources. These include a handbook on psychosocial counselling and treatment for trafficked children and programmes to train local therapists to assess and provide the short- and medium-term psychosocial support that children may need. Key elements of psychosocial counselling include the following:

- As an overarching principle: always keeping in mind the best interests of the child and using this as an indicator for all policies and programmes;
- Taking an individual approach based on the individual child's needs – and seeking their views to learn what these are;
- Ensuring the safety and security of children at all times, as well as the security of those who are providing support;
- Never putting a trafficked child into detention, even for a short time (they are not criminals!);
- Avoid at all costs re-victimization of the child – do not subject them to further punishment;
- Provide temporary or permanent residence for children as long as they do not have a safe place to return to and make sure this

is not conditional on their cooperation in criminal proceedings;

- Take the time and make the effort to rebuild trust to overcome the child's trauma;
- Respect the child's right to privacy and confidentiality;
- Give children, at the appropriate time, access to life skills education, education or training, based on their individual needs;
- Promote social (re)integration by working with the children and the communities that they will live in;
- Make sure that care providers are trained and experienced and that their skills and knowledge are regularly updated.

### Permanent or temporary residence status

Central to a child's ability to building a stable and safer future is certainty of her/his residence status. Children who have been trafficked into a different jurisdiction – within their own country or across a national boundary – must 'belong' somewhere and, if they cannot return home in safety and security, should receive support in settling into the country/city to which they have been trafficked if they wish to do so. This should include full entitlements to education, training, social welfare support and, at the right time, access to the labour market. Similar services should be offered to children that return home.

## Shelters and refuges for rescued children

Many child victims of trafficking need temporary or sometimes medium-term accommodation. This might be because they are going to testify against their trafficker(s) and so need safe accommodation. It might be because they need to be close to counselling and trauma services, or because they have some other health need. It may simply be because they have nowhere else to go. Finding safe accommodation for trafficked children is crucially important but also a real challenge. It often requires costly infrastructure, but also food, clothing and necessary services like education and recreation, health checks and treatment, and the staff to run all this. It must also be gender-appropriate so that girls, in particular, are not put in a potentially vulnerable situation.

## Return and reintegration

Where possible, and in the best interests of the child, children should return to their country or community of origin. But return to the place of origin is not always the best solution for them. The International Organization for Migration has developed a guide on direct assistance to victims of trafficking. It covers security and personal safety, screening of victims of trafficking, referral and reintegration assistance, shelter guidelines, health care, and cooperation with law enforcement agencies.

## Life skills and (re)training/education

Children who have been trafficked have inevitably missed out on schooling and may be ill prepared to enter/re-enter education or may be at an age where they need to begin acquiring skills so that they can find decent work. The child's educational needs should be assessed and appropriate action should be taken to begin to equip the child to build a

safer, sustainable future. This may include transitional classes to re-enter school, NFE or individualized arrangements in lieu of formal schooling and/or vocational training.

## Promotion of social integration through campaigns

The public in the destination place (or place of origin when victims of child trafficking return home) may well misunderstand the status of the trafficking victim and may, for various reasons, fear that people trafficked to their town or country have committed an illegal act or are a threat to their jobs or security. They may also have fears that the child will return with health problems that threaten the receiving community – especially if they learn that a girl has been exploited in commercial sex.

Carefully targeted and conceived information campaigns can be an important step in helping to break down public fear and antipathy towards trafficking victims so that those who have already suffered are not re-victimized by being rejected by the community in which they find themselves. The confidentiality of victims, however, and their right not to be identified in any information output, must be respected.

## Economic integration of rescued children

It is important to remember that the child will also need help to rebuild her/his material life. Rescued children are at extreme risk of being re-victimized if the risk factors that created vulnerability to trafficking – such as poverty, socio-economic distress, lack of family employment options – are not addressed.

Depending on the child's age, s/he may be able to begin work or an apprenticeship that provides basic needs and a small stipend. This means that suitable employment will

have to be found. The sections on youth employment and job counselling and placement can be applied to child victims of trafficking that are of working age and whose trauma has been addressed. It is important though, given the child's traumatic experiences, to monitor the child's progress on an ongoing basis until follow-up is no longer necessary. It will be important not only to monitor the child's working conditions but also the financial relationship between the child and her/his family or carers, so that

the income is not diverted to other family uses, leaving the child without the means to survive and thus at risk of re-trafficking.

Where a child cannot earn an income, the situation of the family or care provider should be assessed and the economic needs of the family as a unit should be taken into account in devising a plan that reinforces the family's financial status. In short, the cycle should be seen to begin again with protection actions, as outlined in the first section of this book.



See Exercises 43, 44 in the Exercise book.

---



